



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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Concluding comments of the Committee on the Elimination of Discrimination against Women: Cambodia

1. The Committee considered Cambodia's initial, second and third periodic report (CEDAW/C/KHM/1-3) at its 705th and 706th meetings on 19 January 2006 (see CEDAW/C/SR.705 and 706). The Committee's list of issues and questions is contained in CEDAW/C/KHM/Q/1-3 and Cambodia's responses are contained in CEDAW/C/KHM/Q/1-3/Add.1.

Introduction

2. The Committee commends the State party for ratifying the Convention without reservation and expresses its appreciation to the State party for its initial, second and third periodic report, which followed the Committee's guidelines, while regretting that it was overdue. The Committee also expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

3. The Committee commends the State party for its high-level delegation, which was headed by the Minister of Women's Affairs and included representatives from the Cambodian National Council for Women and the ministries of justice, health and education. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

4. The Committee notes with appreciation the significant efforts undertaken by the State party aimed at achieving gender equality and eliminating discrimination against women. The Committee welcomes the establishment of the national machinery for the advancement of women, namely the Ministry of Women's Affairs and the Cambodian National Council for Women, and the adoption of the five-year national plan known as *Neary Rattanak*, which focuses on building women's

capacity and the integration of gender perspectives into the National Poverty Reduction Strategy 2003-2005.

5. The Committee commends the ongoing process of legal reform, in particular the reform of the Criminal Code to include punishment for offences of discrimination against women, and the revision of the 1996 Law on Suppression of Kidnapping, Trafficking/Sale and Exploitation of Human Persons to include sanctions against offenders and protection measures for victims.

6. The Committee welcomes the adoption and entry into force in October 2005 of the Law on the Prevention of Domestic Violence and Protection of Victims.

7. The Committee commends the efforts of the State party to reform the justice system and to ensure the independence of the judiciary, including the Law on the Organization of the Court, the Law on the Status of Judges and the preparation of the code of conduct for judges.

8. The Committee also welcomes the fact that better statistical data to assess the status of women are now available to the State party, in particular the publication entitled "A Fair Share for Women".

Principal areas of concern and recommendations

9. While noting that article 31.1 of the Constitution stipulates recognition of and respect for international human rights agreements, and that article 45.1 calls for the abolition of all forms of discrimination against women, and that the Convention takes precedence over domestic law, the Committee is nevertheless concerned that the provisions of the Convention are not self-executing and are not directly applicable in court proceedings.

10. The Committee urges the State party to take immediate measures to ensure that the Convention becomes fully applicable in the domestic legal system, including through publication in the Official Gazette, and that its provisions are fully incorporated into national legislation, including through the introduction of sanctions, where appropriate. It also recommends that the State party implement measures to create awareness about the Convention among judges, prosecutors and lawyers and include the Convention in relevant curricula courses on human rights, including on women's human rights, so as to ensure that the spirit, objectives and provisions of the Convention are well known and used in judicial processes.

11. The Committee is concerned that there is no specific definition of the nature and forms of discrimination against women in accordance with article 1 of the Convention, which prohibits both direct and indirect discrimination, in Cambodian law. It is also concerned that there is no legal provision for special temporary measures.

12. The Committee urges the State party to include in domestic law a definition of discrimination against women that encompasses both direct and indirect discrimination in line with article 1 of the Convention. It encourages the State party to take advantage of the ongoing legal reform process to achieve the full compatibility and compliance of all laws with the provisions of the Convention. It also recommends that the State party include adequate sanctions in the civil and criminal codes for acts of discrimination against women and

ensure that effective remedies are available to women whose rights have been violated. The Committee further recommends that legal provisions be made for temporary special measures to accelerate de facto equality in line with article 4.1 of the Convention.

13. The Committee is concerned that the scale and scope of the programmes for women are not clear and that there is no data on the results of the implementation or effectiveness of the various measures, including the mainstreaming of gender perspectives in the National Poverty Reduction Strategy 2003-2005. It is also concerned that attention to women's human rights may not be adequately integrated into the macroeconomic framework of the country.

14. The Committee recommends that recognition and implementation of women's human rights be integrated into the Rectangular Strategy for Growth, Employment, Equity and Efficiency using the framework of substantive equality and non-discrimination of the Convention. It calls on the State party to ensure adequate coordination among all sectoral programmes so that there is a consistent approach with regard to gender mainstreaming. The Committee also recommends that progress in all programmes for the advancement of women, including gender mainstreaming efforts, be monitored and that the effectiveness of the national machinery for the advancement of women and related institutions, such as the Cambodian National Council for Women and the technical working group on gender be evaluated. The Committee requests that the State party provide information on the scale and scope as well as on the results and impact of its programmes for women and the evaluation of its women-specific institutions in its next periodic report.

15. While welcoming the adoption of the Law on Prevention of Domestic Violence and Protection of Victims and the ongoing reform of the Criminal Code, the Committee is concerned that provisions remain in the law that may limit its application in cases of spousal abuse and that it does not protect former spouses against abuse. It is also concerned about the limited progress achieved in preventing and eliminating violence against women and the existing obstacles that gravely limit the effective enforcement of the Law. In particular, the Committee is concerned that women face significant obstacles in accessing justice because of a lack of trust in the judicial system, the arbitrary interpretation of the criminal law by judges in favour of perpetrators, the prevalence of impunity of perpetrators, the limited availability of legal aid and the high cost of medical certificates that are required in cases of rape and sexual assault. The Committee is also concerned about the persistence of permissive attitudes towards gender-based violence and that women fear stigmatization when seeking remedies.

