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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
Geneva, 24 -28 November 2008

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of
the initial report of Cambodia concerning the rights covered by articles 1 to 15 of the
International Covenant on Economic, Social and Cultural Rights (E/C.12/KHM/1)**

I. General framework within which the Covenant is implemented

1. Please cite specific examples of how the International Covenant on Economic, Social and Cultural Rights has been incorporated into laws and regulations in the State party (State Party report, paras. 69 and 70) and indicate whether rights contained in the Covenant have been invoked by national courts of law, either as a ground for a case or as interpretative guidance for legal norms.
2. Please provide additional information on measures taken by the State party to increase awareness of the provisions of the Covenant among the public at large and, in particular, among judges, teachers, police officers and other public authorities.
3. Please provide information on whether the State party's bilateral and multilateral trade agreements and policies take into account its obligations under the Covenant, in particular regarding the activities described in the State party's report (paras. 80 to 82).

4. Please describe the policy of the State party regarding the conversion of protected zones into investment zones or economic zones and provide information on the impact of such policy on the enjoyment of economic, social and cultural rights by the population.

5. Please indicate the extent and manner of civil society's participation in the process of preparing the State party's report.

II. Issues relating to the general provisions of the Covenant (arts. 1-5)

Article 1

6. In addition to the information provided in the State party report (para.715), please, provide further information on the concrete measures adopted to recognize and protect the rights of indigenous peoples to ownership of the lands and territories which they traditionally occupy or use as traditional sources of livelihood.

7. Please provide information on consultations conducted with the communities affected by the hydropower development on the Mekong River prior to its implementation.

8. Please provide additional information on the measures undertaken by the State party and non-governmental organizations to remove the landmines that are still spread throughout the country. Please also provide data on the number of hectares already demined and those that have been made available for farming, the number of villages and communities that have benefited from this as well as the time-frame for completion of the demining activities.

Article 2: Non-discrimination

9. Please provide information on the effectiveness of specific anti-discrimination measures towards ensuring equal enjoyment of the Covenant rights by all, in particular the disadvantaged and marginalized individuals and groups.

10. Please provide information on whether children from ethnic minorities as well as stateless persons are included in the birth registration system.

11. Please indicate the number and nationality of asylum-seekers who applied for refugee status during the last five years, the number of applications rejected, including the grounds for rejection. Please provide information on the treatment of refugees with respect to their economic, social and cultural rights. How does the State party protect unaccompanied asylum-seekers and refugee children?

Article 3: Equal rights of men and women

12. Please provide information on what steps have been taken by the State party to eliminate direct and indirect discrimination based on sex in relation to the Covenant rights and to ensure that men and women enjoy these rights on the basis of equality, in law and in practice.

13. Please provide further information on the progress made, and difficulties encountered, in the implementation of policies and programmes to overcome the traditional cultural stereotypes that continue to negatively affect the equal enjoyment of economic, social and cultural rights by men and women. Has the “draft Code of Women” mentioned in the State party report (para. 108) been submitted to the National Assembly? Please provide the Committee with an estimated time-frame for its adoption.

14. Please indicate whether the State Party is considering removing from primary school curriculum the traditional code for women “*Chbap Srey*”, which contains elements that tend to perpetuate discrimination against women, contradicting the State party’s own Constitution as well as the Covenant.

III. Issues relating to the specific provisions of the Covenant (Articles 6-15)

Article 6: The right to work

15. Please, provide information on the concrete measures undertaken to strengthen the effective implementation of the Labour Law of 1997, including education and training programmes conducted. (State party report, para. 273)

16. Please provide further information on the scale of informal economy, and indicate which policies, programmes and mechanisms the State party has adopted to ensure access by informal workers, particularly older workers and women, to basic services and social protection. What steps have been taken to enable these workers to move out of the informal economy?

