



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights Seventy-third session

### Summary record of the 15th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 22 February 2023, at 10 a.m.

*Chair:* Mr. Abdel-Moneim

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### Consideration of reports (*continued*)

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

*Second periodic report of Cambodia (continued)*

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*The meeting was called to order at 9.55 a.m.*

**Consideration of reports** *(continued)*

**(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant** *(continued)*

*Second periodic report of Cambodia (continued)* (E/C.12/KHM/2;  
E/C.12/KHM/Q/2; E/C.12/KHM/RQ/2)

1. *At the invitation of the Chair, the delegation of Cambodia joined the meeting.*
2. **The Chair** invited the Committee to continue the dialogue with the delegation of Cambodia begun at the previous meeting.
3. **Mr. Windfuhr** (Country Task Force) said that the Committee would like to receive updated information on any amendments to the Law on the Prevention of Domestic Violence and the Protection of Victims. Had stakeholders actively participated in the amendment process? He wondered whether it was true that alternative dispute resolution, which was essentially conciliation between the suspected perpetrator and the victims of domestic violence, was still being used as an alternative to criminal or civil proceedings. If so, that meant that women and children were still at risk of ongoing violence.
4. He would like to know whether the State party intended to close the gaps in legislation, policies and mechanisms to effectively prohibit child labour. The Committee would be grateful for data on the number of children working in tourist areas and on the number who had been victims of sex trafficking and forced labour. In what sectors was child labour still found and what measures were being taken to address that problem? The Committee would also appreciate an outline of any plans to improve the financial and human resources of the Department of Child Labour at the Ministry of Labour and Vocational Training. If any inspections conducted by the Department revealed instances of child labour, what sanctions or fines were imposed on the employer?
5. The Committee would like to hear the delegation's assessment of the severity of families' indebtedness to microcredit providers. Had the coronavirus disease (COVID-19) pandemic exacerbated such indebtedness? How many of those families were forced to sell the land where they were living because it had been used as collateral to guarantee a loan? The Committee had been informed that debt collectors sometimes pressured borrowers who were in arrears into selling their land privately in order to avoid lengthy foreclosure proceedings in court. Was that the case? The Committee would be grateful for a description of the steps the Government was taking to address the burden of private debt, provide support for indebted families to prevent their eviction and introduce and enforce client protection laws and independent monitoring mechanisms that would shield borrowers from unethical and aggressive lending and debt collection practices.
6. The Committee was eager to hear about any plans to formulate national climate change adaptation policies or measures and to address adverse effects of climate change, such as crop losses and reduced worker productivity as a result of rising temperatures. In view of the rising cost of food and energy, the Committee would be grateful for a description of any policies to mitigate the impact of inflation on the poorer segments of the population. It also would appreciate information on efforts to monitor food prices and measures to address chronic malnutrition, hunger and food insecurity. What was being done to promote the long-term realization of the right to adequate food, for example by ensuring equality of access to food, land, natural resources and technology to boost food production by smallholders? What steps were taken to disseminate information about good nutrition? It would be interesting to learn whether the State party had any plans for developing or reforming agrarian systems to achieve a sustainable use of natural resources, including fisheries.
7. The Committee would like to receive detailed, updated information on the situation of street children in urban and rural communities and on the State party's policies and measures to protect and assist homeless children. The Committee would also appreciate more information about the waste management system, its economic efficiency and the financial

resources devoted to it. What were the greatest challenges resulting from climate change in terms of the right to water?

8. He would like to receive data on the number of persons affected by forced evictions when land was acquired for agricultural investment. He would be grateful if the delegation would explain what was done to prevent such evictions, how the process of land acquisition was organized and what steps were taken to ensure compliance with human rights standards such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. He also wished to know what was done to address the issue of illegal logging, particularly as it affected Indigenous Peoples, and what progress had been made in settling land disputes involving Indigenous communities. He wondered whether the delegation could provide a realistic estimate of the time it would take for all Indigenous communities to receive a communal land titles. He would also like to hear what plans there were for safeguarding the right to adequate food for Indigenous Peoples.

