



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

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**Committee on the Elimination of Discrimination
against Women**

**Information received from Cambodia on follow-up to the
concluding observations on its sixth periodic report***

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* The present document is being issued without formal editing.



I. Introduction

1. On 29 October 2019, Cambodia appeared before the United Nations (UN) Committee on the Elimination of Discrimination against Women for the review of its sixth periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women.
2. In its Concluding Observations issued on 12 November 2019, the Committee asked Cambodia to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 19, 25 (b) and 47 (d).
3. The COVID-19 pandemic has had a severe impact on Cambodia's economy, society, health and well-being and this follow up report covers the period of the COVID-19 crisis from the end of 2019 through 2021. The Royal Government of Cambodia has introduced measures and mechanisms, including the provision of cash flow and emergency assistance to its citizens and poor families, especially vulnerable women, affected by COVID-19, in order to protect their lives, health and living standards. Furthermore, Cambodia's vaccine policy has been successful and acclaimed by the World Health Organization. The Royal Government reallocated Ministry budgets to address the COVID-19 public health crisis and emerging social issues, which resulted in reduced budgets for several ministries and institutions involved in the promotion of women's rights.

II. Follow-up information

A. Follow-up information relating to paragraph 19 of the concluding observations

Rights of women human rights defenders

4. The exercise of fundamental rights and freedoms of the individual is guaranteed by the Cambodian Constitution, national laws and international human rights laws of which Cambodia is a member.¹ In Cambodia, not only women human rights defenders but all citizens, journalists, land and environmental activists and union members have equal rights before the law, are protected by law and are accountable under the same laws. The Royal Government continues to focus on protecting and promoting human rights by enforcing the laws, respecting human rights, and expanding cooperation with regional, national and UN human rights mechanisms, and with civil society organizations (CSOs) and stakeholders.
5. The Ministry of Interior held four rounds of the partnership forum between the Royal Government Working Group and CSOs to review the status of cooperation between the government and CSOs, to identify challenges encountered and discuss ways forward as well as to review the proposed amendments to the Law on Associations and Non-Governmental Organizations. The Capital and Provincial Administrations organized three rounds of consultations with CSOs operating in their jurisdictions in 2019 and in the first half of 2020. Unfortunately, these forums could not be held in the second half of 2020 and 2021 due to the COVID-19 pandemic.
6. As of 2021, Cambodia has a total of 5,904 registered local associations and non-governmental organisations (NGOs), of which 2,474 are associations and 3,430 are NGOs. Properly registered associations and NGOs can carry out their activities freely, without threat and are not obligated to provide advance notice as long as they

¹ Declaration on the Situation of Human Rights in Cambodia by the Cambodian Human Rights Committee.

act in accordance with applicable laws and regulations and their By-Laws. From 2019 to 2020, the Ministry of Foreign Affairs and International Cooperation (MFA.IC) organized two consultations with a total of 423 Foreign NGOs (FNGOs) participating in order to strengthen both the cooperation between the RGC and FNGOs and the effective implementation of laws and regulations. As of January 2022, 343 FNGOs are registered with the MFA.IC.

7. The Cambodian Human Rights Committee (CHRC) has been tasked to educate and disseminate national and international laws and regulations related to human rights to all citizens, government officials and local authorities. From 2017–2021, CHRC in cooperation with relevant ministries, departments and local authorities conducted 19 lectures with a total of 6,230 participants (3,170 women) and held 113 outreach sessions in the capitals and provinces with a total of 9,979 participants (5,636 women) on human rights law, peace and development.

8. The CHRC has a mechanism for receiving and resolving all citizens' complaints regarding human rights violations in a non-discriminatory manner by conducting research, field inspections, interventions and providing volunteer defence lawyers to poor people free of charge, with legal advice counselling and protection to victims at all stages and in court proceedings at all levels. In the past, the CHRC has provided pro bono lawyers to victims including women, pregnant women, detainees with children and minors, as part of legal aid and to protect their rights.

Rights of trade union leaders

9. To improve the procedures for trade union registration, maintenance of registration, the requirements for obtaining most representative, as well as to promote the rights and roles of the minority worker trade unions, Articles 3, 17, 20, 21, 27, 28, 29, 55, and 59 of the 2016 Law on Trade Union was amended in January 2020.²

10. The Ministry of Labor and Vocational Training (MoLVT) established a Database Management System for trade unions to ensure the effectiveness and transparency in the implementation of the Law on Trade Union. In 2021, the MoLVT recognized 233 leaders of professional organizations, registered 262 professional organizations, recognized 784 shop stewards, recognized 36 alternatives shop stewards to official shop stewards, nominated 67 liaison officers, and registered 39 most representative status.

