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

**CONSIDERATION OF REPORTS SUBMITTED BY STATES  
PARTIES IN ACCORDANCE WITH ARTICLE 16 OF THE  
INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS**

**Replies by the Government of Cambodia to the list of issues  
(E/C.12/KHM/Q/1) to be taken up in connection with the  
consideration of the initial report of Cambodia  
(E/C.12/KHM/1)\***

[10 March 2009]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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## I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED

**Question 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's 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.*

1. The covenant on the economic, social and cultural rights is an international human right tool which was integrated into the Constitution, which is the supreme law of the Kingdom of Cambodia. Article 31, Paragraph 1 of the Constitution states that, "The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women's and children's rights".

2. Meanwhile, all basic rights stipulated in this covenant were integrated into the practical provisions of some articles of the Constitution of the Kingdom of Cambodia as follows:

(a) Article 32 states that, "Every Khmer citizen shall have the rights to life, personal freedom and security.";

(b) Article 35 states that, "Khmer citizens of either sex shall have the rights to participate actively in the political, economic, social and cultural life of the nation.";

(c) Article 36 states that, "Khmer citizens of either sex shall have the rights to choose any employment according to their ability and their needs of the society.";

(i) Every Khmer citizen shall have the rights to obtain social security and other social benefits as determined by law;

(ii) Khmer citizen of either sex shall have the rights to form and to be members of trade unions;

(d) Article 43 states that, "Khmer citizens of either sex shall have the rights to freedom of belief.";

(e) Article 44 states that, "All person, individually or collectively shall have the rights to ownership.";

(f) Article 45 states that, "Men and women are equal in all fields especially in marriages and matters of the family.";

(g) Article 60 states that, "Khmer citizens shall have the rights to sell their own products.";

(h) Article 68 states that, "The state shall provide free primary and secondary education to all citizens in public schools."

Citizens shall receive basic education for at least 9 years.

(i) Article 150, Paragraph 2 of Constitution states that, “Laws and decisions by the State Institutions shall have to be in strict conformity with the Constitution.”;

(j) Therefore, all laws related to economic, social and cultural rights shall be regulated in compliance with all fundamental principles determined by the Constitution which recognized and respected all rights stipulated in the International Covenant on economic, social and cultural rights.

3. The aforementioned process is a means used by the Kingdom of Cambodia to integrate the International Covenant in conformity with the principles determined by the Constitution such as Labor Law and Law on Marriage and Family. These two laws are regulated in compliance with the basic principles of the Constitution, which is also in compliance with the principles of the International Covenant on economic, social and cultural rights.

4. Related to cases in Cambodian Court, it is difficult to take this Covenant as a basis because the International Covenant stipulates only the principles but not practical regulations. Therefore, the Cambodian Court relies on the national existing laws to carry out the cases. The national laws which are in compliance with Constitution and the basic principles of this Covenant are integrated into the Constitution. This shows that the Cambodian Court relies on the national laws as well as this Covenant.

***Question 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.***

5. In order to promote the awareness of the provisions of this Covenant, the Royal Government included these provisions into its Rectangular Strategy and laid it out as a political platform to be implemented nationwide, and the Cambodian Human Rights Committee acted as the secretary with the active participations from national and international organizations in disseminating the provisions of this Covenant to the public: judges, teachers, students, police officers and other public institutions.

***Question 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. 80-82).***

6. With regards to policies and bilateral and multilateral trade agreement of the State party: According to Paragraphs 80, 81, and 82 of the national reports on economic, social and cultural rights, the link between production and consumption and between producers and consumers are the important means for developing the economy and social affairs. The encouragement of business of Cambodian products is one of the highest priorities of the Royal Government. If these products circulate in the markets, it is possible to attract more investments which will result in motivation and improvement of production and service by utilizing the strength of Cambodia, as it used to be implemented in the garment industries and it will possibly achieve in agricultural sector, agricultural processing, handicraft and other sectors.

7. In 2001, a framework of trading policy for encouraging the trading development in and outside the country was introduced in order to increase the economic growth and contribute to poverty reduction.

8. In addition, the Royal Government successfully negotiated with many countries on free-trade and preference-trade agreements. An approach for managing all trading sectors is being prepared. To tackle the immediate challenges is to make sure that preference-trade agreements, which have been signed, shall gain the prominence through private trade in exporting Cambodian products to the foreign markets, and all exported products shall be vary so that Cambodia do not depend only on the garment industry.

9. The Royal Government will further the reforms of governance, courts, legislations, public administration as well as reconstruction of local infrastructures which will surely contribute to the better environment for private trade and investments. In addition to solutions made to deal with obstacles arising in factories and processing industries including in commercial sector, the Royal Government shall:

(a) Actively accelerate the access of Cambodian special products with good quality to the foreign markets, including produces (particularly finished products), fish products and labor services;

(b) Promote Cambodian products in the foreign markets;

(c) Encourage the establishment of business associations and strengthen the information dissemination capacity of these associations;

(d) Effectively reduce constraints arising from the inter-business policy;

(e) Promote the effectiveness of custom inspection in order to better the processes for customers without delay and extra-expenses together with the implementation of the enacted Law on Customs and Excise;

(f) Reduce restraints in imports such as high expenses on registrations and obtaining license;

(g) Facilitate the establishment of product processing zones for exports aiming to accelerate the processing and factory industries for exports.

## **Tourism**

10. The rapid growth has pushed a systematic tourism to be the second sector after the garment industry and it plays a crucial role in promoting the economic growth and providing employment opportunities to large number of Cambodian people through hotels, restaurants, transports and other services.

11. The policy for developing the tourism is based on three basic principles:

(a) The development should be stable, depending on the richness of cultural heritages, history and amazing nature of Cambodia. Moreover, the development should contribute to the poverty reduction;

(b) Conduct active and creative promotion of tourism in order to develop Cambodia to be a destination for tourists through its attractive and competitive “culture and nature” within the region and as well as in the world;

(c) Besides seeking means to increase the number of tourists to Cambodia, it is necessary to prolong the stay of those tourists within the country so that they will increase their expenses. To achieve this goal, more tourist destinations with variety of entertainments should be created. Furthermore, more active efforts will be made to ensure that the appropriate benefits from tourism will help improve the living conditions of people living around the tourist sites so that it will contribute to the poverty reduction.

12. Main initiatives to be effectively implemented are as follows:

(a) Open-sky policy;

(b) Facilitate the tourists during their visits and to obtain visas;

(c) ASEAN Tourism Agreement and other agreements related to strengthening tourism in the region;

(d) Strengthening the capacity and mechanism against offences involving all forms of child sex tourism.

13. Small and medium enterprises normally stay near ordinary people and these enterprises provide benefits to rural communities in terms of processing, increasing prices of products and providing employment opportunities. In addition, small and medium enterprises mainly contribute to commercial sector as well as large enterprises. In order to accelerate and facilitate the small and medium enterprises, the Royal Government will take the following measures:

(a) Set out measures for small and medium enterprises and micro-enterprises to run in a profitable business environment and increase their access to short and long-term financing;

(b) Set up special system for supporting women in business affairs and facilitate women to access services and programs regarding the development of small and medium enterprises;

(c) Reduce procedures in registration of companies and initiate the inception of small and medium enterprises;

(d) Create national standard institution and productivity to ensure the quality of national products and to increase the productivity;

(e) Encourage the provision of consultation services to small and medium enterprises in order to improve the awareness of modern technology in production, enhancement of quality of products, management and access to markets;

(f) Increase opportunities to access vocational trainings both in and outside the country;

(g) Strengthen the legal frameworks through establishing laws regarding factories, industrial zones, patent licenses, creation of new businesses, scale and measurements and safety of industries;



(h) Improve cooperation with the concerned ministries and institutions and encourage the small and medium enterprises.

**Question 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.*

14. According to the slogan says, “Conservation for Development and Development for Conservation”, it is a leading policy and a strategy of government in managing the sustainable natural resources. By understanding the necessity of public participations in protecting the environment, we have organized natural protecting community, and the Ministry provided guidance to the fishing community and determined the fishing boundary and also put the sign posts around the natural environment protected areas within the Tonle Sap area.

15. Recently, research on mining has been conducted at more than 10 natural environment protected areas and there are 12 projects working on hydro power and energy and natural tourism. In addition, there are other 6 projects working on reforestation through agro-industrial plantation at the eroded forest areas. These are the environmental national policies which are included into the National Plan and Strategy, especially Rectangular Strategy that targets to ensure the sustainable development, namely, to achieve the steady growth of macro-economics and poverty reduction.

16. The impact assessment: the economic development which targets to achieve the steady growth of macro-economics shall ensure the sustainable natural protection and management. This means that all major development projects that can result in great disasters for environment, natural resources and society, particularly related to the economic, social and cultural rights have to be assessed to decrease the impact. The Ministry of Environment is a national institution in charge of achieving the mission in the manner of inter-sector, namely, is a coordinator and ensures the sustainable environmental protection and natural resources in all activities of economic, social and cultural development.

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

17. At the initial step of drafting the report, Cambodian Human Right Council actively cooperated with some civil societies and other concerned public institutions. Then at the second step, which is the final step of this policy, Cambodian Human Right Council made this report entirely based on the strategic plan and policies of the Royal Government of Cambodia which were set as guidelines for all national institutions to follow.