9. It would also be useful to know what steps were taken to protect the right to housing of poor urban communities and to protect their populations from forced eviction. What measures were in place to safeguard the right to housing when special economic zones were set up? He would appreciate a comment from the delegation on reports that people were sometimes evicted from such zones through the use of force by the police, military police or private security forces, although such practices were prohibited under the Land Law.

10. He wished to know how much of the national budget was spent on the health sector. He would be grateful for updated information on the number of persons arrested on suspicion of using or selling drugs and on how many prisoners were being detained on drug-related charges. He would like to know how the State party ensured access to adequate alternative treatment and medical facilities for drug addicts in detention centres and whether it had any plans to decriminalize drug use and allow drug users access to treatment programmes of their own choice, rather than the compulsory drug rehabilitation provided for under the 2012 Law on Drug Control.

11. It would be helpful if the delegation would explain how the State party enforced and monitored the redeployment and rotation policy of the Ministry of Health to ensure that there were midwives in all health centres throughout the country. He wished to ascertain whether there were any plans to enact a mental health law and adopt a comprehensive mental health strategic plan that encompassed partnerships with non-governmental organizations and the private sector. Lastly, he wished to know what steps the Government had taken to eliminate the practice of shackling or locking up persons with psychosocial disabilities.

12. **The Chair** invited the delegation to continue replying to the questions raised by Committee members at the previous meeting as well as those posed by Mr. Windfuhr.

13. **A representative of Cambodia** said that, under the Constitution, any citizen could establish or join a trade union of his or her choice. The Law on Trade Unions, also provided for an environment conducive to the formation of professional associations. Amendments to that Law had simplified the procedure for registering a trade union and addressed concerns about the requirements with regard to trade union leadership. Details of the amendments would be provided in writing. The amendment of the Law had been proceeded by comprehensive consultations with social partners, conducted with support from the International Labour Organization (ILO). A trade union could be registered at the provincial level provided that, within 30 days, there was no objection from the Ministry of Labour. Several trade unions could be represented within a company. Civil servants, such as teachers, were not allowed to join a trade union, but could form professional associations under the Law on Associations and Non-Governmental Organizations (NGOs). The right to strike was subject to legal restrictions, which was permitted under with the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and article 8 of the Covenant. By law, a strike involving violence was a criminal offence.

14. During the COVID-19 pandemic, the management of the NagaWorld resort had been forced to lay off staff. In 2021 it had convened a meeting with workers' representatives to discuss redundancy plans affecting some 1,000 workers. Some of those workers had submitted a complaint to the Ministry of Labour, which had forwarded it to the Arbitration

Council. The latter had held two hearings with the full participation of the parties concerned. The arbitral award had been issued on 10 September 2021. Although the panel had refused to grant the request to halt the redundancy plan, it had otherwise found in favour of the workers. Regrettably, the trade union of NagaWorld had objected to the award, with the result that the award had been rendered unenforceable under the law.

15. In 2021 the Ministry of Labour had received another complaint from the same trade union demanding the reinstatement of 373 workers who had been involved in the labour dispute. As that claim had already been heard by the Arbitration Council, the Ministry of Labour had been unable to take up the case and had advised the trade union to submit it to a court. The trade union had failed to comply with the procedure for settling labour disputes and had notified NagaWorld of its intention to go on strike. The Phnom Penh Municipal Court had issued an interim injunction prohibiting the strike. The illegal strike had nevertheless gone ahead and had caused civil unrest. Eleven of the strikers had therefore been arrested, *inter alia* for refusing to comply with measures to combat the COVID-19 pandemic. They had subsequently been released. The Ministry of Labour had closely monitored the mass redundancy process and had found that NagaWorld had followed the correct procedure for selecting the workers who would have to be laid off and for calculating redundancy pay, and therefore it could not oblige NagaWorld to scrap the redundancy plan. Nevertheless, in order to facilitate a settlement of the dispute, the Ministry had convened 23 meetings between the parties. Currently only 108 of the affected workers were still objecting to the redundancy plan; the others had agreed to termination and accepted the redundancy pay offered.