11. Workers' strikes and demonstrations were resolved peacefully, transparently and in accordance with the Labor Law. In 2021, the MoLVT intervened to solve 62 cases of worker strikes, of which 93.95 percent were resolved, and intervened to solve 13 cases on worker demonstrations, of which 100 percent were successfully resolved.

12. Labor disputes have gradually reduced and are being resolved through the alternative Labor Dispute Resolution Mechanism and the Arbitration Council. In 2021, 553 out of 849 labor dispute cases were resolved by the MoLVT reconciliation officers, including 35 cases orders issued and five cases resolved by the Arbitration Council.

13. Minimum wages and other benefits for workers in the textile, garment, footwear, travel products and bags industries are determined on a regular basis through a tripartite mechanism. The National Council for Minimum Wage is a tripartite mechanism with 17 workers' representatives, 17 employers' representatives and 17 government representatives. The minimum wage in 2022 was successfully negotiated through a tripartite mechanism and was set at US\$ 194 per month. A seniority bonus of US\$ 2 to US\$ 11 per month is for workers who have worked more

² Law on Trade Union was promulgated by Royal Kram No. CS/RKM/0526/007 (17 May 2016), and amended by Royal Kram No. CS/RKM/0120/001 (03 January 2020).

than one year up to 11 years. In 2022, workers shall receive an average wage of US\$ 211 to US\$ 222 per month, including seniority indemnity and other benefits.

14. The Royal Government continues to improve women workers' rights and provide benefits to female workers through cash assistance programs including: (1) Female workers have rights to maternity leave and free medical care services during pregnancy and post delivery, and receive 120 percent of wages during their 3-month maternity leave. (2) Female workers receive 400,000 riels for one child at the time of birth, 800,000 riels for twins, and 1,200,000 riels for triplets. For triplets, female workers also receive 5,000,000 Riels from the Prime Minister.

15. Social assistance programs have directly benefited women and vulnerable groups during the COVID-19 crisis. Key response measures include: social assistance interventions, raising capital for "labor cash" to help suspended workers, providing subsidies for garment and tourism workers, and cash subsidies for poor households and vulnerable groups. Under of the Social Protection Policy framework 2016–2025, the Royal Government continues to offer 15 times of cash support for a total amount of 760,000 Riels to pregnant women and children under 2 years from poor families with equity cards or priority cards for 1000 days of care check-up service to improve the health and nutrition of women and children. In 2021, 103,480 pregnant women and 49,211 children under 2 years directly benefited from this program.

Rights of land and environmental activists

16. The Royal Government continues to strengthen the implementation of the Land Reform programs (Land Management, Land Administration, and Land Allocation). The priority target groups include poor and vulnerable families, widows, women with disabilities, including low and middle-income families, especially in rural areas and indigenous communities.

17. As of 2020, through the out-of-court dispute resolution mechanisms on land issues that resolves land disputes, 10,422 out of 13,389 cases have been resolved, of which 2,199 were women involved as parties in the land dispute and a total of 4,423 women who had land disputes participated in providing assistance to the parties in dispute.

18. Four relevant legal frameworks³ in the field of construction and land rights have entered into force that guarantee the quality of construction safety, protect the rights to property and the well-being of construction owners and all people to live sustainably, in which vulnerable women will benefit from the protection of land management rights and uses.

19. Women and men are entitled to the same information on land policy and laws relating to land registration, land dispute resolution, land market, land management, land allocation and resettlement. The registration of land ownership or the issuance of a certificate of identification of the property owner must include the participation of women based on legal and social aspects. It must clearly define the type of property (joint with spouse or separate owner) to ensure that property rights of women and men and property rights of each spouse are fully protected.

20. The gender mainstreaming strategic plan for the land sector 2019–2023 continues to promote the implementation of the three pillars, Land Administration, Land Management and Land Allocation, in response to the Rectangular Strategy, the Fourth Rectangle at the Fourth Angle of the General Strategy, to strengthen gender equality and social protection in the land reform, and includes capacity development

³ (1) Law on Construction, (2) Prakas on Procedures for Issuing Construction Certificates, (3) Instructions on Strengthening the Quality and Safety of Construction and (4) Decision on the Establishment of the Committee for Supporting the Registration of Private Land State Land, Indigenous Communities, Land Dispute Resolution and Land Use Planning in Mondulkiri Province.

strategies to provide knowledge on land work to all components of society, especially women, heads of households and indigenous peoples.

