



## 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 combined fourth and fifth periodic reports of Cambodia\*\*

1. The Committee considered the combined fourth and fifth periodic reports of Cambodia ([CEDAW/C/KHM/4-5](#)) at its 1169th and 1170th meetings, on 8 October 2013 (see [CEDAW/C/SR.1169](#) and 1170). The Committee's list of issues and questions is contained in [CEDAW/C/KHM/Q/4-5](#) and the responses of the Government of Cambodia are contained in [CEDAW/C/KHM/Q/4-5/Add.1](#).

#### A. Introduction

2. The Committee welcomes the submission by the State party of its combined fourth and fifth periodic reports, which takes into account the Committee's previous concluding observations. The Committee expresses its appreciation to the State party for its oral presentation, the written replies to the list of issues and questions raised by the pre-sessional working group, the further clarification in response to the questions posed orally by the Committee, and the open and constructive dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister of Women's Affairs and Chair of the Cambodian National Council for Women, Ing Kantha Phavi, and included several representatives of relevant ministries and agencies, such as the Ministry of the Interior, the Ministry of Education, Youth and Sport, the Ministry of Land Management, the Ministry of Labour and Vocational Training and the National AIDS Authority. The Committee appreciates the dialogue that took place between the delegation and the Committee.

4. The Committee welcomes the State party's recognition of the positive contribution and continued cooperation of the United Nations Office of the High Commissioner for Human Rights and United Nations agencies in Cambodia, as well as of non-governmental human rights and women's organizations in the implementation of the Convention.

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\* Reissued for technical reasons on 5 December 2013.

\*\* Adopted by the Committee at its fifty-sixth session (30 September-18 October 2013).



## **B. Positive aspects**

5. The Committee welcomes the following legislative measures:

- (a) Adoption of the Law on Suppression of Human Trafficking and Sexual Exploitation in February 2008;
- (b) Revision of the Law on the Suppression of Human Trafficking and Sexual Exploitation on 15 February 2008;
- (c) Revision of the Law on Marriage and Family in December 2007;
- (d) Adoption of the Law on Monogamy in September 2006;
- (e) Revision of the Law on Prevention of Domestic Violence and Protection of Victims in October 2005.

6. The Committee welcomes the State party's accession to or ratification of the following treaties since the consideration of its previous report:

- (a) International Convention for the Protection of All Persons from Enforced Disappearance, on 27 June 2013;
- (b) Convention on the Rights of Persons with Disabilities, on 20 December 2012;
- (c) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 13 October 2010;
- (d) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 30 March 2007.

## **C. Principal areas of concern and recommendations**

### **Parliament**

**7. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of the Government and invites the State party to encourage its parliament, in line with its procedures and where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations between now and the next reporting period under the Convention.**

### **Legal status of the Convention**

8. The Committee recalls paragraphs 9 and 10 of its previous concluding observations ([CEDAW/C/KHM/CO/3](#)) and, while noting the delegation's response regarding the failure by the State party to publish the Convention in the Official Gazette, remains concerned that the Convention is not fully incorporated into the domestic legal system. The Committee also notes with concern that the State party did not publish in the Official Gazette the Optional Protocol to the Convention after acceding to it in October 2010.

9. The Committee reiterates its previous recommendations (CEDAW/C/KHM/CO/3, para. 10) and recommends that the State party publish the Convention and its Optional Protocol in the Official Gazette without further delay, and continue to review its legislation with a view to incorporating all provisions of the Convention into national law.

#### **Legal framework and implementation of the Convention**

10. The Committee notes with concern the delegation's response that the State party does not consider it necessary to amend its legislation by adopting a comprehensive definition of discrimination that prohibits both direct and indirect discrimination. The Committee is also concerned that there have not been any cases involving discrimination against women before the courts of the State party.