## **II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)**

### **A. Article 1**

**Question 6.** *Some practical 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.*

18. The Royal Government of Cambodia established the policies on Land Registration and rights to use land of indigenous people in Cambodia by organizing a proper judicial framework for land registration of indigenous people that is a key factor to strengthen the sustainable and management on land, forest and other natural resources and to ensure the balance of economic and social development and to ensure that the indigenous people can preserve their good traditions for younger generations. A majority of indigenous people are living in the plateau area of Cambodia that shares the border with Vietnam, Lao and Thailand. Most of them are living in groups and work in traditional ways using the collective land. They follow soft production plan using seedlings, labor, and kinds of plants for different types of land according to the seasons that prolongs the harvesting period. However, they always encounter food and other plants shortage which make them depend almost entirely on forest resources.

19. The objective and strategy of Royal Government of Cambodia in land registration for indigenous communities is a part of land reform in Cambodia that ensures the safety of land occupying and also contribute to:

- (a) Poverty reduction and national economic development by making indigenous community obtain their land and livelihood, food security and community development;
- (b) The sustainable land management through the establishment of land planning and land management to help make the traditional cultivation system of indigenous people get accustomed to the development of society;
- (c) The elimination of anarchical deforestation and land occupation by ensuring that the rights of grass root community to utilize traditional resources, collective properties (land, forest, and water) shall not be confiscated by any new group of people;
- (d) The protection of Cambodian culture variety by allowing the indigenous community to manage their land in their own traditional and sustainable way.

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

20. Before launching the hydro-electric power development and allowing people to use it, there should be a strategy for prior approval.

- (a) Study the land size of the project on which the hydro-electric power dam would be built;
- (b) Study the impact that it may have on community and find out the number of villages and families along the Mekong River who will be affected;
- (c) Arrange meetings with the local authority and community to get their support first;
- (d) If there is support from the local authority, then conduct a study and research on economic, social and environmental impact;
- (e) Conduct a study on the economic and social situations that affect the community;

(f) If the project affects the community, there should be a cooperation to evacuate people from the area and provide them with proper compensation;

(g) Choose a new proper location for them that have economic, social and cultural potentials.

***Question 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.***

21. Pursuant to Article 5, Paragraph 1 of Ottawa Treaty, “Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for that State Party”. The Kingdom of Cambodia established Cambodian Landmine Authority, Cambodian Mine Action Center (CMAC), Royal Arm Forces, and they have cooperated with non-government organizations such as HALO Trust and MAC to set up plans to destroy the landmines since 1992. CMAC, who is a regulator, has been performing in issuing the recognition certificates and licenses as a measure to ensure the safety and effectiveness. Together with the issuing of recognition certificates and licenses, there is also measure to investigate the cases of landmine dangers and to provide the recommendation on new technology development of landmine destruction, as well as to organize the landmine destruction standard of Cambodia which is a judicial measure to ensure the practical specifications.

22. From 1992 to 2008, Cambodia has cleared landmines in the area of 47,650 hectares within that cultivated land is 28,590 hectares with 1,698 villages and community who are the beneficiaries of the land. Pursuant to Article 5, Paragraph 1 of Ottawa Treaty, “Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for that State Party”. But Cambodia has not done completely yet because the landmine area is too large, therefore, Cambodia is to ask for extension of Anti-personnel landmine destruction for other ten years that is from 2010 to 2019.

#### **B. Article 2 (para. 2) - Non-discrimination**

***Question 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.***

23. The Royal Government of Cambodia has laid out administrative measures and other particular measures to ensure the development and improvement of all people by helping some poor individuals and families as well as supporting, encouraging and assisting them to obtain the benefits or use the benefits equally in the context of economic, social and cultural rights (the fundamental human rights and freedom).

24. The Royal Government of Cambodia has the role to find out the legal solutions to solve the disputes among all people, nationalities, religions and races with highest efficiency. In fact, The Royal Government of Cambodia has set the rural development policy to eliminate the poverty and to encourage all people to obtain the same prosperous living standard without the intentions, insights, or activities that discriminate the indigenous people, foreigners, rich people, poor people or targets and favors only the majority people.

25. All citizens shall obtain the fundamental rights such as rights to proper life, healthcare, and obtain the education etc. Therefore, the Royal Government of Cambodia is making the effort to build schools, hospitals, roads, irrigation systems and many other infrastructures to serve all people without any discrimination, desegregation, or religion preference.

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

26. Birth registration has been implementing generally in Cambodia for those who have been living in Cambodia. The process has been carried out in compliance with the Sub-Decree No. 103 dated 29 December 2000 on birth registration:

Article 2: Registration Certificate is a certificate that registers citizenship of Cambodian people and foreigners who are legally living in the limited competent of Cambodian Laws.

(a) Demographic concerned certificates including Birth Registration Certificate, Marriage Certificate and Death Certificate.

- (i) Article 19: Infants who are neglected;
- (ii) Article 20: Infants or children in the orphanage centre;
- (iii) Article 22: Infants of convicted parents;
- (iv) Article 23: Infants of non-marriage parents;
- (v) Article 26: Infants of parents who have citizenship abroad;
- (vi) Article 27: Infants of immigrants or foreigners who have citizenship in the Kingdom of Cambodia are registered into the Birth Registration System in Cambodia. Therefore, the children of indigenous communities, ethnics or those who are not having citizenship, but are legally living in Cambodia are registered into the Birth Registration System. They can ask for birth registering anytime with the registrar in their communes/Sangkats.

***Question 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?***

27. Cambodia is a developing country, making its own efforts, together with the support from other development partners. Under such circumstances, the Kingdom of Cambodia is not able to accept refugees.

28. Previously, Vietnamese indigenous people fled to the Kingdom of Cambodia. Based on the above reason, the Royal Government of Cambodia handed over those Vietnamese refugees to UNHCR to find out solution in compliance with the international laws.

### **C. Article 3 - Equal rights of men and women**

***Question 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.***

29. According to the objectives and policies of the Royal Government of Cambodia set in the Rectangular Strategy and National Strategic Development Plan (2006-2010), the gender equity glorification in Cambodia previously has obtained many successes and achievements. The National Policy and Sector Policy have been set up in response to requirements of gender, the increase of woman participation in decision-making at all levels, the empowerment to women in economics, the reduction of all forms of violence on women, the improvement of women and children healthcare situations, the increase of women and children participation in education and the upgrading of social morality, women values and Cambodian families.

30. In Cambodia, the key national mechanisms for gender glorification include: the Ministry of Women's Affairs, Gender Technical Working Group, Working Group of Sector Gender Mainstreaming, and the National Council for Women. To implement the Government policy effectively, the Ministry of Women's Affairs plays a very important role in coordinating, supporting and monitoring the implementation of policy and other programs of national institutions, development partners and civil society, and the implementation of its own annual strategic plan called *Neary Ratanak II (Women are the precious gem stone)*, which strongly focuses on 5 prioritized sectors: gender mainstreaming in national policy and program, women in decision-making process, the increase of the empowerment to women in economics, the judicial protection for women, and the increase of the women participation in both formal and non-formal educations. Moreover, gender strategy is integrated into decentralization and de-concentration strategies. The main points of the law on the management of the provincial/municipal and district/Khan administration and the law on the election of the provincial/municipal and district/Khan council aims at planning and budgeting in response to gender issue and the determination of the female representatives in council, committee, and officials at all under-national levels.

31. The Ministry has facilitated the provision of the training course on leadership and management to the female civil servants from the relevant institutions in order to enable them to hold the decision making post. Eventually, the woman ratio as the senators increased from 13% in 2003 to 14.8% in 2007. And the woman ratio elected as the National Assembly members increased from 5% in 1993 to 11% in 1998 and to 19% in 2003. In the national election in 2008, the ratio of the female lawmakers decreased to 16.26%, but after a reshuffle, the ratio of the

female lawmakers increased to 22%. The woman ratio as the Secretary of State and Under-secretary of State increased from 7% and 9.6% in 2003 to 8% and 14.6% in 2008 and the woman ratio elected as communal council increased from 8% in 2002 to 15% in 2007 and 30% of which were the village leaders. Up to now, the Ministry of Interior is ready to appoint the women as the deputy governors in 23 provinces/municipalities and 169 district deputy governors through out the country. At the same time, Secretariat of Public Functions has issued and disseminated the guidelines on the determination of the quota from 20% to 50% for the women selected to work in any public institutions. These results are the proud achievements and much interest from the top leaders and from the Royal Government of Cambodia in making improvement of the participation of the women in the public institutions and decision-making post.

32. Relating to economic sector, paid work has been increasing and the ratio of the women who work for payment in agricultural and industrial sectors have rapidly increased and it is nearly equal to the man ratio. Under the control of the Ministry of Women's Affairs, the woman centers have been built in 11 provinces such as Preah Sihanouk, Pailin, Kep, Kampong Cham, Kampong Speu, Kampot, Kampong Chhnang, Banteay Meanchey, Odar Meanchey, Kandal and Siem Reap. These centers have provided training courses on vocational skills, entrepreneurship and business consulting services to support the income-generating activities of poor women in rural areas.

33. For health sector, there is a significant improvement in enhancing the health of the women and girls; therefore, most women and girls are aware of and use their rights in receiving information on primary healthcare and the uses of prevention services on Aids, sexually transmitted diseases and malaria. The Ministry of Women's Affairs has continued to cooperate with the Ministry of Health to educate and disseminate all necessary information on reproductive health, prevention of sexually transmitted diseases and other communicative diseases; especially, malaria to the women. And the Ministry has also created 2008-2012 strategic plan on women/girls and Aids for combating this communicative disease which has been increasing among sexual partners, spouses and from mother to baby.

