



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women Fifty-sixth session

Summary record (partial)* of the 1170th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 8 October 2013, at 3 p.m.

Chairperson: Ms. Neubauer (Vice-Chairperson)

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Consideration of reports submitted by States parties under article 18 of the Convention
(*continued*)

Combined fourth and fifth periodic reports of Cambodia (continued)

* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined fourth and fifth periodic reports of Cambodia (continued)
(CEDAW/C/KHM/4-5, CEDAW/C/KHM/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Cambodia took places at the Committee table.*

Articles 7 to 9

2. **Ms. Hayashi** said that despite the provisions contained in the Law on Nationality, women continued to face de facto discrimination when it came to acquiring or transmitting nationality. She wished to know what measures had been taken to eliminate such discrimination and asked the delegation to provide sex-disaggregated statistics on the number of Cambodian citizens married to foreigners who had transmitted their Cambodian nationality to their children and their spouses. While commending the State party's efforts to establish a national birth registration programme, she wished to know what measures had been taken to ensure that women of Vietnamese origin living in Cambodia had access to identity documents and were able to exercise their right to nationality. She also asked the delegation to provide sex-disaggregated statistics on the number of stateless persons in Cambodia. Lastly, she asked whether the State party intended to ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

3. **Ms. Chan**, replying to the question raised at the previous meeting concerning responsibility for sexual violence under the Khmer Rouge regime, said that rape cases had been heard by the court of first instance, the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia, and referred to the Supreme Court Chamber, the tribunal's court of appeal. The Chamber had found in one case that rape had been used as a means of interrogation and should be subsumed under torture, a very serious crime that carried more severe penalties than rape. There were several cases involving women victims that were still awaiting judgement. She cited rule 23 of the internal rules of the Extraordinary Chambers, which stated that if an accused person was convicted, the Chambers could award only collective and moral reparations to civil parties.

4. **Ms. Chou** said that Cambodian nationality was automatically granted to children born to Cambodian parents. If only one parent held Cambodian nationality, the child could choose either parent's nationality. In terms of women of Vietnamese origin residing in Cambodia, all those who were eligible could acquire Cambodian nationality and the appropriate identity documents upon request. A national computerized civil registry covering births, deaths and marriages was expected to be completed within two to three years, after which time the Government would be in a better position to analyse various relevant data.

5. **Ms. Ing** said that as part of efforts to increase the number of women in executive and legislative bodies the Government had decreed that all political parties must put forward at least five women on their electoral candidate lists. It had also set up leadership, management and technical training schemes to improve women's capacity to take on decision-making positions at the national and regional level. Overall, there had been a continuous improvement in women's political participation despite a minor setback during recent elections, but negative gender-based stereotypes in society would take time to change. Pursuant to the Ministry of Women's Affairs five-year strategic plan for 2004–2008, a women's leadership forum had been established to enable women working in

decision-making positions to discuss the difficulties and issues that they faced and the output from such discussions was used by the Government to inform its future gender policies. Furthermore, a series of measures had also been implemented to increase the participation of women with disabilities in political life and encourage more ethnic minority women to enter into politics.

6. In terms of temporary special measures to increase the number of women reaching the senior decision-making positions, the Government had appointed women deputy governors in all provinces with a view to preparing them for higher executive office in the coming years. It had also taken steps to increase the overall share of women employed in top managerial positions in the public and private sectors and the number of women entrepreneurs. There had also been a significant increase in the number of women in the diplomatic corps, including senior diplomatic posts.

Articles 10 to 14

7. **Ms. Bailey** asked what measures had been taken to address barriers to girls' access to secondary education, in particular in rural and remote areas, due to the long distances to travel to school, the absence of bilingual education programmes for ethnic minorities and the alleged requests for extra payments to supplement the low wages of teachers. She asked the delegation to provide further information on the impact of the national programmes to reduce the high dropout rates of girls and sought clarification as to whether teenage pregnancy was a contributing factor.