Rights of members of the political opposition party

21. Currently, there are 47 political parties in Cambodia, of which 43 are officially registered and four are new. The new Article 43 of the Law on Political Parties gives individuals who are dissatisfied with the decision of the Ministry of Interior the right to appeal to the Supreme Court. Of the 118 individuals banned from politics by the Supreme Court ruling, the Royal Government applied for the full rehabilitation of 30 people, of which 28 were re-granted their political rights. Two persons were denied as their actions are in violation of the Supreme Court's ruling.

22. All registered political parties have been conducting political activities freely and without restrictions throughout the country since 2018 and are making preparations to run in the 2022 commune council elections and the 2023 parliamentary elections.

23. The Supreme Consultative Council, with members from 16 political parties participating in the 2018 parliamentary election, has been actively carrying out activities at the grassroots level by meeting with citizens and communities to gather information on social challenges, especially those related to the delivery of public services, requests and suggestions to submit to the Royal Government for review and to find solutions.

B. Follow-up information relating to paragraph 25(b) of the concluding observations

Review of Law on the Prevention of Domestic Violence

24. Under the National Action Plan to Prevent Violence Against Women 2019–2023, (NAPVAW III), and with support of the UN Women Cambodia Country Office and ACCESS program, the Ministry of Women's Affairs (MoWA) is preparing a roadmap to review the Law on the Prevention of Domestic Violence and the Protection of Victims, including amending certain provisions. The roadmap includes consultations with several ministries, the Bar Association of the Kingdom of Cambodia, development partners, NGOs and civil society.

25. The comprehensive review of the Law on the Prevention of Domestic Violence and the Protection of Victims requires additional time, human resources and budget. Due to the COVID-19 crisis, many key activities have been postponed or diverted to online activities, including consultation meetings, support to sub-national levels for NAPVAW III implementation, capacity building to service providers, the 16-Days campaign to end violence against women and girls, and the monitoring work on the implementation of multi-sectoral response to local violence.

26. The leadership of MoWA has reviewed the explanation of the Law on the Prevention of Domestic Violence and Protection of Victims in Khmer which was conducted by an independent consultant through the ACCESS program.

27. The principle legal documents on the response to violence are implemented through the ASEAN and national frameworks, including 1) the ASEAN Regional Principles for collecting and analyzing data on violence against women and girls, 2) the principles for referring women and children and female victims, 3) principles of data collection and management of cases of violence, 4) Minimum Standards for Basic Counseling for Women and Girls and 5) Guidelines for Legal Protection for the Rights of Women and Children in Cambodia.

28. MoWA conducted capacity building training for the national and sub-national judicial police officers/police officers, including officers from the district office of social affairs and social welfare, women and children's advisory committees, women and children's affairs advocates in eight provinces, 1,105 participants (748 women) on the implementation of services to assist victims and respond to violence against women and girls and the management of data on violence prevention at the district and capital-provincial levels.

29. The Ministry of Justice, with its Gender Working Group, developed an action plan in response to the Legal Protection and Multidisciplinary Services Strategy in NAPVAW III. The action plan focuses on training on national laws and international conventions related to the rights of women and gender mainstreaming in the courts and relevant institutions to increase the capacity, awareness and responsibility to provide legal services to victims of violence, using a fundamental rights approach and to implement national and international legal frameworks. The Gender Working Group will discuss other relevant strategic points in the NAPVAW III in order to strengthen the implementation of the Law on the Prevention of Domestic Violence and Victim Protection and the sectoral policies related to interventions on cases of violence against women and make recommendations for improvement.

Actions taken to facilitate the process of obtaining protection orders

30. The Ministry of Justice issued Instruction No. 02/11 dated 18 July 2011 for the courts and prosecutors of the capital and provincial courts throughout the country to use the formulas for issuing "provisional protection orders" and "protection orders" as provided in the Law on the Prevention of Domestic Violence and the Protection of Victims. From 2019 to 2021, the courts in 10 provinces issued protection orders for 25 cases of domestic violence using the established system.