34. In educational sector, enrollment rate of the children has significantly increased and the gender distance in education has also decreased. National Council for Women is another main mechanism which was established under the Royal Decree No. 0201/036 dated 14 February 2001. It is an Inter-Ministerial Mechanism and its members are the secretaries of states from all Ministries and institutions. This mechanism plays the role to give suggestion to the Royal Government to ensure that the policies and legal frameworks respond to gender and follows up the evolution of the enforcement of these policies and laws.

***Question 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's report (para. 108) been submitted to the National Assembly? Please provide the Committee with an estimated time-frame for its adoption.***

35. This has been done through a national mechanism for gender equity enhancement and empowerment to the women stated in question 12 and performance of gender working group, which is one of the 19 working groups of the Coordination Mechanism Committee between the Royal Government of Cambodia and the Development Partners established in 2004.

36. This Working Group is led by the Minister of Women's Affairs with support from the UNDP and JICA, the co-coordinators. The members of this working group are the representatives from relevant institutions, development partners, NGOs, and civil societies, which play an active and important role. Gender technical working group plays the role as the coordinator and follow up the implementation of work related to gender in all sectors, especially, the promotion of the establishment of the annual action plan and join monitoring indicator to address the contemporary gender issues to ensure the harmony and the matches of the resources, mechanisms, strategies and capacity building in gender pervasion at a national level and at each sector of the stakeholders. Gender technical group is recognized as the most active group among the 19 technical groups, and it provides effective mechanisms in promoting the implementation of gender equity enhancement and regularly follows up the progress of the work pertaining to gender in all sectors. With these mechanisms and working groups, we sincerely hope that in the forth mandatory government under the outstanding leadership of **Samdech Akka Moha Sena Padei Techo HUN SEN**, obsolescent customs attachment which has negative impacts on the reception of equal access to economy, social affairs and culture between men and women has dramatically faded away.

37. The questions about "(females' Conduct) *Chbab Srei draft*" have not been raised by the Royal Government and relevant institutions yet.

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

38. Ministry of Education, Youth and Sports, as the secretary to the Royal Government, did not include "*Chbab Srei*" in the curriculum but "*Chbab Bros*" in Khmer literature in grade 6 and it was written to raise civic education for the Cambodian society.

### **III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)**

#### **A. Article 6 - The right to work**

***Question 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 (para. 273).***

39. To strengthen effectiveness in the enforcement of law on general work, we have some mechanisms as follows:

- (a) Vocational Organization of the workers called "Worker Union";
- (b) Vocational Organization of the employers called "Employer's Association";

- (c) National and International Civil society organizations;
- (d) Many other NGOs including ILO etc.;
- (e) Labor Inspectors.

40. Article 44 of the labor law states Labor Inspectors have missions as follows:

- (a) To ensure the enforcement of the present labor law and regulatory text that is provided as well as other laws and regulations that are not codified and related to the labor system;
- (b) To provide information and technical advice to employers and to workers on the effective ways of observing the legal provisions;
- (c) To give advice on issues relating to the arrangement or restructuring of enterprises and organisms that have been authorized by the administrative authorities and covered by Article 1 of this law;
- (d) To monitor the enforcement of the legal provisions regarding the living conditions of workers and their families.

***Question 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?***

41. Currently, the size of informal economy is still small, so the Royal Government, which has the Ministry of Labor and Vocational Training, has not passed the policies, programs and mechanisms to ensure the rights of the informal employees and the actions to take the workers and employees out of informal labor yet.

42. To improve the living condition of the people, the Ministry of Labor and Vocational Training has paid special attention to the possibility of providing technical and vocational skills to them so that they could have proper and better jobs to survive the changing economics and society. The Ministry has tried to develop the technical and vocational skills program to respond to the market needs, and it has also provided job-seeking services.

43. The Ministry of Education, Youth and Sports created non-formal education in the purpose to give chances and abilities to all people at all ages and classes to learn for the whole life in order to raise their living standard for technology tendency and developing the society.

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

44. To protect the workers and employees from the unfair work conditions, we have some main mechanisms in protecting workers, employees.



- (a) Paragraph 2 of Article 27 of this law stipulates, “the labor inspectors are empowered to control this proportionality.” It means the punishment shall be compliance with the offense;
- (b) Vocational Organization of the workers, employees “Worker, employees union”;
- (c) Representatives of the employees in the enterprises.

**Question 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.*

45. The 2006-2010 strategic plan of the Ministry of Labor and Vocational Training provides special education services in order to provide skills to the persons who have special needs such as youth, the unintelligent persons, the disabled especially minority groups. The curriculum is made in compliance with their needs, particularly, the curriculum of each target group. It is made to provide them with skills to make living as well as enable them to live in the society as the normal people by:

- (a) Do the research on special needs;
- (b) Set the curriculum providing the skills that interest the target groups;
- (c) Conduct training courses for the target groups.

46. Extending training courses on technical and vocational skills through the implementation of national training method to the village, commune-Sangkat and to meet the needs of *one village one product* project to contribute alleviating people’s poverty.

47. Currently, training courses on technical and vocational skills have been conducted in Kampot, Battambang and other five provinces were included in 2007 (Takeo, Svay Rieng, Stung Treng, Kampong Chhnang and Siem Reap) and the training will be completed in 2009.

48. The Ministry has extended connection and cooperation with development partners to look for fund for continuing the program because it links the businesses of the families in each community with new technology which helps facilitate quality improvement of the products and an increase of the product market (labor market), and the income will also increase, which can alleviate the poverty.

#### **B. Article 7 - The right to just and favourable conditions of work**

**Question 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’s 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?*

49. The guaranteed minimum wage is established without distinction among professions or jobs. It may vary according to region based on economic factors that determine the standard of living.

50. The minimum wage is set by a Declaration (ministerial order) of the Ministry in charge of Labor, after receiving recommendations from the Labor Advisory Committee. The wage is adjusted from time to time in accordance with the evolution of economic conditions and the cost of living.

51. Elements to take into consideration for determining the minimum wage shall include to the extent possible:

(a) The needs of workers and their families in relation to general level of salary in the country, the cost of living, social security allowances, and the comparative standard of living of other social groups;

(b) Economic factors, including the requirements of economic development, productivity, and the advantages of achieving and maintaining a high level of employment;

(c) Through the determination of minimum wage, the Ministry of Labor and Vocational Training released notice No. 745 dated 23 October 2006 hereby determined:

- (i) The workers, employees working in garment and shoes production, minimum wage is USD 45 (forty five) per month for the probationary period from 1 month to 3 months. At the end of the probationary period, when they become the general staff, they shall receive minimum wage of USD 50 (fifty) per month;
- (ii) For piece rate workers, the wage is paid in accordance with the products done by workers. If the product done is more than the wage stated in point 1 above, the workers shall receive the wage in accordance with the product. If it is less, the employers shall additionally pay the wage up to USD 45 (forty five) per month for probationary workers and USD 50 (fifty) for general workers. This notice comes into force from 01 January 2007 to 2010.

***Question 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 (para. 252).***

52. Rights to receiving equal wage: In the Kingdom of Cambodia, rights to receiving equal wage between men and women for equal work is guaranteed by Article 36-2 of the constitution which stated that: Khmer citizen of either sex shall receive equal pay for equal work. This joint principle is a measure to enable the women to receive remuneration or wage equal to the men for equal work.

53. Following this joint principle, Article 106 of Labor Law stated that: For work of equal conditions, professional skill and output, the wage shall be equal for all workers subject to this law, regardless of their origin, sex or age.

54. To guarantee the implementation of the principle of equal pay for equal work is the legal measure determined in Article 104 of Labor Law which stated that: The wage must be at least equal to the guaranteed minimum wage; that is, it must ensure every worker of a decent standard of living compatible with human dignity. This certifies that in any case the workers of either sex shall receive equal minimum pay for equal work.

***Question 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.***

55. Paragraph 1 of Article 31 of the constitution stated that: The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of human Rights, the covenants and conventions related to human rights, women's and children's rights. This shows that human Rights stipulated in Paragraph 1 of Article 31 above have been accepted and prevented by the constitution then all provisions which have been recognized shall be followed and taken as the principle for implementation in the Kingdom of Cambodia and no one can act against all provisions as stipulated in the Constitution.

56. Apparently, nowadays through monitoring of the law enforcement and real inspection of the implementation at the enterprises, institutions (implemented by the Ministry of Labor and Vocational Training), we see that sex abuse on the workers (at the garment factories and beer promotion girls) is not significantly seen because at those factories, enterprises, and institutions, most of those, there are individual and professional respective organizations of the workers such as Workers Union and Unions Federation etc, protecting the legal interest of the workers.

### **C. Article 8 - Trade union rights**

***Question 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.***

57. Paragraph 5 and 6 of Article 36 of the Constitution of the Kingdom of Cambodia stipulated that: Khmer citizens of either sex shall have the right to form and to be members of trade unions. The organization and conduct of trade unions shall be determined by law.

58. Article 266 of the Labor Law stipulated that: Workers and employers have, without distinction whatsoever and prior authorization, the right to form professional organization of their own choice for the exclusive purpose of studying, promoting the interests and protecting the rights as well as the moral and material interests, both collectively and individually, of the persons covered by the organization's statutes.

59. Article 271 of the Labor Law stipulated that: All workers, regardless of sex, age, nationality are free to be member of the trade union of their choice.