8. **Ms. Patten** asked what steps had been taken to protect and enhance the employment rights and status of women working in the garment industry. Noting that the Labour Code excluded many categories of workers, such as domestic workers, she wished to know what protection measures and complaint mechanisms were in place to protect such workers against discrimination, what legislation governed their work and whether a labour inspectorate monitored their working conditions. She also wished to know whether the State party intended to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) and whether any other measures had been taken to ensure the protection of domestic workers' rights. She also wished to know how the Government regulated the private sector in order to prevent employers from discriminating against women, in particular pregnant women, and what sanctions were applied to companies that flouted labour regulations.

9. Noting the lack of concrete measures to address the gender pay gap, she asked whether the Government intended to carry out a national survey to assess the incomes of men and women. She also wished to know whether the various strategic plans on gender equality contained any provisions on closing the gender pay gap and whether steps had been taken to collate and analyse national income data for both the public and private sectors.

10. Lastly, she asked what regulatory framework was in place to govern the employment of migrant workers. Apart from the memorandum of understanding between Cambodia and Malaysia on the recruitment and employment of Cambodian domestic workers, she asked whether the State party intended to establish any other legislative provisions to protect that group of workers and whether it envisaged ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

11. **Ms. Nwankwo** said that women's access to adequate health care and family planning in Cambodia was impeded by the Government's inability to disseminate effectively information concerning sexual and reproductive health-care services, the huge gap between policy and practice, and poverty. Noting the link between social taboos surrounding female sexuality and the risk of sexually transmitted diseases and the number

of unplanned pregnancies and subsequent abortions, she asked what efforts had been made to institutionalize sexual and reproductive health education and increase awareness of sexual health.

12. Turning to the national plan to address maternal mortality rates, she asked what steps had been taken to extend coverage to rural and migrant women workers. She also wished to know which criteria were used to determine a person's eligibility for the national health-care card scheme, which provided free health-care cover for the poorest segments of society. While commending the State party on its successful efforts to halt and reverse the spread of HIV, she asked what measures had been put in place to address discriminatory practices against women living with HIV/AIDS, in particular pregnant women and sex workers. Lastly, she asked the delegation to provide further information on how the Government intended to address the lack of access to safe and affordable abortions, the shortage of skilled health workers, the lack of access to health-care facilities for women living in rural areas and the absence of data on abortion-related deaths.

13. **Mr. Nath** (Cambodia) said that illiteracy among women in Cambodia remained high. His Government was working closely with its development partners, including the United Nations Educational, Scientific and Cultural Organization (UNESCO), to achieve education for all. It had placed particular importance on non-formal education as a means of achieving universal literacy.

14. The primary school dropout rate had continued to decrease and stood at 4.7 per cent for girls and 3.7 per cent for all pupils. The main reasons for the high dropout rate among female students were early marriage and late enrolment in school. Multigrade teaching, or the teaching of children of two or more grade levels in one classroom, had been introduced to reduce the dropout rate in areas where the small student population made it impractical to build new schools. Teachers were duly trained to teach in such classrooms.

15. Teachers in remote areas, especially areas with a high concentration of pupils from ethnic minority backgrounds, were recruited from among the local communities and given proper training, as it was difficult to recruit teachers from urban centres to teach in such areas. Furthermore, teachers' salaries had been significantly increased to attract highly qualified teachers. Bilingual education was provided in remote areas, with classes taught mostly in the vernacular of the local communities at the beginning of primary school and more and more in the national language, Khmer, so that pupils learned to read and write in both. Lastly, a scholarship programme had been set up for poor pupils and ethnic minority children, with 60 per cent of all scholarships going to girls.

16. **Ms. Ing** (Cambodia) said that the Government had laid down guidelines for employers with the help of ILO to promote equality and prevent discrimination in the workplace in Cambodia. The minimum wage for garment workers had been increased since the submission of the previous report of the State party to the Committee in 2009, and currently stood at US\$ 80 per month. Compensation included free transportation and health-care coverage, bringing the value of the wage to US\$ 100. The wages of garment workers were thus higher than those of civil servants, which stood at US\$ 80. The Government had been helping the garment industry to organize managerial training courses for workers for the purpose of career development. It had also been offering vocational training to women who no longer wished to work in garment factories to help them to find employment in other sectors or to set up small businesses. Furthermore, it had established a complaints mechanism with the support of ILO to deal with labour law violations and disputes between labour and management.