Measures taken to ensure victims/survivors of domestic violence have access to effective remedies

31. Under Outcome 8 of NAPVAW III, an Aide Memoire on Guidelines for Good Practice for Mediation as a Response to Violence Against Women was approved by members (Government, Development Partners, NGOs and CSOs) of the Technical Working Group on Gender: Sub-Group on Gender-Based Violence (GBV) in August 2021. A training package is being developed on the guidelines for service providers, including government departments, provincial and district level GBV working groups, legal actors, local authorities, police, NGOs and CSOs.

32. To ensure improved access to quality coordinated social services for women survivors of violence, MoWA approved the training packages on Minimum Standards of Service (MSS) and conducted capacity building training for providers on the relevant MSS guidelines, including Essential Services Guidelines, Referral Guidelines, Guidelines on Legal Protection for the Rights of Women and Children and others. Furthermore, a MSS monitoring check list to ensure delivery of quality services is being developed and MoWA staff trained to perform their monitoring role of essential quality GBV services.

33. Since 2020, Cambodia has undertaken a three-pronged approach to ending violence against women and girls which focuses on 1) prevention with expansion of media campaigns through digital platforms to engage with public audiences and disseminate COVID-19 and GBV prevention messages which reached almost 1 million viewers especially young people, 2) the continuity of essential protection services for women victims/survivors, and 3) humanitarian relief. MoWA recognizes that front-line service providers are critical in both preventing and responding to violence against women in a timely manner therefore we ensured that our service providers (and

victims) received personal protective equipment so they could continue their work and had tools for phone and online counseling and referrals with victims.

Measures taken to ensure perpetrators are held accountable

34. Under NAPVAW III, MoWA in cooperation with development partners, NGOs and CSOs, has a plan to regularly monitor court processing of violence against women cases to increase understanding of court outcomes as well as to identify and address gaps and challenges. Progress is being made on developing a clear and simple approach so more women victims and survivors have increased access to the Legal Aid Fund.

35. In 2021, the Ministry of Justice allocated 2 billion Riels to the Bar Association of the Kingdom of Cambodia (an increase of 400 million Riels compared to 2020) to provide legal defense services to the poor, and received 4,792 cases (543 cases of women and 1,874 cases of minors).

36. The Ministry of Justice's 2021 successful campaign to resolve the backlog of court cases in the provincial trial chambers resulted in the clearing of 37,900 old cases, equivalent to 96 percent, in which criminal cases of women, the elderly and children were given priority. Furthermore, 62,800 new criminal cases were also resolved, accounting for 78 percent of the total cases.

37. From 2020–2021, the Cambodian National Council for Women provided legal aid to 152 poor women and girl victims of violence, including 115 cases of sexual assault/rape. In 2021, 422 lawyers defended 107 cases of women and girl victims of violence, of which 75 cases were completed. The remaining cases are in the investigation and trial phases.

38. Local authorities have taken action against 406 cases of domestic violence, including the arrest of 605 perpetrators, rescued 537 victims and returned them to their families, as well as 203 cases of rape, detained 205 suspects and rescued 206 victims. In 2021, 135 cases of violence were provided with online counseling and 541 cases received services including poor women and girl victims of domestic violence, sexually abused women, and women and children victims of human trafficking. As a result, 229 perpetrators of sexual abuse out of a total of 286 cases were arrested and sent to the First Instance Provincial Court.

39. Significant progress has been made to enforce the government directive that forensic examinations of victims of rape are exempt from charges. From 2020–2021, the Ministry of Health trained a team of doctors responsible for providing forensic services and expedited forensic examinations for 662 women and girls (out of 670 victims) to receive health services at health centers/hospitals. All cases of the women and children who were issued the forensic examination report were managed by the hospital and age-appropriate data of the victims was recorded.

C. Follow-up information relating to paragraph 47(d) of the concluding observations

40. With reference to letter No. 1265 dated December 2, 2016, the Royal Government assigned the Ministry of Women's Affairs to lead an Inter-Ministerial Working Group to prepare a draft law on surrogacy. After the Inter-Ministerial Working Group was established, the working group prepared a preliminary draft law and is preparing the following procedures. In the process of drafting this law, inputs were gathered from relevant stakeholders, including national and international development partners, as well as international experts who have experience related to surrogacy issues, to ensure this draft law will respond to and solve all issues related to surrogacy in accordance with international standards.