60. Article 275 of the Labor Law stipulated that: The professional organizations of workers and of employers set out in Article 266 can freely consult each other about the study, research, promotion and protection of their moral and material interests.

61. Paragraph 1 of Article 280 of the Labor Law stipulated that: Acts of interference are forbidden. In the senses of the present article, acts of interference are primarily measures tending to provoke the creation of worker organizations dominated by an employer or an employers' organization, or the support of worker organizations by financial or other means, on purpose to place these organizations under the control of an employer or an employers' organization.

62. Based on the Articles stipulated in the constitution and Articles stipulated in Labor Law above clearly state that no one can either violate the rights to participation in the establishment of the union or violate the independence of the union in its performance except for the acts against the laws of the State.

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

63. With reference to the recommendation of **Samdech Akka Moha Sena Padei Techo Hun Sen**, the Prime Minister of the Kingdom of Cambodia in the forum between private sector and the Royal Government in 2008 on establishment of a group work lead by the Ministry of Labor and Vocational Training and cooperate with the Ministry of Justice to establish the Labor Court.

***Question 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.***

64. What stated in question 24 and with reference to Article 7 and 8 of this covenant is strongly cared by the Royal Government and it is also stipulated in Labor Law as well as some Ministries such as The Ministry of Labor and Vocational Training, the Ministry of Social Affairs, Veteran and Youths Rehabilitation, which are the members of the Royal Government, has actively performed the tasks related to Article 7 and 8 of the covenant on the rights to economy, social affairs and culture and it is partly explained in question 19, 20, 21, 22.

65. The Ministry of Labor and Vocational Training has tried to coordinate the implementation of the key tasks including:

(a) **Jobs creation:**

(i) Develop local business;

(ii) Develop external labor;

(b) **Good working condition guaranteed for workers and employees:**

(i) Promote basic rights to labor of the workers;

(ii) Keep good working condition at the work place;

(iii) Create harmonization in vocational relation;

(iv) Research and cooperate with concerned institutions and partners to form the draft of law on trade union and draft of law on the establishment of labor court;

- (c) **Urge the exercise of laws on security regime:**
- (i) Establish social security system;
  - (ii) Better the existing principles related to insurance on work-related accidents;
- (d) **Provide technical and vocational skills to people:**
- (i) Pave the way for provision of technical and vocational trainings in order to meet the requirements of local and international labor markets;
  - (ii) Develop the framework of national qualifications, national capacity standard and the recognition of training courses and programs and institutions of technical and vocational trainings;
  - (iii) Widely spread the technical and vocational trainings;
  - (iv) Develop the information system on labor markets.

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

- *Convention No. 81 (1947) concerning Labour Inspection in Industry and Commerce*
- *Convention No. 102 (1952) concerning Minimum Standards of Social Security*
- *Convention No. 117 (1962) concerning Basic Aims and Standards of Social Policy*
- *Convention No. 118 (1962) concerning Equality of Treatment of Nationals and Non-Nationals in Social Security*
- *Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries*
- *Convention No. 174 (1993) concerning the Prevention of Major Industrial Accidents*

66. The Royal Government of the Kingdom of Cambodia didn't ratify the conventions of International Labor Organization (ILO) as follows:

- Convention No. 81 (1947) Labor Inspection in Industry and Commerce Convention
- Convention No. 102 (1952) Minimum Standard 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

67. Even though the Royal Government has not ratified the conventions mentioned above, all contents stated in these conventions have been implemented in some institutions. Therefore, if the Ministry of Labors and Vocational Training roles as the secretary to the Royal Government ratify these conventions, it seems to be in the contrary to the working procedures of the institutions as well as the Royal Government itself.

#### **D. Article 9 - The right to social security**

***Question 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.***

68. Paragraph 4 of Article 36 of the Constitution states, “Every Khmer citizen shall have the right to obtain social security and other social benefits as determined by law.”

69. Article 75 of the Constitution states, “The State shall establish a social security system for workers and employees.”

70. Article 1 of the law on the Social Security Regime states that the law is intended to create the social security for the people under the regulation of the labor law in the Kingdom of Cambodia such as: firstly, pension which will be dedicated to longevity, degradation, and mortality. Secondly, job risks which will be given to those who have encountered accidents during working performance, industrial accident and other illness caused by the working performance. And other sections shall be determined by subsequent Sub-decrees on the basis of the actual conditions of the national economy.

71. Article 4 of the law on the Social Security Regime states that Any persons who are included in the social security regime according to the law shall not discriminate races, complexion, gender, belief, religion, political idea, nationality, social origin, membership into trade union or activities in the union.

72. According to what have been described in the constitution and the law on the social security regime above, we can draw a conclusion that any individuals including employee are certainly satisfied although it is not 100% because these are willingness demonstrated by the Head of the Royal Government, **Samdech Akka Moha Sena Padei Techo Hun Sen**, the Prime Minister of the kingdom of Cambodia, as well as the leaderships of institutions involved for the sake of all people in the kingdom of Cambodia.

73. The Ministry of Social Affairs, Veterans, and Youth Rehabilitation has developed a 6-point priority working program in which the 6<sup>th</sup> point makes mention of attempts to effectively solidify social services of all levels, encouragement and cooperation with local and international non-governmental organizations as well as humanitarian aid donors to meet the need of social affairs.

74. Besides the law on the Social Security Regime, for those who are under the regulations of the labor law enacted in September, 2002, the ministry has made an active effort to further research the experience in the process of social security systems in many countries in the world and collaborated with certain international bodies, in particular the International Labor Organization (ILO) to lay the cornerstone for drafting the sub-degree on the formulation of the National Cashier of the Social Security Regime and compiling a number of legal letters to implement the law effectively.

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

75. Currently, we have not had a law, sub-degree or any individual declarations stipulating snags as regards the afore-said topic. However, the Royal Government, boasting the Ministry of Social Affairs, Veterans and Youth Rehabilitation, the Ministry of Labor and Vocational Training and the Ministry of Women's Affairs as members, is working to salvage the society, the poor and people stricken by natural calamities and other disasters. What's more, the ministries move urgently to pull those people out of difficult situations in the small and medium levels. The ministries issued a circular on the limitation of providing emergency aid according to heavy, medium, light levels. The Ministry of Social Affairs, Veterans and Youth Rehabilitation has developed policies protecting, upholding the disabled rights and abolishing the discriminations against the disabled, which have been implemented widely and fruitfully and paved the way for the disabled to participate in all social activities. The draft law on the prevention and promotion of the disabled rights was approved by the Council of Ministers and is being sent to the Assembly and the Senate for enactment.

76. Article 357 of the Labor Law states that the Labor Advisory Committee has the mission primarily to study problems related to labor, the employment of workers, wages, vocational training, the morality of labor force in the country, migrations, the improvement of the material and moral conditions of workers and the matter of labor health and safety.

77. The Royal Government of Cambodia set the strategic policies of non-formal education as following:

- (a) Provide the opportunity for people to have access to education all their lives;
- (b) Improve literate and educational work in relations with providing credits, jobs and vocations for people to lead happy lives.

78. The Royal Government of Cambodia cares about people of all races living in the kingdom of Cambodia who have no access to education from state schools (formal education) including vulnerable poor people, child and young forced labor ... ethnic minority children and youth of

whom children and women should be taken care thoroughly. The Ministry of Women's Affairs has prepared one of the 6 programs: economic development which contributes to poverty reduction by developing women economies, primarily poor, disabled, widower and unemployed young women. Moreover, the ministry created certain educational programs to encourage all women to live a life of happiness and peace.

79. Poverty Reduction Fund: has circulated and offered budget to entities applying for fund to train the vulnerable people in the society such as the poor, widowers, the disabled, drop-out-of-school students, and orphans at Orphanage Center by means of offering 23 city and provinces training entities with the exception of Mondulkiri province for which did not apply.

***Question 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's report (para. 321).***

80. The Royal Government issued Sub-Degree No. 40 AN.KR.BK dated May 07, 1999 on the formulation of the Committee for the International Elderly Day and helping the old with a view to keeping their masterpieces for the next generations and the whole society and encouraging the participation of the State institutions in preparing policy for the senior people as well as the participations of people in all ages in protecting and providing welfare services to the old people within their households at the communities.

81. To implement the above policy, the National Committee for Preparing International Old People Ceremony and Assisting the Elderly would like to give common to Sub National Committee for Preparing International Old People Ceremony and Assisting the Elderly in all provinces/municipals as follows:

(a) Conduct a meeting to disseminate to all relevance institutions and local authorities of the Royal Government Policy on old people by providing them care either living condition or well-being in the family and community and give old people opportunity to involve in the society such as to take part in Community Commission, Humanity Association and allow them to pursue a career in accordance with the real possibility in the area;

(b) Prepare a dissemination program for old people in all communities to enable them to help each other and to be the partners in the society to solve the problems concerning old people benefits rights;

(c) Encourage and give common on the establishment of Old People Association by clearly identify the objective and statutes of the Old People Association in the community;

(d) Seek support from national organizations and NGOs that signed the agreement with the government or from donors to support techniques, materials, budgeted to ensure the sustainability of the process of the established association;

(e) Encourage all the communities to celebrate the International Old People Ceremony every year in accordance with the government policy;

(f) Pave the way for old people to exchange advance working experiences on well-being service for old people, both domestic and abroad;



(g) Every trimester, report on old people working achievements shall be submitted to Permanent Secretariat and National Committee for Preparing International Old People Ceremony and Assisting the Elderly not later than the 20<sup>th</sup> of the third month.