**11. The Committee reiterates its previous recommendation (CEDAW/C/KHM/CO/3, para. 12) and recommends that the State party consider adopting comprehensive legislation governing gender equality, which should include a definition of discrimination against women that encompasses both direct and indirect discrimination in line with article 1 of the Convention. It encourages the State party to seek technical assistance from the Office of the United Nations High Commissioner for Human Rights in the State party and relevant United Nations agencies in developing such legislation. The Committee also reiterates its previous recommendation (CEDAW/C/KHM/CO/3, para. 10) that the State party strengthen its measures to create awareness of the Convention and the Optional Protocol among judges, prosecutors and lawyers, and continue integrating training on the Convention into relevant curricula for civil servants and judicial officers and into those used in the education system.**

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

12. The Committee is concerned at reports that the State party lacks a comprehensive legal aid system, which negatively affects women's access to justice, and that women incur additional court expenses when pursuing their cases, because of corrupt practices. It is also concerned that legal aid is mainly provided by non-governmental organizations and that the funding provided by the State party to the Bar Association for this purpose is inadequate.

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

**(a) To develop a comprehensive legal aid scheme in order to ensure effective access by women to courts and tribunals, in accordance with the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (General Assembly resolution 67/187, annex), in particular Guideline 9 on the implementation of the right of women to access legal aid;**

**(b) To provide adequate funding to the Bar Association and women's organizations providing free legal counselling to ensure effective access to justice by women;**

**(c) To continue to investigate and prosecute allegations of corruption in the administration of justice and, where applicable, punish the perpetrators.**

14. The Committee is concerned that the Extraordinary Chambers in the Courts of Cambodia have not adequately addressed cases of gender-based violence, in

particular sexual violence, against women committed under the Khmer Rouge regime. The Committee is concerned that the State party lacks other mechanisms, including non-judicial programmes, to provide effective redress to victims of other forms of gender-based violence committed during the Khmer Rouge regime. It is also concerned at the failure of the State party to incorporate effectively the provisions of the Convention and of Security Council resolution 1325 (2000) into its post-conflict programmes.

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

**(a) To provide effective redress to victims of sexual and gender-based violence, in particular sexual violence, against women committed during the Khmer Rouge regime and consider to develop effective non-judicial transitional justice programmes, including the provision of adequate reparation and psychological and other appropriate support;**

**(b) To take advantage of the process of drafting the second National Action Plan to End Violence against Women to fully incorporate into it the provisions of the Convention and of Security Council resolution 1325 (2000).**

**National machinery for the advancement of women**

16. The Committee welcomes the evaluation of the capacity of the national machinery for the advancement of women and the introduction of gender mainstreaming action groups in various ministries as mechanisms for implementing and monitoring gender equality policy commitments based on the National Strategic Development Plan 2006-2010. The Committee is, however, concerned at the lack of synergies between the national machinery for the advancement of women and gender mainstreaming action groups. The Committee is also concerned that the budget allocation for the national machinery for the advancement of women is inadequate considering its comprehensive mandate.

**17. The Committee calls upon the State party to continue harmonizing and strengthening the national machinery for the advancement of women. In addition, the Committee recommends that the State party increase the budgetary allocation for that machinery and ensure that the resources correspond to its mandate and activities. The State party should also ensure that the budgetary allocation is reviewed annually and adjusted as needed.**

**Stereotypes**

18. While commending the State party for its efforts to revise its school curricula and textbooks with a view to eliminating gender stereotypes, the Committee remains concerned that the *Chbab Srey*, the traditional code of conduct for women, is deeply rooted in Cambodian culture and continues to define everyday life on the basis of stereotypical roles of women and men in the family and in society.

**19. The Committee reiterates its previous recommendation (CEDAW/C/KHM/CO/3, para. 18) and recommends that the State party:**

**(a) Include in *Neary Rattanak IV* an effective and comprehensive strategy aimed at modifying or eliminating patriarchal attitudes and stereotypes that discriminate against women, including those based on the *Chbab Srey*;**

(b) **Conduct national public information and awareness-raising campaigns and stimulate broader public debate in order to address attitudes and stereotypes that discriminate against women, in collaboration with civil society, community leaders and the media;**

(c) **Explore the use of information and communications technologies, including social media, in the dissemination of information on women's rights and gender equality;**

(d) **Establish an effective monitoring and evaluation mechanism aimed at evaluating progress made in eliminating existing gender stereotypes.**

#### **Violence against women**

20. The Committee acknowledges the steps taken by the State party to develop a second national action plan for the prevention of violence against women, which builds on the lessons learned from the first such plan, which covers the period 2009-2012. The Committee regrets, however, the limited progress made in the prevention and elimination of violence against women during the reporting period. The Committee remains concerned that the lack of public trust in the justice system and the negative attitudes of judicial officers and law enforcement personnel towards women victims of violence continue to impede the effective prosecution of cases. The Committee, while noting the explanations provided by the State party regarding its practice of disposing of cases of violence against women through mediation, is concerned that this may discourage women from taking legal action against perpetrators, even when such action is warranted. The Committee is also concerned at the lack of data on the number of protection orders issued during the reporting period and on shelters available for women who are victims of violence.

