

Distr.: General  
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English, French and Spanish only**Committee on Economic, Social and Cultural Rights****List of issues in relation to the second periodic report of Cambodia\*****I. General information**

1. Please provide information on the measures taken to review the compliance of national laws with international human rights laws and standards, including steps taken or envisaged to eliminate any incompatibility. Please provide statistical data on and examples of cases in which the provisions of the Covenant have been invoked before, or directly enforced by, the courts.
2. In view of the State party's acceptance of the recommendation made in the context of the third cycle of the universal periodic review in 2019 (A/HRC/41/17, paras. 110.34–110.44), please report on the progress made in establishing a national human rights institution with a mandate to protect and promote all rights enshrined in the Covenant that is in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please explain how the views and opinions of civil society organizations are meaningfully taken into account in this process.
3. Please provide information on the steps taken to ensure that civil society organizations, in particular those working on economic, social and cultural rights, are able to operate freely and without undue restrictions. In particular, please explain how the registration procedures under the 2015 Law on Associations and Non-governmental Organizations and the requirement that civil society organizations give advance notification of certain activities may affect their capacity to operate freely. Please respond to reports of extrajudicial killings, imprisonment, harassment and intimidation of human rights defenders, particularly those working on economic, social and cultural rights, including on land and environmental issues, and indicate the number of such cases that have been investigated and the alleged perpetrators prosecuted, the remedial measures available to victims and the penalties imposed on perpetrators.
4. Please explain measures taken to work towards climate change adaptation and preparedness, taking note of the vulnerability of the population and their livelihoods to the effects of climate change, including those caused by extreme weather events and changes in seasonal rainfall patterns leading to periods of drought and flash flooding. In particular, please describe efforts made to address the adverse effects of climate change and environmental degradation on the enjoyment of economic, social and cultural rights, paying attention to groups who are particularly vulnerable to such effects, including, but not limited to, people living in rural areas, people working in agriculture and fishing and indigenous peoples. Please report on climate change mitigation measures and explain how the State party reconciles its energy production, agriculture and land-use policies, including its policy on extractive industries, with its commitments under the Paris Agreement on climate change.

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\* Adopted by the pre-sessional working group at its sixty-eighth session (8–12 March 2021).



5. Please indicate which specific measures are taken to ensure that economic and social development efforts are human rights-based and do not lead to violations of economic, social and cultural rights but, rather, improve their enjoyment. Please include information on how human rights and environmental impact assessments and consultations are undertaken in the context of development projects, including through effective engagement with civil society, social partners, private sector representatives, stakeholders from rural communities and urban dwellers. Please provide information on measures taken to ensure accountability for violations of economic, social and cultural rights in the context of development projects, including statistical data on judicial and non-judicial remedies provided to victims.

6. Please provide information on legislative, administrative or other measures taken to ensure that business entities, whether national or transnational, respect the economic, social and cultural rights of all persons and groups and apply the principle of due diligence throughout their operations. Please provide information on measures taken to ensure that business entities assess and address the adverse impact of their operations on the environment, especially in relation to agriculture, mining and other extractive activities, hydropower dam installations, deforestation and logging. Please describe efforts undertaken by the State party to hold business entities accountable for violations of economic, social and cultural rights and to provide victims with access to judicial or non-judicial remedies.

7. Please provide information on measures taken to assess and address the adverse impact of the coronavirus disease (COVID-19) pandemic on economic, social and cultural rights, in particular:

(a) The right to work, especially in the tourism industry and the construction and manufacturing sectors, including the textile, garment and footwear industries;

(b) Social protection, including the social assistance measures taken to alleviate the negative impact of the COVID-19 pandemic on livelihoods, including for households with a high level of indebtedness;

(c) Access to health-care services, including the measures taken to ensure equal access to COVID-19-related physical and mental health-care services, as well as testing, vaccination and treatment, paying special attention to the needs of disadvantaged and marginalized groups, including indigenous peoples;

(d) Access to education, including information on measures taken to address the increased disparities and inequality in access to education due to school closures and distance learning, paying particular attention to the situation of children from poor families, children with disabilities and children in rural communities.