17. The promotion of women's entrepreneurship in rural areas was a priority for her Government. As Cambodia was mostly an agricultural society, the Government made efforts to ensure that rural women could work from the home and earn money for their

families, including improving their skills and giving them better access to credit. The association of women entrepreneurs running small and medium enterprises that she had referred to in her introductory statement, which comprised more than 150 women, would be making their voices heard in discussions between the Government and the private sector. An inspection and monitoring mechanism was in place to ensure that companies in the private sector complied with existing labour law. Her Government had requested assistance from ILO to help it work with employers to close the pay gap that continued to exist and to promote equal employment opportunities.

18. The Government was currently considering whether to ratify the Migrant Workers Convention. She drew attention to Sub-Decree No. 190 concerning Cambodian migrants working abroad through licensed private recruitment agencies and various guidelines that had been issued on matters involving repatriation, inspections of private recruitment agencies and handling complaints from migrant workers.

19. **Ms. Tung** (Cambodia) said that her Government was steadily moving towards meeting the target to reduce by three quarters the maternal mortality ratio, by training more skilled attendants and increasing the contraceptive prevalence rate. It had increased the number of health-care facilities in remote areas to help to reduce the high maternal mortality rates.

20. However, more needed to be done to furnish those facilities with the necessary equipment and human resources. Efforts had been made to ensure that midwives were present at all health centres. The Government had developed a national plan on emergency obstetric care, which was aimed in particular at improving care in rural areas that were not adequately served. Maternity centres had also been set up in remote areas to provide perinatal care for women far from central health-care services. They normally stayed in the centre a week prior to and a week after delivery.

21. A poor household identification programme had been launched so that needy families had access to health services, including reproductive health services. Funds known as health equity funds had been made available to give poor women greater access to health services. Further assessments of equality of health care in Cambodia had been made following the 2010 demographic and health survey, and her delegation would be glad to share the results and other relevant documents with the Committee.

22. Lastly, guidelines had been established for the implementation of the Law on Abortion of 1997. Training on safe abortions was currently being offered to health personnel. Comprehensive abortion care services that were provided in accordance with the law were extensive. Several NGOs were also operating in the country to provide for safe abortions. Family planning was also provided, as abortion was not a family planning method. Great strides had also been made in the prevention and treatment of HIV/AIDS among women.

23. **Ms. Pomeranzi** would like to know which ministries had been involved in the microcredit schemes that the delegation had described at the previous meeting. Were the schemes limited to the Ministry of Labour and Vocational Training? Were there any national campaigns to increase women's entrepreneurship, as training courses on their own were not sufficient to promote the empowerment of women? Concerning the association of women entrepreneurs mentioned earlier, she said that 150 female members was a low figure for a country that had a yearly economic growth rate of 8 per cent. She therefore wished to know whether programmes on the promotion of women's entrepreneurship had been launched and, if so, whether they involved the use of new technologies and the participation of the private sector. She would also appreciate further information on the new forms of social protection that had been introduced and whether the local authorities were involved in providing such protection.

24. **Ms. Jahan**, while commending the various national development and poverty eradication programmes, said that there was a need for more effective implementation and monitoring of them on the ground. She asked for further details of measures to provide rural women with loans and access to health and social services, especially in remote areas. Safe energy, information and communication technology, and mobile and agricultural technologies contributed to the protection and empowerment of rural women: what proportion of the rural population had access to such technologies and what actions were being taken to promote their use in remote areas?

25. What was being done to address the internal migration caused by the reported large-scale expropriation and forced eviction of rural women? In addition, what measures were being taken to rehabilitate the women with disabilities who had been the victims of landmines in the State party? Had the Government incorporated gender mainstreaming into its national disaster management policies and what measures were taken to ensure women's participation in disaster management decision-making and planning processes?