21. **Recalling its general recommendation No. 19 on violence against women and its previous recommendation (CEDAW/C/KHM/CO/3, para. 16), the Committee urges the State party:**

(a) **To intensify efforts to train judicial and law enforcement officers on the strict application of the Law on the Prevention of Domestic Violence and Protection of Victims to ensure that cases of violence against women, including domestic and sexual violence, are effectively prosecuted and not systematically diverted to mediation;**

(b) **To encourage women to lodge formal complaints about domestic and sexual violence, by destigmatizing victims and raising awareness about the criminal nature of such acts;**

(c) **To continue public awareness-raising campaigns on all forms of violence against women, in particular in rural areas;**

(d) **To provide information in the next periodic report on the number of protection orders issued during the reporting period and the number of shelters available for women victims of violence.**

22. The Committee notes the State party's efforts to introduce measures for all forensic examinations of rape victims to be exempt from charges. It remains concerned, however, at continued reports of corruption in the administration of justice and the high cost of medical certificates for rape and sexual assault, which

continue to impede women's access to justice and prosecutions of sexual violence against women.

**23. The Committee recommends that the State party step up efforts aimed at raising awareness among medical practitioners regarding how to handle cases of violence against women. It should also raise awareness of the Government's policy whereby all forensic examinations of victims of rape and sexual assault are exempt from charges.**

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

24. The Committee notes the evaluation of the effectiveness of anti-trafficking measures under the Law on the Suppression of Human Trafficking and Sexual Exploitation and the establishment of a special task force mandated to monitor and evaluate its enforcement and the implementation of the national action plan on human trafficking. The Committee is, however, concerned that the implementation of the legislation remains largely ineffective. The Committee is particularly concerned that trafficking in human beings continues to be exacerbated by the practices of deceptive agencies that recruit women and girls for purposes of sexual exploitation and domestic servitude in neighbouring countries, as well as the lack of data on migrant domestic workers who are victims of trafficking. The Committee is also concerned at the lack of information on any national referral mechanism focusing on the early detection of trafficking, and the identification of victims, as well as at the lack of information on the support provided to them.

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

**(a) To strengthen the implementation of the Law on the Suppression of Human Trafficking and Sexual Exploitation;**

**(b) To increase the dissemination of information on labour migration and provide information on deceptive recruitment agencies involved in human trafficking;**

**(c) To ensure that traffickers and other persons responsible for the sexual exploitation of women and girls are prosecuted and adequately punished;**

**(d) To strengthen bilateral and multilateral cooperation in combating human trafficking for domestic servitude and sexual exploitation;**

**(e) To include in the next periodic report data on migrant domestic workers who are victims of trafficking, and information on the national referral mechanism, if any, and ensure that victims of trafficking are properly identified and adequately supported and protected from re-trafficking.**

26. The Committee is concerned that the measures taken by the State party to address the root causes of prostitution are not effective. The Committee is also concerned at reports that law enforcement officers sexually assault women engaged in prostitution when they are taken into custody.

**27. The Committee recommends that the State party take effective measures to tackle the root causes of prostitution, including through the provision of exit programmes for women who wish to leave prostitution. Furthermore, the State party should investigate and prosecute cases of sexual assault by law**

**enforcement personnel committed against women engaged in prostitution, and ensure that the perpetrators are punished with appropriate sanctions. The Committee also recommends that the State party adopt a comprehensive policy to address the demand side of prostitution and that it consider adopting the use of sanctions against purchasers of sexual services.**

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

28. While noting the State party's efforts to increase the participation of women at the provincial level and in the judiciary, the Committee remains concerned that women continue to be underrepresented at all levels of political and public life as well as in the foreign and diplomatic service. The Committee is particularly concerned that the number of women represented in the National Assembly decreased after the elections in July 2013.