16. The Ministry of Labour had provided capacity-building for its labour inspectors. It had worked closely with the International Labour Organization through the Better Factories Cambodia programme and with the German Agency for International Cooperation to develop a handbook for labour inspectors. Labour inspectors and company managers had been trained in the use of the automated inspection system. Between 2018 and 2022, the Ministry had carried out over 20,000 labour inspections. There were three types of inspections: normal inspections, special inspections without notice and special unscheduled inspections. After the first inspection, firms were given a grace period to rectify any breaches of labour law. During that grace period, an inspector could visit the enterprise without prior notice. If the labour inspectorate received information indicative of violations of labour law, it could make an unannounced visit. In order to address the concerns of workers in the garment sector, the Prime Minister had held 77 public meetings with approximately 1 million factory workers between 2017 and 2019. The Prime Minister had instructed the Ministry of Labour to monitor compliance with the law in that sector.

17. As of December 2022, there had been 1.3 million Cambodians working abroad, over 1.2 million of them in Thailand. In accordance with a memorandum of understanding with the Government of Thailand, the Cambodian Government had provided assistance with travel documents, work permits, legal protection, emergency action and consular visits. The Ministry of Labour had also stepped up its inspection of private recruitment agencies in order to protect migrant workers from unlawful practices. Between 2018 and 2022, 142 such inspections had been carried out and 87 agencies had been ordered to improve their practices. The Ministry of Labour could check the employment contract of migrant workers who held an Overseas Cambodian Worker Card. During the COVID-19 pandemic, the Ministry had worked closely with the Ministry of Labour of Thailand, ILO and the International Organization for Migration to protect Cambodian migrant workers.

18. Employers contributed to social insurance that covered health care and occupational risks, and employers and workers made equal contributions to the pension scheme. As of 2021, some 14,700 businesses employing nearly 3 million workers had been registered with the National Social Security Fund for health care, more than 17,000 enterprises employing 2.5 million workers had been registered with the occupational risk scheme, and by the end of 2022 almost 14,000 companies with over 1.4 million workers had been registered under the new pension scheme.

19. Workers in the informal sector had access to free health care. The National Social Security Fund was in charge of registering those workers and providing benefits to them. As of 2022, 947 enterprises employing over 96,000 persons in the informal sector had been registered with the Fund. Maternity benefits amounting to 136 billion riel had been granted

to over 337,000 women workers. The Government was currently examining the feasibility of extending health-care and pension insurance to workers in the informal sector. Extending the full coverage of the national social security system to such workers would, however, require time.

20. **A representative of Cambodia** said that the Ministry of Rural Development had the duty to identify Indigenous persons as the first step towards the issuance of a collective land title. As of 2022, the Ministry had identified and officially recognized 160 Indigenous villages, and it had recognized an additional six Indigenous villages in January 2023. Once it had completed that first step, it referred the file to the Ministry of Land Management, Urban Planning and Construction, which had a procedure for registering Indigenous communal land. That was done in collaboration with the Ministry of the Environment when protected areas were concerned. Indigenous communities were thus helped to obtain official recognition and secure titles to land where they could live and which they could manage and thereby preserve their traditional way of life, while also protecting natural resources and wildlife in their area. In simple cases, a land title could be registered in about two and a half years, but in complicated cases the process might take twice as long. The Ministry of Rural Development, in collaboration with the Ministry of Culture and a number of other institutions, provincial authorities and Indigenous communities, had disseminated the national policy on the development of Indigenous Peoples in 15 provinces.

21. **A representative of Cambodia** said that the registration of land titles for Indigenous peoples was complex and lengthy because several ministries were involved in a cross-cutting multisectoral, multiphase process that took account of environmental, social and cultural considerations. Delays were often caused by the lack of paperwork, the fact that some Indigenous persons did not speak the national language and the absence of a preliminary map showing the boundaries of the land that they were seeking to register. To verify that land was available for an Indigenous community, it was necessary to ascertain that there was no other claim to it, that it was classified as collectively owned and that it was not protected land, such as a wildlife sanctuary. There was no limit to the amount of land that an Indigenous community could claim.

