



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

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## Committee on the Elimination of Discrimination against Women

### Fifty-sixth session

30 September – 18 October 2013

Item 4 of the provisional agenda

### Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

## List of issues in relation to the combined fourth and fifth periodic reports of Cambodia

### Note by the Committee

The pre-session working group considered the combined fourth and fifth periodic reports of Cambodia (CEDAW/C/KHM/4-5)

#### General

1. Please provide details about the process of the preparation of the combined fourth and fifth periodic reports and indicate whether the report was adopted by the Government and presented to the Parliament. Please also explain if and to what extent non-governmental organizations, particularly women's organizations, were involved in this process.
2. The report indicates<sup>1</sup> (CEDAW/C/KHM/4-5, para.25) that “courts of the Kingdom of Cambodia are to apply national laws and international treaties, conventions and covenants to which the Kingdom of Cambodia is a party, including conventions on the rights of women and children, during all trials”. Please provide information on: (a) training given to judges, prosecutors, lawyers and enforcement officers on the Convention and plans to further disseminate it among them and indicate whether the Convention has been invoked before the courts; (b) measures taken to ensure that women in the State party are aware of their rights as per the Convention and are able to invoke those rights including through lodging of complaints through the legal system when their rights have been violated especially in remote and rural areas; and (c) cases brought before the courts on discrimination against women and the outcome of these cases.

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<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the combined fourth and fifth periodic reports of the State party (CEDAW/C/KHM/4-5).

### **Constitutional, legislative and institutional framework**

3. Please provide updated information on any new legislation, national action plans, policies adopted since 2010, and any assessment of the current constitutional, legislative and institutional framework with direct impact on the full enjoyment by women of their human rights. Please provide information on whether steps have been taken to ensure full domestication of the Convention and indicate if publication in the Official Gazette is required to achieve this.

4. The report states that the State party places great importance on the protection of human rights and has established the Commissions for the Protection of Human Rights and Receipt of Complaints (para. 12) at the National Assembly and Senate levels and the Cambodian Human Rights Committee in the executive branch, which have an “obligation to facilitate, receive, and address all complaints“ from citizens who believe their rights have been violated and assist in the “development of human rights policies and to coordinate investigation and resolution of human rights abuses” (para. 13) respectively. Please provide information on any complaints received by these bodies regarding violence against women human rights defenders, whether these complaints have led to investigations and what has been the outcome of such investigations. Please also provide updated information on progress made on the proposed establishment of a National Human Rights Institution in accordance with the Paris Principles and if it is envisaged that such an institution will be mandated to address complaints of discrimination against women.

### **Definition of discrimination**

5. The report indicates that article 31 of the State party’s Constitution recognizes and respects CEDAW and complies with the definition of the term discrimination as stipulated in the Convention (para 27). However the information provided by the State party is unclear on whether there is specific definition of direct and indirect discrimination against women in accordance with article 1 of the Convention in the State party’s domestic legislation. Please provide information on steps taken to incorporate such a definition of direct and indirect discrimination into domestic legislation, and indicate whether there are sanctions on violation of the anti-discrimination principle.

### **National machinery for the advancement of women**

6. In its previous concluding observations (CEDAW/C/KHM/CO/3, para.14), the Committee recommended that the State party evaluate the effectiveness of its national machinery for the advancement of women and related institutions. The report does not provide information on such an evaluation. Please provide information on measures taken to conduct a comprehensive review of all mechanisms constituting the national machinery for the advancement of women in the State party, at the national, provincial and local government levels, and to assess the extent of their harmonization and alignment. Please also provide information on any cases of discrimination against women monitored by the Ministry of Women’s Affairs and the Cambodian National Council for Women.

### **Access to justice**

7. The report does not provide information on the existing legal aid services for women. Please provide information on the current legal provisions of legal aid services to women, both victims of crime and defendants, and on measures taken to establish a legal aid system in accordance with the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice System (GA res. 67/187) in the State party, in particular in remote and rural areas.