**29. The Committee reiterates its previous concluding observations (CEDAW/C/KHM/CO/3, para. 14), and urges the State party to ensure that *Neary Rattanak IV* provides for effective strategies, including temporary special measures, aimed at increasing the representation of women in decision-making positions, especially in politics, the judiciary and the foreign and diplomatic service.**

#### **Nationality**

30. The Committee is concerned that women of Vietnamese origin undergo considerable difficulties in the registration of births and the acquisition of Cambodian citizenship, which places them at risk of statelessness.

**31. The Committee calls upon the State party:**

**(a) To intensify efforts to facilitate the birth registration of children born to Vietnamese mothers and their acquisition of citizenship;**

**(b) To consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

#### **Education**

32. The Committee notes the efforts made to increase women's literacy, and the provision of bilingual education and scholarships for girls. The Committee is concerned, however, at the quality of education in the State party and at the high attrition rate between the primary and secondary levels, especially in rural and remote areas, because of limited capacity at the secondary level. The Committee is, therefore, concerned that a large number of communes do not have public secondary schools owing to geographic and demographic factors that compel female pupils to terminate their schooling because they cannot migrate to urban areas in order to gain access to education at this level. It is also concerned that, even where girls are accommodated, the dropout rate among females, although decreasing, remains significant as they make the transition from primary to secondary school, as well as at the secondary and tertiary levels of education, which the State party attributes to poverty, late school entry and teenage pregnancies.

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

(a) **Take effective measures to increase access to education for girls, including by strengthening the school infrastructure and increasing the availability of places in secondary schools, in particular in the communes;**

(b) **Develop measures aimed at ensuring the effective retention of women and girls in schools, especially when they are making the transition from primary to secondary school and at higher levels of education;**

(c) **Intensify age-appropriate education in schools on sexual and reproductive rights, gender relations and responsible sexual behaviour, in order to combat teenage pregnancies;**

(d) **Enhance the quality of education by training teachers and ensuring that they are adequately remunerated.**

**Employment and economic empowerment**

34. The Committee recalls its previous concluding observations (CEDAW/C/KHM/CO/3, para. 27) and remains concerned at the continued occupational segregation and the concentration of women in low-wage and unskilled labour sectors, as well as at the persistent gender pay gap. The Committee is particularly concerned about poor working conditions for women employed in the garment industry and women domestic workers, including migrant women.

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

(a) **Continue adopting proactive and specific measures to eliminate occupational segregation and to narrow the gender pay gap;**

(b) **Take measures to ensure that labour laws are enforced effectively, and to increase the number of, and adequately equip labour inspectors to enable them to effectively monitor women's working conditions, in particular in the garment industry and in other low-paid sectors;**

(c) **Consider acceding to the International Labour Organization Domestic Workers Convention (Convention No. 189) of 2011 and to the Convention on the Protection of All Migrant Workers and Members of Their Families.**

**Health**

36. While noting the efforts made by the State party to reduce maternal and infant mortality, the Committee is concerned about the unavailability of modern forms of contraception and the prevalence of unsafe abortions, which contribute to maternal mortality. The Committee remains concerned that, notwithstanding the progress made in reducing HIV transmission, there are new cases of HIV through mother-to-child transmission in addition to new cases affecting vulnerable populations, such as women engaged in prostitution. The Committee is also concerned about discrimination against pregnant mothers living with HIV/AIDS and the pressure on them from medical practitioners to undergo abortion. The Committee is further concerned at the limited access to sexual and reproductive health services, especially for women in rural areas.



37. **The Committee calls upon the State party:**

(a) **To ensure that medically safe modern methods of abortion are available and accessible, in line with general recommendation No. 24 on women and health;**

(b) **To provide free antiretroviral treatment for women and men living with HIV/AIDS, including women engaged in prostitution and pregnant women in order to prevent mother-to-child transmission;**

(c) **To combat all forms of discrimination against pregnant women living with HIV/AIDS;**

(d) **To intensify the provision of sexual and reproductive health information and services to women, including modern methods of contraception, especially to women living in rural areas.**

38. While noting the introduction of the ID Poor Card for access to health services by indigent persons, the Committee is concerned that poor women, migrant domestic workers, women with disabilities and older women face difficulties in having access to health services.