## **II. Issues relating to the general provisions of the Covenant (arts. 1–5)**

### **Right to freely dispose of natural wealth and resources (art. 1 (2))**

8. Please provide updated information on the progress made in developing the draft law on environmental and natural resources, explaining how its provisions adhere to the Covenant. Please respond to reports of unsustainable economic activities, especially those leading to significant deforestation, forest degradation and land reclaimed from natural lakes, which continue to lead to significant loss of the country's natural wetland area.

9. Please provide information on measures taken to ensure that indigenous peoples are not dispossessed of or displaced from the lands, territories and natural resources they have traditionally occupied and used, and respond to reports of the awarding of economic land concessions, land grabbing, mining and other extractive activities, the construction of hydropower dam installations, deforestation and illegal logging in those areas. Please describe the procedures and mechanisms in place, and their implementation, to conduct adequate and meaningful consultations with, and to ensure the free, prior and informed consent of, indigenous peoples in relation to decisions about the establishment and management of their lands, territories and natural resources.

10. In light of the information provided in the State party's report in relation to the ongoing land titling process (E/C.12/KHM/2, para. 21), please provide further information, including statistical data, on the progress made in effectively returning ancestral land to indigenous peoples. Please provide information on efforts undertaken to identify and remove administrative, financial and other barriers in accessing communal land titles that prevent indigenous peoples from effectively registering their collective lands.

#### **Maximum available resources (art. 2 (1))**

11. In order for the Committee to assess whether the State party is using the maximum available resources to realize the rights recognized in the Covenant, please provide information on the evolution over the past 10 years in:

- (a) The proportion of persons living below the poverty line and the levels of inequality, defined as the ratio between the total income accruing to the richest decile of the population and the total income of the poorest 40 per cent of the population;
- (b) The proportion of public revenue that is generated through taxes;
- (c) The tax rates levied on corporate profits and on personal income, the value added tax rate (exclusive of the value added tax on luxury items, tobacco, alcohol, sugary drinks and snacks, and gasoline) and the percentage of total revenue that is generated from personal income taxes collected from the richest decile of the population;
- (d) Public expenditure as a percentage of gross domestic product and, within total public expenditure, the proportion of the public budget that is allocated to social spending (social security, food, water and sanitation, housing, health and education), disaggregated by region;
- (e) Inflation-adjusted absolute levels of social spending;
- (f) Methodologies and tools used to gather these data and analyse them.

12. Please provide information on specific measures taken to combat corruption in the infrastructure, health and education sectors, and among judges, prosecutors and court officials. Please provide statistical data on the number of cases of corruption prosecuted under the Anti-Corruption Law of 2010 in the past five years, the sanctions imposed on the perpetrators and the assets resulting from corruption that have been recovered.

#### **Non-discrimination (art. 2 (2))**

13. Please provide information on steps taken to develop comprehensive anti-discrimination legislation and policy to address direct, indirect, multiple and intersecting forms of discrimination. Please describe measures taken to combat discrimination in the enjoyment of economic, social and cultural rights against disadvantaged and marginalized groups and individuals, especially regarding access to employment, housing, health care and education, and the impact of those measures. Please also describe efforts undertaken to address the disparities in the enjoyment of Covenant rights affecting people living in rural and deprived urban areas, in particular in relation to the availability of public services and infrastructure, as well as employment opportunities and income, and the impact of those efforts.