22. **A representative of Cambodia** said that in the academic year 2021/22 the Ministry of Education, Youth and Sport had provided almost 150,000 primary schoolchildren, more than 102,000 lower secondary pupils and over 11,000 upper secondary pupils with education grants. There were also scholarship programmes for poor Indigenous children and gifted poor children from rural areas.

23. To prevent malnutrition, the Ministry ran a school meals programme. In the current academic year, the programme had supplied meals in 1,413 schools. Whenever possible the programme used fresh products from the local community. As education played a cardinal role in addressing the global challenge of climate change, schoolchildren studied the effects of climate change and their role in combating it as part of the national curriculum. Extracurricular activities and studies were organized in an effort to prevent drug use among young people, who were educated about the adverse effects of substance abuse on their health and on the community at large.

24. **A representative of Cambodia** said that the Second National Action Plan to Prevent Violence Against Women had four key strategies: prevention, legal protection, development of law and policy, and evaluation. A public awareness campaign had been mounted to prevent domestic violence. The Cambodian National Council for Women offered legal assistance to poor women and girls who were victims of such violence. The aim of the Action Plan to Prevent and Respond to Violence Against Children was to ensure timely intervention and promote and protect children's rights. Three ministries had jointly rolled out a strategy to raise awareness of the issue and a campaign against the ill-treatment of children. Information about the campaign had been disseminated through the media, including social media. Educational videos had also been produced to raise awareness of the problem. In 2020, the Royal Government had launched a national child protection policy which sought to ensure the availability of a comprehensive range of services for children and their families. It had three pillars: protection and prevention, intervention and response. Each of the pillars encompassed education and training, child welfare and the justice and health systems. An action plan, a human rights and social development plan and a monitoring and evaluation

plan had been drawn up to promote the implementation of the national policy. An action plan had also been devised to combat the sexual exploitation of children online.

25. **A representative of Cambodia** said that access to health services had been improved and expanded to cover all citizens in all areas of the country. The health system had a sufficient number of fully qualified staff who had received training in preventing discrimination and ensuring access for disadvantaged and marginalized groups. As of December 2020, there had been 1,250 public health facilities, 129 health posts and 128 referral hospitals, including 9 national hospitals, 25 municipal or provincial hospitals and 94 district hospitals. Mental health care had been expanded, thanks to an increase in the number of psychiatrists and other human resources. Since 1994 the Ministry of Health had been running a wide range of training programmes on patients' human rights. It had also implemented the World Health Organization recommendations on basic mental health care and treatment.

26. During the COVID-19 pandemic, 10 rounds of financial assistance totalling over \$837 million had benefited more than 700,000 low-income families. The right to life had been guaranteed by the vaccination of 95.19 per cent of adults and children.

27. **A representative of Cambodia** said that a distinction must be drawn between child labour, for which there was zero tolerance, and children helping on family farms outside school hours, which was common in Cambodia and not considered child labour under the law. The State ensured strict adherence to the ILO Minimum Age Convention, 1973 (No. 138), and employers must register the names of employees aged between 15 and 17 with the Ministry of Labour and Vocational Training and keep those records ready for inspection. The Ministry had undertaken labour inspections with a focus on child labour in the informal economic sector, and campaigns had been conducted to raise awareness of the problem. More than 1,200 contracts had been signed between employers and parents through which they committed to preventing children from entering workplaces for any reason, as it had been found that some children were being taken to workplaces not to work, but for lack of childcare.

28. A campaign to mark the World Day against Child Labour had been organized, and online learning had been promoted during the COVID-19 pandemic in an effort to keep children in education. Given the large number of young adults in the Cambodian workforce, child labour was not necessary, and parents were required by law to send their children to school. The prevention capacities of labour inspectors, local officials and members of the National Committee Against Child Labour had been strengthened, and the number of provincial and municipal committees on preventing child labour had increased and their role and responsibilities enhanced.

29. The country was not yet in a position to adopt the ILO Domestic Workers Convention, 2011 (No. 189). Domestic workers, or domestic helpers, as they were known in Cambodia, were treated as members of the families for whom they worked. By imposing on their employers the same requirements as those that applied to workers in the formal economy, the Government would not be helping those workers, most of whom lacked education and were unqualified for other work. Rather, it would make them unable to find employment. Nevertheless, to ensure that domestic workers were properly treated, the Ministry of Labour and Vocational Training had issued an official proclamation (prakas) establishing minimum working conditions for such workers.