26. **Ms. Ing** (Cambodia) said that social protection was provided for all vulnerable groups, which included women working in the informal sector. In May 2013, the State party had introduced the Millennium Development Goal Acceleration Framework, which had been set up with the support of the United Nations Development Programme and focused on women's economic empowerment. Its objectives included increasing access to loans and other forms of financial credit, enhancing technical skills training and strengthening public-private partnerships. Other measures to promote female entrepreneurship included enhancing access to information and communication technologies and developing transport infrastructure and irrigation and agricultural systems in remote areas. In addition, the Ministry of Education had launched programmes to raise awareness about sanitation. Lastly, the Cambodia Rural Electrification Project had been launched in order to provide safe, high quality and affordable energy to rural areas.

27. **Mr. Beng** (Cambodia) said that the main reason for internal migration from rural to urban areas was not landlessness but rather unemployment. The Government did not accept the term "forced evictions", as such evictions were used in Cambodia only under the Khmer Rouge regime. His Government had been elected by the people and did not take away their property. Land disputes were dealt with in accordance with the law. The Government had established a solid legal framework to support the people affected by its resettlement policies, to regulate land concessions and to protect the environment.

28. **Ms. Ing** (Cambodia) said that victims of landmines were considered persons with disabilities and thus had access to the same facilities. Demining continued to be carried out, especially in the north of the country where most of the remaining landmines were found, so that in future people could farm the land again. Comprehensive policies on climate change that took into account gender perspectives had also been formulated.

Articles 15 and 16

29. **Ms. Hayashi** asked for information on women's property rights in cases of the dissolution of marriage or the death of a husband, including when the property was not registered, and on measures to raise women's awareness of their property rights. Did the State party envisage repealing the provision under the Civil Code that required widows and divorced women to wait 120 days before they could remarry?

30. **Ms. Al-Jehani**, noting that customary marriage was widespread, asked what procedures were in place to facilitate registered civil marriage to guarantee the rights of women. She requested information on legislation regarding marriage involving minors and clarification on the definition of "powerful persons" under article 948 of the Civil Code. In view of reports on restrictions on women who married non-nationals, she would like details

of legislation regarding marriage between Cambodian and foreign nationals and the provisions governing the children of those marriages. Lastly, she wondered what procedures were in place to safeguard women's rights during divorce proceedings and whether free legal aid was provided.

31. **Ms. Chan** (Cambodia) said that the purpose of article 950 of the Civil Code was to protect women and children; and provisions allowing women to remarry before the 120-day waiting period were included in that article.

32. **Ms. Ing** (Cambodia) said that in the event of divorce the law provided for the equal division of community property and that women were entitled to all the property or assets that they had acquired prior to or during the marriage. Civil marriage procedures were administered at the local level and were easily accessible. While the minimum age for marriage was 18 years, minors from 15 years of age who wished to marry could do so with approval from their parents or guardians; the term "powerful persons" in the Civil Code referred to the persons with such legal authority. While extremely few Cambodian men married foreign nationals, all Cambodian women and men who wished to marry non-Cambodian nationals had equal marriage and divorce rights.

33. **Ms. Al-Jehani** enquired about reports of international marriages conducted through brokers.

34. **Ms. Ing** (Cambodia) said that such marriages had been stopped owing to the related problem of trafficking in persons.

35. **Ms. Acar**, said that, given that advances in medicine made it possible to establish the paternity of an unborn child, which was the purpose of article 950 of the Civil Code, the provision was outdated and discriminatory towards women. In that light, did the Government plan to amend the law?

36. **Ms. Chan** (Cambodia) said that since modern testing procedures to determine paternity were not available in the State party, especially in rural areas, the law currently remained in force to protect children, and would therefore not be amended.

37. **The Chairperson**, speaking in her capacity as an expert, said that she commended the State party on its commitment to the rights of the child in such cases. Nevertheless, the provision was discriminatory, as the waiting period applied only to women.

38. **Ms. Ing** (Cambodia) looked forward to making further progress for the benefit of women and girls in Cambodia with the support of the Committee.

39. **The Chairperson** thanked the delegation for an open and in-depth dialogue with the Committee which should contribute to strengthening the situation of women in the State party.

The discussion covered in the summary record ended at 5.05 p.m.