#### **Equal rights of men and women (art. 3)**

14. In light of the Committee's previous recommendations (E/C.12/KHM/CO/1, para. 18), please indicate the progress made by the State party in overcoming persistent gender stereotypes relating to the roles of men and women which perpetuate gender inequality. Please provide information on how the State party envisages addressing the asymmetry between men and women in the ownership of property, assets, land and other productive resources. Please provide information on efforts undertaken to address occupational gender segregation and the high concentration of women in informal employment, including domestic work, and in low-wage and unskilled jobs, including in the textile, garment and footwear industries and the construction sector, as also recommended to the State party by

the Committee on the Elimination of Discrimination against Women (CEDAW/C/KHM/CO/6, paras. 36–37).

### **III. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

#### **Right to work (art. 6)**

15. Please indicate the progress made in increasing the employment rate, especially among the groups particularly affected by unemployment, including, but not limited to, young people and persons with disabilities. Please provide information on any assessment undertaken by the State party of the impact of its various policies that aim to promote decent employment, including its National Technical Vocational Education and Training Policy (2017–2025), on improving the employment rates and on providing the workforce with the skills and knowledge to keep up with the changing demands of the labour market.

#### **Right to just and favourable conditions of work (art. 7)**

16. In light of the information provided in the State party report in relation to the new legal provisions on the minimum wage (E/C.12/KHM/2, paras. 62–64), please provide information on the applicability of the minimum wage to all workers, irrespective of the type of contract and the economic sector, including in the informal economy. Please also provide information on the measures taken to enforce the minimum wage and the principle of equal pay for work of equal value in all sectors of the economy, including on the enforcement mechanisms used and their effectiveness. Please report on the progress made in developing a draft law on trial procedure for labour disputes and in operationalizing the labour court, and the arrangements that have been put in place to resolve labour disputes and address violations of labour rights until the court is functioning.

17. Please provide information on the progress made in improving working conditions in domestic work, the agriculture, fishing and tourism sectors, construction, including brickmaking, and manufacturing, especially the textile, garment and footwear industries. Please report on the measures taken to strengthen labour inspections and enforcement, including in the informal economy, and to ensure accountability for poor and unsafe working conditions, and the impact of those measures. Please describe the efforts undertaken to address the prevalence of violence and harassment, including sexual harassment, in the workplace and during travel to and from work.

#### **Trade union rights (art. 8)**

18. In light of the Committee's previous recommendations (E/C.12/KHM/CO/1, para. 24), and bearing in mind recent legislative developments, including in relation to the Law on Trade Unions, please provide further information on how the State party ensures in law and in practice that all workers are able to exercise their right to form and join trade unions and their right to strike without undue restrictions and without fearing reprisals. Please indicate the progress made in reviewing the Law on Trade Unions in consultation with social partners, including any amendments made to burdensome trade union registration and reporting requirements, and to categories of workers excluded from joining trade unions. Please provide information on investigations carried out into: (a) cases of dismissal, or discontinuation of short-term or fixed-term contracts, of workers after they have organized or participated in strikes; (b) cases where criminal charges have been brought against trade union leaders or members for their trade union activities; and (c) unresolved cases concerning extrajudicial killings of or violence perpetrated against trade union leaders and members.

#### **Right to social security (art. 9)**

19. In light of the information provided in the State party report in relation to its efforts to expand social security coverage (E/C.12/KHM/2, paras. 91–94), please provide information, including statistical data, on the amount of welfare benefits and social assistance awarded and the number of recipients, disaggregated by age, sex, disability, region, urban or rural location, and ethnic or indigenous origin. Please provide information on measures taken

to ensure that workers in the informal economy who currently do not have access to the National Social Security Fund can also enjoy their right to social security and have access to retirement, health-care, maternity, sickness and disability benefits and are socially protected from occupational risks such as accidents and serious health hazards.