#### **E. Article 10 - Protection of the family, mothers and children**

***Question 29. The State party's report identifies domestic violence as a widespread problem affecting 95 per cent 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?***

#### **Changes of social vision**

82. The analysis of the problems identified in the actions plan have raised the complicated and rooted causes of domestic violence such as gender in equality, lacking of education in the family and in the society, building up gender duty etc.

83. National Action Plan for Preventing Violation on Women and help to make change in attitude of individuals, families, communities and of competence authorities. This plan should help improve mutual support and the promotion of public awareness, the giving of recommendation for law amendment and the providing of services. This effort will contribute the advancement of authorization to the economy and education sectors as well as to improve life skill and to promote community people health and to provide them dignity and safety. To ensure dignity, respect and safety for all Cambodian people, this action plan will promote changes in vision which used to be tolerance with domestic violence to a new social standard by clearly identify that domestic violence will not be accepted while it can be avoided.

#### **The involvement of the society in preventing domestic violence**

84. To enable people to be aware of domestic violence and violation on women, dissemination and distribution of reliable documents and information, training course and campaigns for public awareness shall be performed within the plan implementation. People shall be aware of the definition of domestic violence and of the responsibility of those who commit domestic violence. Moreover, people need to know the causes of domestic violence and its bad effects on the family, particularly on victims of the violation, children and neighbors, which will generally spread to the communities and the whole nation. People shall be clearly aware of his/her own rights and obligation, while, relevance authorities shall be aware of its own obligations and responsibilities for preventing domestic violence.

85. The institutions whose obligation is under the Law on Domestic Violence Prevention and Victims Protection are local authorities, judicial police, judges, prosecutors etc. Other service providers are lawyers, health agents, public unit for providing social services and Non Governmental Organizations. Training courses shall be provided to all the service providers in order that they are able to recognize the causes of domestic violence, the essence of laws, psychology and strategies for dealing with the problem and their perspective roles/duties.

### **Legal action**

86. To effectively execute the Law on Domestic Violence Prevention and Victim Protection, relevance agencies or competence institutions shall further reform its internal regulation and definite guidance shall be purveyed to the local authorities for implementing the intervention and protection work in the villages and communes/Sangkat. Judges need procedures and forms for releasing the warrant, while judicial police need specific order to prevent violation, especially to intervene civil cases. The next procedure is that the authorities shall recognize domestic violence as an unacceptable action and shall be responsible for protecting the victims.

### **Law enforcement**

87. Many laws have been used to prevent violation on women and presently, Law on domestic Violence Prevention and Victims Protection has been using nationwide in Cambodia.

88. Some essences of the Law on Domestic Violence Prevention and Victims Protection are maid in the manner of civil which is brought to execute in the essence of civil procedure. The administrative approving of the Law on Domestic Violence Prevention and Victims Protection must be fulfilled with guidance and relevance standard letters, furthermore, the Law on Domestic Violence Prevention and Victims Protection also has a close relationship Law on Marriage and Family.

89. The Law on Domestic Violence Prevention and Victims Protection consists of 4 policies:

(a) **Strategy 1:** The promotion of public awareness and the dissemination of the law to the public to change vision and attitude of individuals, society/law executors and to work together to build up a nonviolence society and to enable the victims to have access to the information and other services;

(b) **Strategy 2:** The increasing and improving of social service, health service and legal service to **enhance** either the quality or the quantity of the services which allow the victims to have access to the services;

(c) **Strategy 3:** The making of policies and concerned laws to further ensure civil autonomy, the making of policy and mechanism for increasing access to the judicial solutions and crime justice and policy for educational sector, concerning the prevention violation in schools and communities, amendment on law and concerned standards to make it clear and easy to implement, and mainstreaming of gender into the mechanisms and institutions of the government, social civil and other relevance sectors;

(d) **Strategy 4:** Improve competent official's capacity and related service providers on legal component and social psychology concerning violation.

**Question 30.** *With regard to the information provided in paragraph 349 of the State party's 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.*

90. Cambodia ratified the convention on Children's Rights on 15 October 1992 and this convention has been recognized by the Constitution of the Kingdom of Cambodia. In 1995, National Council for Children was established. This inter-ministerial institution has the function to enhance, facilitate, monitor and make report on the convention on Children's Rights execution. In 2002, the Royal Government of Cambodia also established Department for Combating Human Trafficking and Minor Protection within the Ministry of Interior.

91. Cambodia has ratified a lot of International conventions; however, because this country has not had many respective judicial systems yet, the implementation of the conventions in court system is limited. In the event that there are policies stated in the convention on Children's Rights but not in the Cambodian Law, these policies will be used to solve the case. Combating child abuse or torturing and punishing the offences are used in different laws of Cambodia even though there is no respective legal framework. According to the definition defined by a research on child abuse of the United Nations, raping, mentally and physically threatening, corporal punishment, abuse, sexual harassment, fighting, coercion overwork, sex exploitation and obscene pictures are considered child abuse. The above stated offences are stated in transitional law (UNTAC) of Cambodian legal system and under the form of criminal offence.

***Question 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.***

92. Human trafficking in Cambodia is done in different forms and its places and activities range from small scale to a big one with clear distribution networks.

93. Actions for combating human trafficking are:

(a) **Prevention:**

- (i) Education and capacity building;
- (ii) Establishment of children protection network;
- (iii) Poverty reduction;

(b) **Protection:** refers to actions taken for assisting the victims of human trafficking:

Efforts made to protect victims from human trafficking:

- (i) Legal repatriation;
- (ii) The acceptance of the victims of human trafficking;
- (iii) Searching and evaluating the victim's family;
- (iv) Regularly following up integration;

- (v) Prepare national standard on victim protection;
- (c) **Punishment:**
  - (i) Creating and processing Police Department for Combating Human Trafficking and Minors Protection;
  - (ii) Launching a campaign for fighting against human trafficking in Cambodia;
  - (iii) Enforcing new law on human trafficking and sex trafficking;
- (d) **Policies:** Cambodian's second national plan on human trafficking and sex trafficking (2006-2010) is reformed and is added some more points as follows:
  - (i) Forming working group for combating human trafficking and women and children trafficking. This is led by His Excellency Deputy Prime Minister;
  - (ii) Forming working group at national level for implementing the agreement and memorandums of understanding between Royal Government of Cambodia and;
  - (iii) Concerned countries on elimination of human trafficking and protect the victims from being trafficked;
  - (iv) Forming working group at national level to work on preventing and protecting and monitoring law execution.

***Question 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 (para. 364).***

94. Cambodian ratified the treaty on children's rights in 1992 and the International Organization Treaty on Labor No. 138, which state the minimum age to work on 29 June 1999. So far, the government has issued a provision to create framework to reduce child labor such as the establishment of Department of Child Labor, which is a member of The Ministry of Labor and Vocational Training. It's a mechanism for monitoring child labor issue which is an issue needed to be immediately eliminated, especially the serious form of child labor and the promotion of the awareness of children's rights and children labor. The government has made National Action Plan on the elimination of the serious form of child labor for all relevance units to use as a guide for promoting the advancement and to rich a good expected result.

95. To eliminate child labor, the government has used the strategies as follows:

- (a) The Royal Government has been working on poverty alleviation;
- (b) The Royal Government has been working on improving relevant institutions, which may help protect children and prevent them from child labor. Those relevance institutions are judicial and educational systems, which are the importance policy initiative institutions;
- (c) The Royal Government will directly take action to eliminate the serious form of child labor, particularly in the economic sectors in which children are working, through consultation.

The prior sectors leading to the serious form of child labor defined by Ministry of Labor and Vocational Training are labor service, agriculture, handicraft, industry, mining and rock breaking;

(d) The Royal Government still put a strong commitment to do away the serious form of child labor, including children and women trafficking, children who are the victims of prostitution and pornographic pictures, and the exploitation of children for producing, sale and trafficking drugs, which is an illegal action and is definitely prohibited by the International Treaty. The National Action Plan for 2008-2012 on the Elimination of the Serious Form of Child Labor has defined the duration for 5 years and to implement this action plan, good coordinating among key institutions such as development partner, inter-ministry, NGO institutions (either domestic or international) and all levels of authority (including ministerial, provincial/municipal, and local level) are required. To improve coordination and to ensure the sustainability of National Policy Program, the National Action Plan on eliminating the serious forms of child labor 2008-2012, needs to be reformed.

#### **F. Article 11 - The right to an adequate standard of living**

***Question 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 (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 (para 422).***

96. Base on paragraph 392, the Royal Government of Cambodia focuses on inequality and poverty illumination, which is a very important sector to achieve national conciliation and the rehabilitation of national culture as well as the previous condition for insuring social and political stability. At the same time, poverty and inequality reduction will help the government to gradually attain Millennium Development Goal.

97. National Poverty Reduction Strategy is an outcome of a meeting process concerning consultation and discussion with the stakeholders, including government institution, legislative body, judicial, donors, Non Governmental Organization, educational institution, researchers, private sectors, workers union, information system and the poor.

#### **Prioritized actions for reducing poverty are:**

- (a) Maintaining Macro-Economy stability;
- (b) Promoting livelihood in rural areas;
- (c) Enhancing job opportunity;
- (d) Building people capacity;
- (e) Strengthening institutions and promoting good governance;

- (f) Reducing vulnerability and discrimination in the society;
- (g) Promoting gender equality; and
- (h) Taking care of people.