30. **A representative of Cambodia** said that there was no forced eviction in Cambodia. Rather, involuntary resettlement was carried out in accordance with standard operating procedures for land acquisition for externally funded projects, or in accordance with the law on expropriation in the case of State-funded projects. Force was used as a last resort and only when the persons concerned became violent or had refused to engage in negotiations or consultations. While the police and armed forces endeavoured to avoid physical harm, altercations could become disorderly, causing injury to both protesters and officers. There were currently 113 development investment projects in Cambodia. An interministerial committee decided on the action to be taken if the terms of an economic land concession were breached and had revoked licences in 23 cases, reduced the amount of land granted in 4 cases, reduced leases from 99 to 50 years in 57 cases and given several developers between

6 and 12 months to comply with the terms of their concessions. Developers had returned the land voluntarily in four cases.

31. **Mr. Windfuhr** said that he would welcome answers to his questions on indebtedness and microcredit, the Government's policy response to food insecurity and stunting in children, the decriminalization of drug use and the high rate of imprisonment of persons who used drugs.

32. **Mr. Nonthasoot** (Country Task Force) said that it would be useful to receive a response to his questions on special economic zones and protection for irregular workers, particularly workers who migrated to neighbouring countries.

33. **The Chair** said that the State party should take into account the possible negative effects of indirect taxation on living standards. In pursuing economic growth, it should also be mindful of income inequality, which could mean that there were many people who were unable to afford the high prices that accompanied such growth. Income inequality could thus undermine the enjoyment of economic, social and cultural rights.

34. **Mr. Chin** (Cambodia) said that, while drug use was not criminalized, most persons who used drugs were also dealers or distributors, and many were therefore imprisoned. Releasing those prisoners, as advocated by civil society and opposition parties as a solution to prison overcrowding, would compromise public safety. Instead, the Government encouraged the courts to consider non-custodial sentences wherever possible. Improvements to training and rehabilitation programmes in prisons were needed to enable prisoners to find employment and reintegrate into society on their release and prevent reoffending. Overcrowding could also be addressed through the imposition of alternative sentences, such as conditional or supervised release. However, efforts to promote such alternatives were hindered by the significant backlog in court cases, which was a result of the many arrests made during the Government's campaigns to increase security in the country. That backlog could be cleared by increasing the courts' resources and providing guidance on alternative sentencing.

35. Many recipients of microcredit had been unable to repay their loans during the COVID-19 pandemic. Although civil society and the opposition had encouraged them to cease repayments, such action was illegal. The Government had granted subsidies to debtors, reviewed loan policies to give debtors favourable conditions, for instance by extending repayment periods, and provided skills development and training to assist them in finding employment.

36. **A representative of Cambodia** said that working conditions for the more than 140,000 workers in the 23 special economic zones were very good and were enforced by the officials from the Ministry of Labour and Vocational Training who were stationed in each zone. Companies in special economic zones must agree to adhere to Cambodian law, including the Labour Law. Such companies were motivated to prevent any abuse of workers because of the reputational risk posed. The Labour Law did not make reference to irregular workers. It covered two types of workers, regular and casual. Casual workers were entitled to the same rights and benefits as regular workers and could not be employed on short-term contracts for extended periods. If an employment contract was deemed to have been terminated on discriminatory grounds, the employer was required to renew it.

37. **Ms. Crăciunean-Tatu** (Country Task Force) said that she would welcome information on the timing, scale and effectiveness of measures to ensure access to quality education, particularly during the COVID-19 pandemic. She also wished to know what mechanisms were in place to ensure accountability and monitor the quality of education. While the State party had invested in the reconstruction and renovation of schools, many reportedly still lacked drinking water and toilet facilities, yet they were not considered to be disadvantaged schools according to the government definition of the term. She would appreciate clarification as to how the definition of a disadvantaged school had been established and what the Government's legal obligations were if a school was deemed to be disadvantaged. She would also like to know what measures had been adopted to provide drinking water and toilet facilities in schools. In addition, she would welcome information on how special education institutions for children with disabilities were established and operated, including how they met the requirement for inclusive education for those children.