#### **Protection of the family and children (art. 10)**

20. Please provide information on measures taken to identify and address the root causes of trafficking, paying particular attention to situations of disadvantaged and marginalized persons in rural and deprived urban areas, families living in poverty, communities without identity documents and the practice of debt bondage. In view of the number of cases of economic and sexual exploitation of children identified by the State party's inspection mechanism (E/C.12/KHM/2, paras. 69–71) and the reported prevalence of such cases in brickmaking, agriculture and commercial sexual exploitation, please provide information on the efforts undertaken to strengthen inspections and sanctions, particularly in the informal economy, rural areas, where the majority of child labourers reportedly work, the tourism and hospitality sectors and nightlife establishments.

#### **Right to an adequate standard of living (art. 11)**

21. Please provide information on the impact of the State party's anti-poverty measures on reducing poverty and extreme poverty, which disproportionately affect people living in rural and deprived urban areas, women and girls, children in street situations, persons with disabilities, indigenous peoples and ethnic minorities. In view of reports that one in five persons in the State party eats less than the minimum daily requirement of calories, please explain the impact of measures taken to improve food security and nutrition and provide updated disaggregated statistical data on the prevalence of undernutrition and malnutrition in the State party, including wasting, stunting, overweight and obesity.

22. Please provide information on the financial resources allocated to, and the results achieved from, the effective implementation of the National Housing Policy, including efforts to promote affordable housing solutions. Please explain efforts undertaken to bring the draft law on public order into line with the Covenant and ensure that it does not criminalize conduct associated with situations of poverty or of deprivation of the right to adequate housing, such as begging and rough sleeping. Please provide information on measures taken to address the adverse impact on people's livelihoods and access to adequate housing, land and natural resources of land market speculation and over-indebtedness, especially among microloan borrowers.

23. In view of reports of the persistent granting of land concessions for commercial purposes and of communities having faced forced evictions, please describe the progress made in developing and implementing a legal and institutional framework to prevent forced evictions. Please provide information on efforts undertaken to identify and remove legal, financial and other barriers to effective legal remedies for victims of forced evictions. Please report on the progress made in developing measures to resolve prolonged housing and land disputes, particularly in view of reports of criminalization of and violence against local communities protesting over such disputes that lead to their displacement and adversely affect their livelihoods.

24. In view of reports that one in three persons in the State party uses water from a non-improved drinking source, please provide information on the progress made in guaranteeing access to safe drinking water and sanitation, including improvements in the infrastructure for water, sanitation and waste management in rural and deprived urban areas.

#### **Right to physical and mental health (art. 12)**

25. In view of the challenges in access to health-care services in rural and deprived urban areas and the challenges affecting different social groups, please provide information on measures taken to ensure the accessibility, availability, affordability and quality of health-care services, paying special attention to the needs of disadvantaged and marginalized groups, including indigenous peoples. In particular, please include information on measures taken to

secure a sufficient number of medical professionals and to improve medical equipment and infrastructure, including in rural areas.

26. In the absence of a legal framework covering mental health care, please provide information on measures taken to develop the mental health-care sector in compliance with international norms concerning the rights of persons requiring mental health care and persons with intellectual or psychosocial disabilities.

**Right to education (arts. 13–14)**

27. Bearing in mind the increased enrolment rates in preschool and primary education in the State party, please provide information on the specific steps taken to increase secondary school enrolment, reduce dropout rates and irregular attendance, ensure the quality of education and improve educational achievement and outcomes for all children. Please describe measures taken to improve the quality of education, including efforts to increase the number of qualified teachers and provide them with adequate initial education, in-service training and satisfactory working conditions, salaries and benefits. Please explain measures taken to improve the quality of learning environments and to further develop the infrastructure and provide water, sanitation and hygiene facilities at schools. Please also provide information, including statistical data, on the progress made in addressing persistent disparities in access to education, giving particular attention to children from low-income households, children living in rural and deprived urban areas, children with disabilities and indigenous children.

**Cultural rights (art. 15)**

28. Please provide information on measures taken to preserve and promote indigenous languages, foster an awareness of the cultural heritage of indigenous peoples and create favourable conditions that enable them to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs.

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