98. National Poverty Reduction Strategy has included a thorough action, indicating the taking care of poor people, for improving livelihood of people in the rural areas, enhancing job opportunity, ensuring good health, obtaining result from nutrition and good education, and for reducing vulnerability.

***Question 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.***

99. Article 61 of the constitution of Cambodia stipulated that: The State shall promote economic development, especially in agriculture, handicrafts, industry, with attention to policies of water, electricity, roads and means of transport, modern technology and system of credit.

100. Article 62 of the constitution of Cambodia stipulated that: The State shall pay attention and help solve production matters, protect the price of products for farmers, crafter and find marketplace for them to sell their products.

101. From what stated in Article 61 and 62 of the constitution, the Royal Government of Cambodia has promulgated land management policy, focusing on integration plan for land consumption together with human resources management and decentralization planning for land consumption.

102. The Royal Government of Cambodia policy is to fully succeed in developing in an equity manner and to remove social injustice through human resource development and sustainable consumption of natural resources. Poverty Reduction Strategy is a vital strategy to promote livelihood of poor people in the rural areas since most Cambodian are farmers who basically rely on farming and natural resources consumption, particularly on forest and fishing.

103. Agriculture plays a prioritized sector in developing Cambodia. The developing of agricultural sector centers on empowering poor farmers in rural areas and vulnerable people to allow them to take part in the development process. This effort should be start with enabling them to have access to land consumption, drinking water, equipments and other productions so that they feel secure in producing food, generating income to support the living, and in developing the society.

104. The process of prioritization in contribution to reducing the poverty is to ensure sufficiency of food, the sustainability of natural environment, and the sustainable development based on the principle of global competition and equal development; and it is clearly defined as follows:

- (i) To prepare appropriate procedures of the Macro-economy in compliance with the policy and institutional environment;

- (ii) To accelerate the sustainable development of irrigation;
- (iii) Establish a program for providing land ownership and land distribution;
- (iv) Develop marketplace for export paddy rice and other products;
- (v) Enhance key services that support agriculture and its functions such as agricultural extension, research activity and market of credit expansion, and materials distribution;
- (vi) Increase the rate of raising domesticated animals together with the attention on animal health service, food, management, and promote the creativity planning;
- (vii) Promote good management and start with appropriate techniques such as doing mixed farms method (paddy rice-fish) and aquaculture;
- (viii) Promote the establishment of forestry community and fishery community;
- (ix) Building up capacity of state agencies at all levels such as Ministry of Agriculture, Forestry and Fisheries, Ministry of Water Resources and Meteorology, Ministry of Rural Development, Ministry of Land Management, Urban Planning and Construction.

***Question 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 No. 7 (1997) on forced evictions?***

105. Having received the request from investors, Secretariat of Economic Land Concessions, an institution in charge of execution, has monitored and sent specialized group to conduct a real monitoring at the place with the collaboration of and the consultation with concerned local authorities. Actual report of the on-site monitoring is put through a discussion and evaluation of Specialized Commission of the Secretariat of Economic Concession Land for raising proposal and giving comments to the managements of the Ministry as well as to the competent authorities to sign for the approval. Every related plot of land including land legally owned by people, and forest land with high potential for social economy and environment shall not be spoiled and shall be kept out of exploitation.

106. Receiving the guideline policy from the Royal Government, Ministry of Agriculture, Forestry and Fisheries assigns specialized group to go on site to demarcate the land boundary and to further cut off the concerned land in case it exists. Before officially sign the contract with the Ministry of Agriculture, Forestry and Fisheries, the requested party shall request for the registration of the land at the Ministry of Land Management, Urban Planning and Construction.

107. Procedures used for solving the concerned land with people is made to be free land from being spoiled (in the economy concession area) or, the land may be kept out of the economy

concession land, or exchange the concerned land with another plot of land on another site, or by providing money in accordance with the policy set through mutual consent between the local people and the investors.

108. To follow up the contract implementation and the master plan of the company, Ministry of Agriculture, Forestry and Fisheries has established a clear follow up mechanism by cooperating with its secretary, the Provincial Department of Agriculture, Forestry and Fisheries.

109. Paragraph 1, 3, 4, of Article 44 of the constitution stipulates that: All persons, individual, or collective, shall have the right to ownership. Only Khmer Legal entities and citizens of Khmer nationality shall have the right to own land.

110. Legal private ownership shall be protected by law.

111. The right to confiscate properties from any person shall be exercised only in the public interest as provided for under the law and shall require fair and just compensation in advance.

112. Article 49 of the constitution stipulates that: Every Khmer citizen shall respect the constitution and laws.

113. Paragraph 2 of Article 50 of the constitution stipulates that: Khmer citizen of either sex shall respect public and legally acquired private property.

114. According to the above Article stated in the constitution of Kingdom of Cambodia, no one, in any case, can act against this law, including the form of eviction.

***Question 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.***

115. The Royal Government of Cambodia adheres to the improving of liberal democracy and pluralism, and human rights respect, which is a component and a foundation contribute to the sustainable advancement of the nation. In this scene, the government will continue to advance the process true liberal democracy in the society by strengthening the social stability, which is a strong momentum for developing economy, social affair, and for promoting people living standard to a better living condition.

116. The Government strongly ensures and protects all rights and freedoms of the citizens as stated in the constitution, in the general statement of the United Nations on Human Rights, as well as in other treaties and covenants relating to human rights. In this spirit, the government supports the establishment of National Human Rights Institution, constitutional institution in response to all human rights work in the country and for promoting people rights and freedom in closely cooperates with domestic and international NGOs in charge of human rights, and other concerned institutions, including the use of citizenship rights to participate in the process of the development of the nation in the attention to eradicate violence and impunity and to ensure a true social justice. Based on these, for no reason that the government allows the local authorities at all



levels to put pressure on human rights activists who protect economic, social affairs, and cultural rights; and especially on activists who protect the rights to residing and the rights to land occupation. The Royal Government of Cambodia, under the leadership of **Samdech Akka Moha Sena Padei Techo Hun Sen**, has released an action and publicly declared that: No one shall be physically abused or shall be kept in the prison as a result of land dispute. Sometime he himself goes to the place where land dispute occurs to solve the dispute. This action clearly shows the strong position of the Royal Government of Cambodia.

#### **G. Article 12 - The right to physical and mental health**

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

117. Relating to primary health care, every citizen has the rights to obtain health care services. Concerning this, the Ministry of Health has been implementing customer rights for obtaining health care service as follows:

#### **Equal rights and rights to non-prejudice**

118. Every person is born with freedom and equality and has rights to have access to health care service without having racial, national, complexion, religion, language, age, sex, family status, economic condition, social condition and political tendency discrimination.

119. Customers shall be responsible for and activate in seeking awareness about their own rights. They can seek for helps or assistance from health staff of the health center or hospitals management group members, village health support groups, healthcare agencies and commune/Sangkat councils for clarification.

#### **Rights to obtain the information and healthcare education**

120. The customers who use the healthcare service have rights to obtain the information on the service including working hour, customer negotiation, the service charge, the service fee exception and the payment procedure as well.

121. The customers have the rights to obtain the information on the health situation and other actual information related to their health, other measures, as well as advantages and disadvantages of each treatment methods, other options, effects if the diagnosis is not done, the illness and the treatment development, what should be done when there is an emergency.

122. The customers have rights to select their own representatives in obtaining the information on their health situation.

123. The customers shall be eligible to obtain the advice and other additional information related to their healthcare.

124. During the stay and use the health facilities, the customers should know about the identification and the status of their nurse and they should also know about the rules and other regulations related to their stay and treatment.

125. The customers have the rights to request for summarized documents on diagnosis, treatment, and the result of chemical analysis when they leave the healthcare center.

126. The customers have the rights to obtain the healthcare education, especially information related to the protection and the promotion of their health.

127. The customers have duty to be responsible for implementing the measure and healthcare promotion provided by healthcare agency including the practice of healthy living standard for themselves and their families.

128. The customers or their representatives are responsible for requesting to healthcare agency to clarify the instructions or other information provided by health staff.

### **Right to obtain the treatment**

129. All customers have the rights to obtain the treatment according to their healthcare requirement including the healthcare protection as well as the promotion. The customers have right to obtain the special care in case of emergency.

130. The customers have the rights to obtain the high quality healthcare service as stated in the specification of Ministry of Health.

131. The customers have the rights to obtain the further treatment at health facilities or with healthcare staff who well cooperated or the ones who involved in the earlier diagnosis and treatment.

132. The customers have the rights to obtain the care with respects and dignity according to the moral ethic during diagnosis and treatment.

133. The customers have the rights to obtain the support from their families and relatives during the treatment and have the rights to obtain the emotional support and receiving all kinds of advices at all time.

134. Customers have the rights to make a choice whether to find ways to relieve their pain in accordance with technological possibility and the existing knowledge and skill available in Cambodia.

135. Customers have the rights to receive treatments until the last minute and to die in a dignified manner.

***Question 38. Further to the information provided in the State party's 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.***

136. In regarding to how to ensure the recognition of quality of medical professionalism and the control of service provided across the country, the Ministry of Health has two main headquarters which oversee technique, code of ethic and treatment services quality including:

(a) Office of Regulation and Code of Ethic: This office is set up to oversee and assess the implementation of treatment technique and code of ethic by issuing a license and registration issued to private medical clinic service;

(b) Office of Health Quality Assurance: This office is set up to oversee technique, code of ethic, treatment service quality, and public service sector (public hospital).