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

(a) **Strengthen the implementation of programmes and policies aimed at providing affordable access to health care for women, especially poor women, women with disabilities and older women;**

(b) **Pay special attention to the health needs of women with disabilities by ensuring their access to prenatal care and reproductive health services.**

**Rural women, natural disasters and climate change**

40. While noting some of the efforts made by the State party to improve the livelihood of women and men living in rural areas through, among others, its sanitation and rural electrification programmes, the Committee is concerned that women living in rural areas continue to have limited access to basic services, latrines, clean and safe drinking water, education, employment, health services, credit and loan facilities. The Committee also notes that the impacts of climate change and natural disasters disproportionately affect women and children, especially in rural areas.

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

(a) **Step up its efforts to facilitate access by rural women to basic services, latrines, safe drinking water, education, employment, health services, credit and loan facilities. In this regard, the State party should consider the inclusion of information and communications technology in its information dissemination strategies for economic empowerment programmes for women in rural areas;**

(b) **Develop indicators that better reflect regional and socioeconomic variables as part of its efforts to improve health, education and employment programmes for rural women;**

(c) **Further ensure that women are actively involved in decision-making on the policies and programmes for disaster prevention and management, especially those relating to climate change adaptation and mitigation.**

#### **Access to land**

42. While acknowledging the efforts made by the State party to improve access to land, such as the issuance of a subdecree that reclassified certain parcels of public land as private land, and the demining of land in the north of the State party, the Committee is concerned that women continue to have limited access to land and tenure security. The Committee is particularly concerned that women are subjected to displacement and eviction owing to large-scale land concessions and urban development. The Committee is also concerned that relocation sites provided to victims of eviction frequently lack basic infrastructure and access to essential services, such as water, sanitation and basic health care, which affects women disproportionately. It is further concerned that female human rights defenders who advocate women's land rights are often subjected to intimidation and harassment by law enforcement personnel.

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

(a) **To improve women's access to land and tenure security, and to ensure that acquisitions of land for economic and other concessions follow due process, and that adequate compensation is provided following sufficient consultative processes;**

(b) **To recognize that forced eviction is not a gender-neutral phenomenon, but that it disproportionately affects women, and to take immediate measures to protect women and girls from further eviction;**

(c) **To promptly investigate and, wherever appropriate, prosecute cases of intimidation and harassment by law enforcement personnel against women human rights defenders advocating women's land rights;**

(d) **To ensure that evicted communities are relocated to sites that enable women to have access to their places of employment, schools, health-care centres (including sexual and reproductive care), community centres, and other services and amenities necessary to ensure the realization of their rights under the Convention.**

#### **Disadvantaged groups of women**

44. The Committee is concerned at the lack of data disaggregated by age and sex that could be used to assess the extent of discrimination against older women, and at the discrimination against older women, especially in access to health care and social security.

45. **The Committee recommends that the State party collect and analyse data disaggregated by age and sex to inform policymaking, and adopt a life-cycle approach towards addressing discrimination against older women.**

#### **Marriage and family relations**

46. The Committee regrets that the State party maintains a provision under article 9 of the Law on Marriage and Family that extends women's marital status for 120 days

after the death of a husband or after a judgement of the court granting an order for divorce, reportedly to assist in the establishment of the paternity of children. The Committee is concerned that this is a discriminatory provision, because it does not apply to men. The Committee is also concerned that couples who are married under customary law face difficulties in formalizing their marriages.

**47. The Committee urges the State party to repeal article 9 of the Law on Marriage and Family, which is discriminatory and unduly restricts the right of women to remarry, given that paternity can easily be established by other, less restrictive means in the field of medicine. The Committee also recommends that the State party take measures to facilitate the formalization of marriages contracted under customary law by ensuring that registration is affordable and not cumbersome.**

#### **Beijing Declaration and Platform for Action**

**48. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

#### **Millennium Development Goals and the post-2015 development framework**

**49. The Committee calls for the integration of a gender perspective, in accordance with the provisions of the Convention, into all efforts aimed at the achievement of the Millennium Development Goals and into the post-2015 development framework.**

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

**50. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 15 and 21 (a), (b) and (c) above.**

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

**51. The Committee invites the State party to submit its sixth periodic report in October 2017.**

**52. 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/MC/2006/3](#) and Corr.1).**