**Stereotypes and harmful practices**

8. The report acknowledges (para.76) the existence of traditional deep rooted attitudes in the State Party's society and that the women's code of conduct Chbab Srey still has a strong influence on women. Please provide information on measures taken or planned, including through the use of media, to address the root causes of discrimination and the impact of Chbab Srey, in order to change social and cultural patterns that lead to stereotyping, reproducing or reinforcing the traditional roles of women and men within the family and society, in general, and to eliminate customs and cultural practices which discriminate against Cambodian women, in urban and rural areas.

**Violence against women**

9. Please provide information on whether the National Action Plan to Prevent Violence against Women for 2009 – 2012 has been assessed and information on plans for its extension, including its monitoring and evaluation strategy. Please provide information on measures taken to effectively implement the Law on the Prevention of Domestic Violence and Protection of Victims, and on measures taken by the State party to counter the use of local reconciliation processes in dealing with violence against women, mechanisms to collect data on the prevalence of domestic violence and efforts taken in coordination with the civil society, to combat all forms of violence against women. Please provide information on whether women victims of domestic violence have adequate protection, including the effectiveness of protection orders, access to justice, shelters, psychological support and other services.

10. In its previous concluding observations (CEDAW/C/KHM/CO/3, para.15), the Committee expressed its concern at the high costs of medical certificates that are required in cases of rape and sexual assault. The report is silent on the prevalence of rape and sexual assault in the State party. Please provide updated information on the prevalence of rape, including gang rape and sexual assault in the State party, on the obstacles impeding women from reporting the crimes, including the high cost of medical certificates, as well as on the number of complaints, investigations, prosecutions and penalties imposed on perpetrators of such crimes. Please provide information on measures implemented by the State Party to address underlying cultural norms that condone and perpetuate such violence against women.

11. The report does not provide any information on measures taken to address the situation of women victims of sexual gender-based violence during the Khmer Rouge regime. Please provide detailed updated information on measures taken to provide assistance and support to the survivors of gender-based violence during the Khmer Rouge regime, and measures taken to prosecute perpetrators, as well as to develop a programme of compensation and rehabilitation for the victims.

**Trafficking and exploitation of prostitution**

12. The report acknowledges (para.103) that "human trafficking, especially in women and children, and sexual exploitation still continue to occur and have not yet been eliminated". The report further provides a list of measures taken to address this problem. Please provide information on the assessment of these adopted measures, especially the Law on Suppression of Human Trafficking and Sexual Exploitation and the National Plan of Action to Combat Human Trafficking and Sexual Exploitation, their impact in reducing trafficking and the exploitation of prostitution of women and children and on the challenges faced during their implementation. Please also provide detailed updated information and statistics on the number of victims of human trafficking, including girls, and the compensation they have received, as well as number of complaints, investigations,

prosecutions, convictions, and penalties imposed on the perpetrators of such crimes and number of women victims of trafficking who have been successfully reintegrated.

### **Participation in political and public life and decision-making**

13. The report provides data on women's participation in political and public life until 2009, which shows that women continue to be under-represented in the judiciary, police, civil service, legislative and executive branches, and at the international level. The report also indicates (para.62) that some measures have been taken to set a quota for female candidates for recruitment in some ministries/institutions from 20 to 50 per cent. Please provide information on measures, including temporary special measures, taken in order to meet the Cambodian Millennium Development Goals on women's political participation and increase women's participation in political and public life. Are any specific measures being taken to increase women's representation and to counter possible obstacles to women's participation such as intimidation and threats, in the upcoming National Assembly elections in July 2013? Please provide information on the outcome of the increase of quota for recruitment of women in public institutions and efforts to increase the number of women in the judiciary as recommended in the Committee's previous concluding observations (CEDAW/C/KHM/CO/3, para. 24) and statistics on the proportion of women among lawyers and law enforcement officers.

### **Education**

14. The report indicates (para.133) that literacy rates have increased and attained 66.1 per cent in 2007 – 2008. Please provide updated information on the current literacy rates among women in the various age quintiles, in the State party, including among rural women, women with disabilities, and women belonging to ethnic minorities. Please provide data on the number of girls dropping out of school during or after pregnancy. Please also provide information on measures taken to address gender-based segregation in education and the barriers to girls' access to education, in particular, in rural and remote areas due to long distance to travel and absence of bilingual education programmes for ethnic minorities and alleged requests for extra payments to supplement the low wages of teachers.