### **Office of Regulation and Code of Ethic**

137. To ensure the treatment provided by private clinic with quality, the Ministry of Health established certain systems to ensure the recognition of quality of a medical profession:

(a) ROYAL KRAM NS/RKM/1100/10 dated November 3<sup>rd</sup> 2000 promulgating the law on the management of a private clinic operation in the field of medicine and medical assistance;

(b) Royal Decree NS/RKT/0200/039 dated February 1<sup>st</sup> 2000 on the establishment of medical committee;

(c) Sub-decree No.61 dated on 28 August 2003 on the code of ethics of medical doctors;

(d) Sub-decree No.94 dated on September 1<sup>st</sup> 2002 on the modality and conditions set to permit medical foreign doctors, associates and medical assistants to operate its clinical operation with in the kingdom of Cambodia;

(e) Establish the inter-ministerial committee eradicating counterfeit medicines and illegal health service providers in contribution to poverty reduction;

(f) Establish the National Secretariat eradicating counterfeit medicines and illegal health service providers in contribution to poverty reduction;

(g) Establish the inter-departments of provincial/municipal committee eradicating counterfeit medicines and illegal health service providers in contribution to poverty reduction;

(h) Establish Secretariat of provincial/municipal Health Departments eradicating counterfeit medicines and illegal health service providers in contribution to poverty reduction.

### **Health Quality Assurance Office**

138. To ensure the recognition of quality of medical professions, the Health Quality Assurance Office formulated the policies and strategies in improving the quality of:

(a) Implementing the policies;

(b) Developing strategies for the monitoring and the evaluation of the involvement in improving the quality of health service provision;

(c) Issuing a certificate recognizing the participation in improving quality and encouragement by providing Equity Fund provided to hospitals received high scores from the evaluation;

(d) Under the preparation of the evaluation tools of hospital Level 2 to enable all hospitals to implement the improvement of quality toward the final phase of quality recognition and receive satisfactions from the public.

**In addition, the Ministry organizes a task to strengthen the quality of training**

139. Issuing an inter-ministerial declaration made by the Ministry of Health and the Ministry of Education, Youth and Sports in which the national curriculum is set up in order that all health educational institutions both public and private ones use to implement accordingly:

(a) National entrance examination to ensure the students' quality in entering into medical field and national graduation examination to ensure the quality of those graduates from the medical field with acceptable quality;

(b) The Ministry plans to prepare for registration and licensing system, which guarantee the quality of Health professional staff (both public and private sector) through going through an exam for a license of a medical profession.

**Regulations of medical quality in private sector**

(a) All kinds of medicines imported from foreign countries shall obtain a license from the Ministry of Health;

(b) 60 medical inspectors across the Kingdom of Cambodia shall make on-site inspect those imported medicines before and after issuing licenses to pharmacies, sub-pharmacies, export and import firms and medicine-manufacturing enterprises;

(c) Medicines that can be circulated in markets shall be registered at the Ministry of Health;

(d) A license containing a company's name and a visa seal number and registration shall be posted on the boxes of medicines;

(e) Collect the statistics on medicines sold at markets to review the quality again;

(f) Currently, 11 provinces have used the Red Alert System (RAS), TLC, sponsored by USP-DQI to analyze medical quality in case of suspicion.

**Moreover, the Ministry takes certain measures:**

140. Decentralize sub-pharmacies to provincial/municipal Health Department to manage them thoroughly.

141. Prepare Orphan Drug list of certain necessary medicines which have not been registered but they are patients' needs.

142. Disseminate education to pharmacists and ordinary people so that they can understand the effect of using medicines through state and private media including TV, radio, newspaper and so on.

143. Hold a seminar for pharmacists in charge of technique as well as for the owners of pharmacies and sub-pharmacies, export and import companies and medicine-manufacturing enterprises on the principles of Good Pharmacy Practice across the Kingdom of Cambodia.

144. Prepare standard letters and make amendment to the declaration involving exporting and importing medicines, the opening and closing down, the relocation of sub-pharmacies and the advertisement of medicines through various means.

145. Amendment to the law on the management of medicines, which have been put into effects since 1996 with the purpose of:

- (a) Giving punishment and increasing fines to perpetrators;
- (b) Include judicial policemen as medicine monitoring agencies;
- (c) Remove the economic barriers at the request of WTO.

**Public Sector: This sector has strengthened the medicine management system as follows:**

(a) Explicit medicine management structure is established, medical equipments from the central to the grass-roots level are available;

(b) Central medicine warehouse at Ministry level is available where medicines and medical equipments are kept and operational Districts in 24 provinces/municipalities are distributed;

(c) The internet service for a quick communication is available and it is used in sending all relevant proposals from the Operational Districts to the central level. Doing this is to push for a fast and timely distribution of medicines;

(d) Supply medicines and medical equipments on a regular basis from the central medicine warehouse to Operational Districts and provincial referral hospitals as well as from the Operational District medicine warehouses to other referral hospitals and health centers;

(e) Have enough medicine warehouses at referral hospitals and health center at all Operational District for keeping medicines and medical equipments;

(f) Have sorted medicines, which were sent into the central medicine warehouses, in certain medical lots to analyze the quality of the medicines.

***Question 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 (para. 571)?***

146. The Royal Government of Cambodia through the Ministry of Health has taken certain actions to alleviate the pregnancy-related mortality rate and unsafe abortions by:

(a) Preparing a plan for human resources in health sector and preparing medical staffs in accordance with their specializations and deploy them everywhere as far as rural areas, especially putting midwives at all health centers where there have not been ones before;

(b) Improving the quality of healthcare of mothers, infants, and children and promoting the possibility of receiving the services of safe birth deliveries and reproductive health by increasing a pregnancy check for women before giving birth at least three times, increase the safe birth deliveries at a health center and a referral hospital with specialized midwives, increasing the health check on mothers and infants after giving birth at least 3 times ... promoting birth control services and the dissemination of birth spacing information, increasing and promoting patients referral service to be on time, urging health centers to work 24/24 hours, consolidating the quality of health service at health centers and referral hospitals, training the skills of maternity wards and emergency provided to midwives and medical doctors who are providing the health service to mothers, infants, and children at health centers and referral hospitals.

***Question 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.***

147. Facilitate the creation of People Living with AIDS/HIV networks (2001) and Association of RVT medicine users and facilitate the service provider network of both doctors and nurses (2003).

148. Reduce discrimination, creating the environment of partner gatherings (Health staffs, civil societies and monks...), invite Peer Educators to attend the meeting every month where People Living with HIV/AIDS go to meet with 100 to 200 peers so as to strengthen their relationship.

149. Support for health care treatment since 1997 with the establishment of 8 groups of in-house care-takers in Phnom Penh and with the expansion of 318 groups nationwide among 18 provinces/municipalities. The treatments by RVT have been carried out since July 2001 with 71 patients receiving anti-retroviral medicines. Until late 2008, only 31.999 People Living with HIV/AIDS received treatments by anti-retroviral therapy in which 3.067 children equivalent to 92% needed treatments and more than 12.000 were treated for opportunistic diseases.

150. As for social supports and other means provided, there are certain concerned Ministries such as the Ministry of Social Affairs, Veteran, and Youths Rehabilitation, the Ministry of Labor and Vocational Training, and the Ministry of Women's Affairs in partnership with WFO, ILO and other non-governmental organizations under the coordination of the National Authority for Combating AIDS.

***Question 41. With regard to the information provided in paragraph 596 of the State party's 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.***

151. The solutions to mental health problems, the Ministry of Health has paid attention on the development of the mental health sector in Cambodia since 1993 with the financial and technical assistances from local and international organizations. So far, the development of the mental health in Cambodia has improved dramatically compared to certain nations in the region.

152. In response to the needs, the Ministry of Health has attached considerable importance to developing the mental health sector, essentially in public service, training resources, establishing mental treatment services at referral hospitals and health centers and putting the intervention for mental health into the clusters of complementary and minimum activities. As a result, the Ministry of Health has developed the mental health in:

- (a) 43 mental health service providers at referral hospitals level;
- (b) 18 mental health services providers at health centers.

153. Consequently, mental health treatment service of the Ministry of Health has received more than 60.000 people having mental problem and the number of these peoples increase annually. Among those people having mental problem, about 3% of them are considered as severe resulting from wars, physical and mental violations.

154. Aside from these services provided, the Ministry of Health has collaborated with a number of partners such as monks and Khmer traditional doctor who can help cure people with mental problem to tackle their issues. The informal care services are very crucial because it can be accepted by the public and it is conformable to the tradition, belief, religion and culture and it could help those who have slight mental problem.

#### **H. Articles 13 and 14 - The right to education**

***Question 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, paragraph 1 of the Covenant, and whether school curricula include education on economic, social and cultural rights.***

155. The Royal Government of Cambodia reflects the accountability for the explicit goal set by the Ministry of Education, Youth, and Sports to make a contribution to developing the nation by dint of building capacities and developing human resources.

156. Capacity building and human resource development are one of the major strategies of the Rectangular Strategy of the Royal Government of Cambodia for 3<sup>rd</sup> legislature of the National Assembly. The Ministry of Education, Youth and Sports has continued to place an emphasis on consolidating the educational quality at all levels ranging from primary, secondary and tertiary education. Policies and strategies really help push activities in accelerating the current educational reform toward the achievement of targeted goal set in the 2006-2010 National Strategic Development Plan and Cambodian Millennium Development Goal as well as pursuance to the goal of the 2003-2015 National Plan of Education for Education.

