



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
18 October 2013

Original: English

ADVANCE UNEDITED VERSION

Committee on the Elimination of Discrimination against Women

Concluding observations on the fourth and fifth periodic report of Cambodia*

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

A. Introduction

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

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

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

B. Positive aspects

5. The Committee welcomes the following legislative measures:

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

- a. The adoption of the Law on Suppression of Human Trafficking and Sexual Exploitation in February 2008.
 - b. The revision of the Law on the Suppression of Human Trafficking and Sexual Exploitation on 15 February 2008.
 - c. The revision of the Law on Marriage and Family in December 2007.
 - d. The adoption of the Law on Monogamy in September 2006.
 - e. The revision of the Domestic Violence Law on 24 October 2005.
6. The Committee welcomes the State party's accession to or ratification of the following treaties since the consideration of its last report:
- a. The International Convention for the Protection of All Persons from Enforced Disappearance on 27 June 2013.
 - b. The Convention on the Rights of Persons with Disabilities on 20 December 2012.
 - c. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 13 October 2010.
 - d. The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 29 April 2007.

C. Principal areas of concern and recommendations

Parliament

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

Legal status of the Convention

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

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

Legal framework and implementation of the Convention

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

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

Legal aid and access to justice

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

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

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

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

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

14. The Committee is concerned that the Extraordinary Chambers in the Courts of Cambodia (ECCC) have not adequately addressed cases of gender based violence, in particular sexual violence against women committed under the Khmer Rouge regime. The Committee is concerned that the State party lacks other mechanisms, including non-judicial programmes, to provide effective redress to victims of other forms of gender-based violence committed during the Khmer Rouge regime. It is also concerned at the failure of the State party to effectively incorporate the provisions of the Convention and of the United Nations' Security Council Resolution 1325 in its post-conflict programmes.

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

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

(b) **Take advantage of the drafting process of the second National Action Plan to End Violence against Women (NAPVAW) to fully incorporate the provisions of the Convention and of the United Nations' Security Council Resolution 1325.**

National machinery for the advancement of women

16. The Committee welcomes the evaluation of the capacity of the national machinery for the advancement of women and the introduction of Gender Mainstreaming Action

Groups (GMAGs) in various Ministries as mechanisms for implementing and monitoring gender equality policy commitments based on the National Strategic Development Plan 2006-2010. The Committee is, however, concerned at lack of synergies between the national machinery for the advancement of women and GMAGs. The Committee is further concerned that the budget allocation to the national machinery for the advancement of women is inadequate considering its comprehensive mandate.

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

Stereotypes

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

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

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

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

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

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

Violence against women

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

21. **Recalling its General Recommendation No. 19 (1992) on violence against women, and its previous recommendation (CEDAW/C/KHM/CO/3, para. 16), the Committee urges the State party to:**

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

(b) **Encourage women to lodge formal complaints about domestic and sexual violence, by de-stigmatising victims and raising awareness about the criminal nature of such acts;**

(c) **Continue public awareness-raising campaigns on all forms of violence against women, particularly in rural areas; and**

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

22. The Committee notes the State party's efforts to introduce measures for the exemption of charges for all forensic examination of rape victims. However, it remains concerned at continued reports of corruption in the administration of justice and the high cost of medical certificates for rape and sexual assault, which continue to impede women's access to justice and prosecutions of sexual violence against women.

23. **The Committee recommends that the State party intensify efforts aimed at raising awareness among medical practitioners on how to handle cases of violence against women. It should also raise awareness on government's policy on the exemption of charges for all forensic examination of victims of rape and sexual assault.**

Trafficking and exploitation of prostitution

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

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

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

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

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

(d) **Strengthen bilateral and multilateral cooperation in combatting human trafficking for domestic servitude and sexual exploitation;**

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

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

27. **The Committee recommends that the State party take effective measures to address the root causes of prostitution, including through the provision of exit programmes for women who wish to leave prostitution. Furthermore, the State party should investigate and prosecute cases of sexual assault by law enforcement personnel committed against women engaged in prostitution, and ensure that the perpetrators are punished with appropriate sanctions. The Committee also recommends that it adopts a comprehensive policy to address the demand side of prostitution and consider adopting the use of sanctions against purchasers of sexual services.**

Participation in political and public life

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

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

Nationality

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

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

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

(b) **Consider acceding to the 1951 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Education

32. The Committee notes the efforts made in increasing women's literacy and the provision of bilingual education and scholarships for girls. However, the Committee is concerned at the quality of education in the State party and at the high attrition rate between the primary and secondary levels, particularly in rural and remote areas because of limited capacity at the secondary level. The Committee is, therefore, concerned that a large number of Communes do not have public secondary schools due to geographic and demographic factors, which compel female students to terminate their schooling as they cannot migrate to urban areas in order to access education at this level. It is also concerned that even where girls are accommodated, the dropout rate among females, although decreasing, is still significant as they transition from primary to secondary school, as well as at the secondary

and tertiary levels of education, which the State party attributes to poverty, late school entry and teenage pregnancies.

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

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

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

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

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

Employment and economic empowerment

34. The Committee recalls its previous concluding observations (CEDAW/C/KHM/CO/3, para. 16) and remains concerned at the continued occupational segregation and the concentration of women in low-wage and unskilled labour sectors as well as at the persistent gender pay gap. The Committee is particularly concerned about poor working conditions for women employed in the garment industry and women domestic workers, including migrant women.

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

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

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

(c) **Consider acceding to the ILO Convention No. 189 on decent work for domestic workers and the Convention on the Protection of All Migrant Workers and Members of their Families.**

Health

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

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

(a) **Ensure that medically safe modern methods of abortion are available and accessible, in line with General Recommendation No. 24 (2004) on women and health;**

(b) **Provide free antiretroviral treatment for women and men living with HIV/AIDS, including women engaged in prostitution and pregnant women in order to prevent MTCT;**

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

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

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

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

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

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

Rural women, natural disasters and climate change

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

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

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

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

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

Access to land

42. While acknowledging the efforts made by the State party to improve access to land such as the issuance of a sub-decree that reclassified certain parcels of public land as private land, and the demining of land in the northern part of the State party, the Committee is concerned that women continue to face limited access to land and tenure security. The Committee is particularly concerned that women are subjected to displacement and evictions due to large scale land concessions and urban development. The Committee is also concerned that relocation sites provided to victims of evictions frequently lack basic infrastructure and access to essential services such as water, sanitation and basic health care, affecting women disproportionately. It is further concerned that female human rights

defenders who advocate for women's land rights are often subjected to intimidation and harassment by law enforcement personnel.

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

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

(b) **Recognize that forced evictions are not a gender-neutral phenomenon, but that they disproportionately affect women, and take immediate measures to protect women and girls from further evictions;**

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

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

Disadvantaged groups of women

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

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

Marriage and family relations

46. The Committee regrets that the State party maintains a provision under article 9 of the Law on Marriage and Family, which extends women's marriage status by 120 days after the death of a husband or after a judgement of the court granting an order for divorce. The Committee is concerned that this is a discriminatory provision, as it does not apply to men, and seeks reportedly to assist in the establishment of paternity of children. The Committee is also concerned that couples who are married under customary law face difficulties in formalising their marriages.

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

Beijing Declaration and Platform for Action

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

Millennium Development Goals and the future framework

49. **The Committee calls for the integration of a gender perspective in accordance with the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals as well as in the new development framework as of 2015.**

Follow-up to concluding observations

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

Preparation of next report

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

52. The Committee requests the State party to follow the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents” (HRI/MC/2006/3 and Corr.1).