17. Please indicate the legal safeguards adopted by the State party to protect workers from unfair dismissal.

18. Please describe in detail the technical and vocational programmes of the State party and their impact on providing opportunities in particular for the youth, the disadvantaged and marginalized individuals, to enter or re-enter the labour market.

Article 7: The right to just and favourable conditions of work

19. Please clarify to what extent the minimum wage established under article 107 of the Labour Law is applied to all productive sectors (State party report, para. 229) including, in particular, in the garments and construction sectors Does the minimum wage enable workers and their families to enjoy an adequate standard of living? What mechanism is in place to monitor the implementation of

the minimum wage?

20. Please indicate the measures undertaken and their results if any, to address the inequality of wages between men and women that still persists in spite of the law. (State party report, para. 252)

21. Please provide information on the situation of sexual harassment in the workplace that is reported to be a serious problem, particularly among garment workers and beer promotion workers.

Article 8: Trade union rights

22. Please indicate how the State party ensures the independence of trade unions to organize their activities without interference, as well as to federate and join trade union organizations, and legal and de facto restrictions on the exercise of this right.

23. Please, provide additional information regarding the establishment of the Labour Court, its competency and the resources allocated. (State party report, para. 302)

24. Please provide detailed information on the extent to which persons employed in the various export processing and industrial zones (EPZs) existing in the State party enjoy in practice all of their rights under articles 7 and 8 of the Covenant.

25. Please, explain why the State party has not ratified the following Conventions of the International Labour Organization:

- Convention No. 81 (1947): Labour Inspection in Industry and Commerce Convention
- Convention No. 102 (1952): Minimum Standards of Social Security Convention
- Convention No.117 (1962): Social Policy Convention
- Convention No. 118 (1962): Equality of Treatment (Social Security) Convention
- Convention No. 169 (1989): Indigenous and Tribal Peoples Convention
- Convention No. 174 (1993): Convention on Major Industrial Accidents

Article 9: The right to social security

26. Please provide detailed information on the measures taken to ensure that the social security scheme is accessible and affordable for all categories of workers, including casual workers and the self-employed. Further to information provided in paragraphs 336, 338 and 343, please provide additional information on the establishment of a national budget for the social security scheme in the country as reflected in the Social Security Law of 2002.

27. Please provide information on the social assistance measures for the protection of the unemployed, including persons with disabilities, migrants and widows (State party report, para. 216).

28. Please describe the assistance scheme in place to protect old aged people, in particular those who are not government officials, as referred to in the State party report (para. 321).

Article 10: Protection of the family, mothers and children

29. The State party report identifies domestic violence as a widespread problem affecting 95% of women in the country (para. 349). Please provide further information on the legislative, policy and administrative measures taken by the State party to address this problem. What is the time-frame for the adoption of the Law against Domestic Violence?
30. With regard to the information provided in paragraph 349 of the State party report, please provide updated information on the efforts undertaken by the State party to prohibit corporal punishment of children in all settings, including in the home.
31. In addition to the information provided in the report, please indicate what effective measures the State party has implemented to combat the problem of trafficking in persons. Please provide statistical data, disaggregated on the basis of gender and country of origin, on this phenomenon, as well as information on the number of prosecutions and convictions, and on the sanctions imposed on perpetrators.
32. Please provide information on the concrete policies, programmes and measures undertaken by the State party to address the problem of child labour, which is reported to be serious, particularly in rural areas. (State party report, para.364)