157. Other important points of the 2006-2010 Educational Strategic Plan are to continue to strengthen the partnership between public and private sectors in mastering and using resources effectively to achieve goals in an educational reform.

158. The vision of the Ministry of Education, Youth, and Sports is to build and develop human resources with quality and equity in all fields in order to turn Cambodia into a developed society on the basis of knowledge and know-how.

159. To this end, the Ministry of Education, Youth, and Sports have missions to lead, manage, and develop the fields of education, youth and sports to satisfy the needs of economic, social and cultural development in Cambodia and the development both within the region and the globe. The objectives of the Ministry of Education, Youth, and Sports are to develop Cambodian youths in all fields.

**The Ministry of Education, Youth, and Sports has set 3 major policies as follows:**

- (a) Ensure the possibility of obtaining education with equity for all Cambodian people from all walks of life;
- (b) Promote the quality and effectiveness of education;
- (c) Institutional capacity building and capacity building to decentralize educational work.

160. In addition, the Royal Government of Cambodia is strongly determined to achieving the goal of education for all, notably all children should have 9-year basic education. In this case, the government must broaden the access to education for youths from impoverished families by increasing the number of scholarships to poor students and building more schools. Gathering children to schools is a challenge of the government, which must take a close look and act urgently and first to consolidate education and opportunities of training youth aged 12 to 24 who drop out of school or have no access to education at secondary schools and training courses.

161. Although within the curriculum, the economic, social and cultural rights on educations are not included, the ministry incorporates the life skill education into the curriculum at all levels of education. Those life skill programs include the education on handicraft professions, local farming, moral education, morality in living, general and food sanitation, cultivation, sewing, cooking, animal raising, workshop, care-taking, environmental protection along coasts, mainstreaming education on HIV/AIDS, avian influenza, anti-drug, sexual exploitation, forced labor on women and children, gender mainstreaming, knowledge of landmines and unexploded ordnances, and education on livelihood.

***Question 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.***

162. We have already stipulated in the National Report on Social, Economic, and Cultural Rights from 636<sup>th</sup> to 678<sup>th</sup> paragraph.

163. The Royal Government has tried its utmost to achieve the goal of **Education for All** by means of ensuring equity in providing basic education for children and giving favorable conditions for children from poor families to have access to education, particularly through the strengthening and promotion of public educational establishments and the increase of the scholarships for poor students.



164. The Ministry of Education, Youth, and Sports, campaigned publicly for school enrollment and widely disseminated educational financing policies on the eradication of paying early-academic-year contribution fee and unofficial fund-raising as well as providing budget for school process and refreshments at schools located in slum areas in which the implementation of the strategies has gained fruitful results of the rise in school enrollment. The Ministry of Education, Youth and Sports will attach further substantial importance to far-flung regions where the rates of repeated and dropout students are higher than those at urban and rural areas.

***Question 44. What concrete programmes and measures has the State party undertaken to address the problem of high dropout 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?***

165. According to an observation, following the completion in primary school and the start of secondary school, the rate of students has decreased, thus prompting the Royal Government of Cambodia and development partners to take certain actions such as:

- (a) Establishing schools adjacent to homes;
- (b) Offering scholarships;
- (c) Providing dormitory for women and poor students from remote, ethnic minority, and other hard-pressed regions;
- (d) School Re-entry program;
- (e) Providing learning materials;
- (f) Developing localities.

166. The Effectiveness of educational service: the achievement of the Educational Effectiveness Program is to ensure the enrollment of education with equity by getting rid of the unofficial payments of students' parents, especially from grade 1 to 9 in relations to gratuity and encouragements on the basis of job fulfillments by school personnel. The other attainment is to better the effectiveness and equity in organizing teaching and non-teaching staffs in response to the cementing of opportunity to attend primary and secondary schools and a number of joint goals in embattled and remote communes have not provided enough educational service and organized teachers to adopt equity in each specialized subject. Moreover, the existing teaching and non-teaching staffs and those fulfilling their tasks along the remote and hardscrabble regions must be given incentive cash in serving their job in the regions. In order to keep school teachers remain performing their jobs in those regions, the program also plans to build residential buildings for teachers as part of the Physical Facilities Development Program in educational field.

***Question 45. In addition to the information provided in the State party's 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?***

167. In response to the 2010 Millennium Development Goal and the 2015 National Plan of Education for All, especially helping troubled children such as the disabled, indigenous and poor ones as well as those children whose ages are over the age limitation for school enrolment and other hard-pressed children, the Ministry of Education, Youth, and Sports has cooperated with local and international organizations, and concerned development partners to muster all children, primarily hard-pressed ones to attend schools and study with equity, equality and effectiveness. The Ministry of Education, Youth, and Sports has created many special programs such as:

- (a) Integrated educational program for disabled children;
- (b) Accelerated learning program;
- (c) Educational program for indigenous children.

168. The outcome of the implementation of the educational program for disabled children along schools nationwide in the academic year of 2006-2007, disabled students totaled for 72.652, including 28.995 women as against the 2007-08 academic years in which disabled students had a total of 72.719 including 31.727 women increased by 67 in equivalent to 0.09 %.

169. As for the outcome of the implementation of the education program for ethnic minority children including:

(a) Ethnic minority students at public schools across the country in 2006-2007 academic years which totaled 21.616, including 9.313 women compared to 2007-08 academic year in which ethnic minority students had 21.444 in all, including 9.379 women decreased by 132 equal to 0.61%;

(b) Ethnic minority students along ethnic community schools in 2006-2007 academic years in Rattanakiri and Mondulakiri provinces which has 5 districts, 7 communities, 11 grades, 11 teachers, including 4 women had a total of 435 students, including 215 (TUM PUNE, KROEUNG, PHNONG).

170. The draft law on the prevention and promotion of the disabled rights: the Kingdom of Cambodia signed a convention on the disabled rights. The draft law on the prevention and promotion of the disabled rights was approved by the Council of Ministers and is being sent to the National Assembly and the Senate for enactment.

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

171. To provide the opportunities and possibilities for people from all walks of life to get education for lives so as to have appropriate living conditions in conformity with advanced technology and to contribute to the development of the society, the Royal Government of Cambodia, with the Ministry of Education, Youth and Sports working as its secretary, established non-formal education.

172. Non-formal educational program covers various educational programs such as literacy, life skills, job skills, basic education for those who do not attend formal schools.

173. The characteristics of non-formal education is to educate people of all ages, nationals who have no access to education in accordance with formal education such as:

- (a) Marginalized;
- (b) Street children and forced labor children;
- (c) Vulnerable women and children;
- (d) Adults aged from 15 to 45;
- (e) Ethnic minorities and so on. Moreover, there are many other groups who have been included into non-formal education.

174. In conclusion: The Royal Government founded the non-formal educational program is to:

- (a) Achieve the goal of Education for All;
- (b) Contribute to reducing the poverty of people;
- (c) Develop human resources and raise people's living standards;
- (d) Contribute to the development the national economy.

***Question 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.***

175. While making an effort to broaden the number of student enrollment, the Ministry has placed an emphasis on the quality and effectiveness of educational service. The Ministry is improving the curriculum to be in line with the educational situations in the country, the region and the world. In this sense, the Ministry has paid great attention on the process of standardizing students' learning, teachers and non-teaching staff's performance, expansion number of learning hours, core textbooks, the ratios of students and teachers, as well as students and classrooms. The Ministry of Education, Youth and Sports has strengthened the capacity, knowledge, and teaching methodology to teachers to ensure that they can provide educational services to students at all educational levels with quality and effectiveness. Collaboration between private schools and public schools have been made, and the Royal Government of Cambodia do not allow those private schools to act freely and they must act in compliance with the regulations set because it is the sake of all Cambodian students who are the future bamboo shoots of the nation.

176. The salaries scale of teachers from private and public schools are certainly not the same. Generally speaking, teachers' salary at private schools is higher than that of teachers at public schools.

## I. Article 15 - Cultural rights

**Question 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.*

**Question 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.*

**Question 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.*

**Question 51.** *Further to the information provided in the State party's 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.*

177. Article 65 of the Constitution of the Kingdom of Cambodia stipulates that the State shall protect and upgrade citizens' rights to quality education at all levels and shall take necessary steps for quality education to reach all citizens.

(a) Article 66 of the Constitution of the Kingdom of Cambodia states that the State shall establish a comprehensive and standardized educational system throughout the country that shall guarantee the principles of educational freedom and quality to ensure that all citizens have equal opportunity to earn a living;

(b) Article 69 of the Constitution of the Kingdom of Cambodia states that the State shall preserve and promote national culture. The State shall protect and promote the Khmer language as required. The State shall preserve ancient monuments and artifacts and restore historical sites.

178. At the same time, the Royal Government has put an emphasis and is open to the participation of the cultural sector without any discriminations against races who have lived on the land of the kingdom of Cambodia, taking note and preserving cultural relics which belong to the traditions and customs of the indigenous people, some of them SOUY, KOUY, SOMRE, POR, CHORNG, RADER, PHNOUNG and so on.

179. As for the disabled, children from immigrant poor families and refugee children, the Royal Government will provide them with all kinds of services as much as possible as part of involving in cultural sectors such as all sorts of sports and artists, and have cooperated with certain local and international organizations.

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