### **Employment**

15. According to the information before the Committee, the Ministry of Labour and Vocational Training has developed the Gender Mainstreaming Action Plan for 2009 – 2013 to strengthen and expand gender mainstreaming in the labour and vocational training sector. Please provide information on the results achieved in the implementation of this Action Plan, on measures taken to increase women's participation in the labour market, including in areas traditionally dominated by men, and their access to vocational training courses. Please also provide information on whether the Employment Policy has been developed, whether gender mainstreaming is strengthened in order to increase women's economic empowerment and whether the policy contains the principle of equal pay for equal work and work of equal value and measures to address sexual harassment. Please also provide information on plans to ratify the International Convention on the Protection of the Rights of all Migrant Workers and their Families and other regulatory measures, including their implementation, to govern labour migration.

### **Health**

16. The report indicates (para.177) that despite measures undertaken to address women's health needs, they continue to face health threats. Please provide information on measures taken by the State party to address these threats, which in accordance with information before the Committee includes unsafe abortions, lack of screening facilities for

cervical cancer, under-nutrition and incomplete ante natal care. The report also outlines (para.178) the preventive measures necessary to strengthen women's access to health. Please provide information on measures taken to combat barriers impeding women's access to health, particularly among poor women and women in rural and remote areas and whether the measures contained in paragraph 178 of the report have been implemented.

17. Please provide further information on the implementation of the National Strategic Plan on HIV/AIDS (2011-2015), the implementation and enforcement of legal framework and policies on the prevention and protection of persons living with HIV/AIDS, especially among youth, women subjected to the exploitation of prostitution and persons engaging in same sex activities. Please provide information on measures taken or planned to raise awareness of girls and boys of sexual and reproductive health issues, including their knowledge of how to protect themselves from HIV/AIDS and other sexually transmitted diseases and how to prevent unwanted pregnancies.

#### **Rural women**

18. According to the information provided in the report (para.191), the Royal Government of Cambodia has formulated a National Strategic Development Plan 2006 – 2010 to reduce poverty, which is high and affects rural women. The report also indicates (para.222) that the Ministry of Rural Development has adopted an action plan in order to increase the proportion of the rural population with access to improved sanitation from 8.6 per cent in 1996 to 30 per cent in 2015. Please provide information on the impact of these action plans on the reduction of poverty and social inclusion of rural women, their access to health-care services, sanitation, housing, water, electricity, transportation and communication and their access to and management of land. Please provide information on measures taken to protect women's rights with regard to land distribution, in particular in cases of forced evictions or relocations.

#### **Disadvantaged groups of women**

19. In its previous concluding observations (CEDAW/C/KHM/CO/3, para.36), the Committee requested the State party to provide data and information on the situation of disabled women and on women from ethnic minority groups. The report provides insufficient information and is silent on the situation of women in detention and lesbian, bisexual, and transgender (LBT) women. Please provide information on measures taken to address the barriers these disadvantaged groups of women face with regard to their access to education, employment and health care, as well as on measures taken to improve and monitor the prison conditions for women and children, including those held in drug rehabilitation and youth rehabilitation centres, the implementation of the new Law on Prisons of 2011 and the United Nations Bangkok rules. Please provide information and data on the proportion of women working in prison management and on measures taken by the State party to increase such proportion.

#### **Marriage and family relations**

20. The report indicates (para.242) that according to article 948 of the Civil Code, "men and women not reaching the legal age cannot get married, but in cases that one party reaches the legal age and another party is a minor aged over 16 years old, the two parties can be married by obtaining agreement from powerful persons, parents or guardians". Please clarify what is meant by "powerful persons" and the purpose of the provision in article 9 of the Law on Marriage and Family which in accordance with information before the Committee, extends women's marriage status by 120 days after the death of a husband or after the judgement that grants a divorce, and whether this provision applies equally to men.