Article 11: The right to an adequate standard of living

33. Please provide additional information on the impact of the National Strategy for Poverty Reduction on the enjoyment of economic, social and cultural rights by individuals and groups living in poverty. (State party report, para.392). Further, please provide additional information on the specific legal, policy and administrative measures adopted by the State party and the mechanisms established to ensure adequate enforcement of the governance action plan, as an important factor in reducing poverty (State Party report, para 422).
34. Please indicate what measures have been taken to promote equality of access to food, land, natural resources and technology for food production by the marginalized and vulnerable individuals and groups, including landless peasants and persons belonging to minorities.
35. Please provide information on the measures adopted by the State party to overcome the problem of inadequate implementation of existing regulations on land management and economic land concessions, particularly the sub-Decrees on State Land Management and Land Concessions. Has the State party enacted regulation on forced evictions that is consistent with international standards and in particular with Committee on Economic, Social and Cultural Rights' General Comment Num.7 on forced evictions?
36. Please comment on the allegations of repression by local authorities of human rights activists defending economic, social and cultural rights in the State party, particularly those defending housing and land rights. Please, provide information on the concrete policy and practical measures adopted by

the State party to guarantee the protection of the rights of human rights activists by the law and the judiciary.

Article 12: The right to physical and mental health

37. Please provide information on the results of the health strategies described in the State party's report, paragraph 550, and indicate whether universal access to primary health care is already in place.

38. Further to the information provided in the State party report (para.566) on the existence of a large number of private clinics in the country which operate without license, please indicate whether the State party has a system in place to ensure the accreditation of all medical professionals and control the quality of the services provided throughout the country.

39. What steps has the State party taken to protect women from pregnancy-related deaths and morbidity due to unsafe abortion, including access to obstetric emergency services? (State party report, para. 571)

40. Please describe the situation of persons infected with HIV/AIDS and the assistance the Government provides for them, including accessibility of affordable medicines as well as initiatives to facilitate the formation of support groups and associations to help those suffering from HIV/AIDS. Please describe how they are protected from discrimination, in law and in practice, particularly in employment, marriage, residence and the use of public facilities.

41. With regard to the information provided in para. 596 of the State party report please provide further information on the concrete measures adopted to address the problem of the large percentage of the population suffering from mental health problems as a consequence of the prolonged war and genocide. Please describe counselling and treatment services available and their accessibility throughout the country.

Articles 13 and 14: The right to education

42. Please indicate to what extent the substance of the State party's 2006-2010 Education Strategy is directed towards the aims and objectives identified in Article 13(1) of the Covenant, and whether school curricula include education on economic, social and cultural rights.

43. Please indicate the measures taken by State party to ensure the same admission criteria for boys and girls in all levels of education, and to raise awareness among parents, teachers and decision makers on the value of educating girls.

44. What concrete programmes and measures has the State party undertaken to address the problem of high drop-out rates after primary education, particularly among girls in rural areas as well as among indigenous children? How does the State party ensure that free primary education and secondary education are both available and accessible particularly for girls and for indigenous children in rural areas?

45. In addition to the information provided in the State party report (para. 651), please provide further details on the special educational programmes for children with disabilities and indigenous children. What is the status of the draft law to protect and promote the rights of persons with disabilities?

46. Please indicate the impact of measures to promote literacy, as well as adult and continuing education, in a life-long perspective.

47. Please indicate whether teachers both in public and private schools are adequately trained and provide information on the salaries and benefits of teachers in public schools as compared to teachers in private schools.

Article 15. Cultural rights

48. Please provide information on the institutional infrastructure to promote popular participation in, and access to, cultural life, especially at the community level, including in rural and deprived urban areas. In this regard, please indicate measures to promote broad participation in, and access to cultural goods, institutions and activities such as concerts, cinema, theatre, and sport events.

49. Please provide information on programmes in place to encourage participation in cultural life, including children from poor families, migrant and refugee children, and to eliminate physical, social and communication barriers preventing older persons and persons with disabilities from fully participating in cultural life.

50. Please describe the measures implemented by the State party to protect cultural diversity, promote awareness of the cultural heritage of ethnic or linguistic minorities and of indigenous communities, and create favourable conditions for them to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs.

51. Further to the information provided in the State party report on the programmes developed to empower indigenous peoples (para.715), please explain how the indigenous peoples have participated in the development of the literacy and non-formal education programmes that are in place.