38. Although refugee and asylum-seeking children could attend public schools, in practice they often attended private institutions, in part because of language barriers. It would be useful to have information on the situation of such children and the procedural steps and documentation required for them to have access to education in public schools at all levels. She also wished to know how the Government addressed, or planned to address, the difficulties encountered by Indigenous children in terms of their continued access to education. Millions of economically disadvantaged children in the State party reportedly had been pushed out of education following the introduction of online learning during the COVID-19 pandemic, and many children had also been exposed to a greater risk of violence, abuse and exploitation. She would welcome details on protection mechanisms put in place and resources made available to facilitate access to education for children who had been disproportionately affected by the pandemic. It would also be interesting to hear how the Government planned to address the issue of Internet coverage and expand the use of information and communications technology to enable wider access to online education.

39. Lastly, the Committee would like to know how the State party fulfilled its obligations under article 15 of the Covenant in relation to the role of land in the cultural life of Indigenous Peoples, including how it ensured that cultural implications were taken into account in matters relating to Indigenous Peoples' ancestral lands, and how the rights of the Kuy People were respected in their efforts to protect their forests.

40. **A representative of Cambodia** said that enrolment in secondary schools was increasing thanks to measures adopted to improve those rates, reduce dropout and absenteeism and ensure quality education. They included the introduction of a child-friendly school programme and improvements to school management, such as the implementation of standardized testing, the monitoring of teaching methodologies and community engagement. Seventy per cent of secondary schools had been made resource schools, which were equipped with facilities such as science laboratories and libraries that offered access to digital technologies. "New generation schools" had also been opened; they enjoyed the best teaching facilities in the country and followed curricula that afforded students technical, life and soft skills. Teachers at such schools were trained in collaborative learning and the use of information technology in the classroom and undertook continuous professional development. The Government aimed to make all schools new generation schools, although resources were currently insufficient. Nevertheless, development partners had assisted in constructing and renovating schools of all types across the country. That work was based on a new educational design framework that ensured inclusive and equitable access for all, particularly through adaptations for children with disabilities, and improved the school environment by providing facilities such as toilets, solar panels and wells, where required. Between 2022 and 2024, 30 new school buildings would be constructed and 410 existing buildings renovated.

41. A policy to promote education in science, technology, engineering and mathematics was being rolled out gradually in secondary schools. The ongoing education reforms prioritized the quality of teaching. The Government's development partners had made significant investment in teacher training, including through improvements to teacher training institutions throughout the country. For example, between 2018 and 2022 the Global Partnership for Education had invested more than \$20 million in developing teachers' capacities. There were plans to require all teachers to hold at least a bachelor's degree. The Government provided scholarships for students at teacher training institutions in Cambodia and abroad.

42. The COVID-19 pandemic had led to a digital transformation in the education system. The Government had partnered with the private sector to enhance the digital infrastructure in schools throughout the country. Teachers had received training in the use of digital technologies to provide distance and online learning, and hybrid teaching was being introduced. During the pandemic, education had been delivered through both in-person and online classes, as well as radio and television broadcasts, which had particularly benefited Indigenous students who lacked Internet access.

43. **Ms. Crăciunean-Tatu** said that she would welcome written responses to the questions that the delegation had not had time to answer, particularly those relating to measures to ensure accountability and monitor improvements in teacher training; refugee and



asylum-seeking children's access to education; special schools for children with disabilities; the legal implications of classifying a school as disadvantaged; and the cultural rights of Indigenous Peoples.

44. **Mr. Abashidze** (Country Rapporteur) said that he was grateful to the delegation for the replies provided and hoped that the State party would accept the Committee's concluding observations as recommendations intended to further improve the enjoyment of economic, social and cultural rights in Cambodia.

45. **Mr. Chin** (Cambodia), expressing gratitude to the Committee for the constructive dialogue, said that the Government of Cambodia looked forward to receiving the concluding observations, which would assist it in improving the human rights situation in the country.

*The meeting rose at 12.55 p.m.*