16. The Committee urges the State party to place high priority on implementing a comprehensive approach to address all forms of violence against women, including the effective enforcement and monitoring of legislation on domestic violence. It also urges the State party to raise public awareness through media and education programmes that violence against women, including domestic violence, is unacceptable. The Committee calls upon the State party to train the judiciary, law enforcement officials, legal professionals, social workers and health providers on the new Law on Prevention of Domestic Violence and Protection of Victims, and to fully sensitize them to all forms of violence against women so as to ensure that the

perpetrators of violence are effectively prosecuted and punished with the required seriousness and speed. It also recommends that legal aid be made available to victims in both urban and rural areas and that required medical certificates be provided free of charge. The Committee further recommends that the State party seek to increase the number of female judges and law enforcement officials as a means to encourage women to report cases of violence. It calls on the State party to establish support measures for victims of domestic violence, including shelters and legal, medical and psychological support. The Committee encourages the State party to make full use of the Committee's general recommendation 19 in its efforts to address violence against women.

17. While noting the value of the cultural heritage of Cambodia, the Committee is concerned about strong gender-role stereotyping, in particular that reflected in the traditional code of conduct known as *chbab srey*, which legitimizes discrimination against women and impedes women's full enjoyment of their human rights and the achievement of equality between men and women in Cambodian society.

18. The Committee recommends that the State party, together with all relevant sectors of society, undertake a comprehensive assessment of the prevailing traditional code of conduct so as to identify those elements that discriminate against women and are the root causes of women's disadvantaged position in areas such as education, employment and public and political life, and are determining factors in the prevalence of gender-based violence. The Committee requests that the State party refrain from disseminating and teaching those elements of the traditional code of conduct that discriminate against women, and instead undertake every effort to make the Convention and the principle of equality of women and men better known among the general public. It calls on the State party to implement a national campaign and to work actively towards the elimination of stereotypes associated with men's and women's traditional roles in the family and in society at large, in accordance with articles 2 (f) and 5 (a) of the Convention, to increase understanding of the meaning and content of the substantive equality of women and to create awareness that violence against women is an infringement of women's human rights that has grave social costs for the whole community. The Committee requests the State party to provide in its next report the findings of the assessment of the code of conduct, the measures taken in response to those findings and their impact on changing attitudes and stereotypes.

19. While taking note of the various measures implemented to combat trafficking, including the revision of legislation and the adoption of subregional cross-border agreements, the Committee expresses concern about the lack of enforcement of legislation, the impunity of traffickers and the absence of accurate data on trafficking. The Committee is concerned about the stigmatization of victims of trafficking and the insufficient measures for their rehabilitation and reintegration into the community. It is further concerned that women and girls who have been trafficked may be punished for violation of migration laws and are thus revictimized. The Committee also notes with concern the high prevalence of sexual exploitation of women and girls and their vulnerability to becoming infected with sexually transmitted diseases and HIV/AIDS.

20. **The Committee urges the State party to intensify its efforts to combat the trafficking and sexual exploitation of women and girls by addressing their root causes and to undertake comprehensive prevention measures, including gender-sensitive poverty reduction strategies, awareness-raising campaigns and provision of alternative means of livelihood. It urges the State party to ensure that those who traffic and sexually exploit women and girls are prosecuted and punished within the full extent of the law. It requests that victims of trafficking not be prosecuted for illegal migration. The Committee urges the State party to implement rehabilitation and reintegration measures for girls and women who are victims of trafficking and sexual exploitation. It recommends that the State party further strengthen bilateral, subregional and multilateral cooperation to combat trafficking. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking of women and girls and on the impact of the various measures undertaken in that regard.**

21. The Committee is further concerned that Cambodian women, especially young women who migrate to neighbouring countries in search of work opportunities, are extremely vulnerable to becoming the victims of various forms of violence, exploitation and trafficking.

22. **The Committee calls on the State party to focus on the causes of women's migration and to develop policies and measures to protect migrant women against exploitation and abuse. The Committee requests the State party to provide information and data on migrant women and their situation in the next periodic report.**

23. While noting the efforts to increase the participation of women in community councils, the Committee expresses concern about the underrepresentation of women at all levels of political and public life, in particular in Parliament, and the low rate of women's participation in elections. The Committee is further concerned about the limited participation of women in the public administration and the judiciary at all levels.

24. **The Committee urges the State party to implement a strategic plan with measures that will result in an increased number of women in elected and appointed office, including the judiciary, and therefore in enhanced compliance with article 7 of the Convention. The Committee recommends the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, as a means to accelerate compliance with the provisions of article 7, together with the establishment of timetables and targets for women's equal participation at all levels of decision-making. It also recommends that the State party conduct training programmes on leadership and negotiation skills for current and future women leaders. It further suggests the implementation of awareness-raising activities about the importance of women's participation in decision-making for society as a whole.**

25. The Committee notes with concern the high illiteracy rates among women, in particular those from rural areas, ethnic minority groups or who are disabled, the large disparity in school enrolment rates for males and females and the high drop-out rates of girls. The Committee is concerned about the related long-term implications for women's health, their decision-making capabilities and the development of their marketable skills. The Committee is further concerned at the persistence of gender-based segregation in educational fields and its consequences

for women's professional opportunities. The Committee is also concerned about persistent stereotypes found in school curricula and textbooks.

26. The Committee urges the State party to place high priority on the reduction of the illiteracy rate of women, in particular those who are from rural areas, belong to ethnic minority groups or who are disabled. It also urges the State party to immediately take all appropriate measures, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to eliminate the disparity in school enrolment rates and to achieve universal primary education for girls in accordance with article 10 of the Convention, the strategic objectives and actions of the Beijing Declaration and Platform for Action and Millennium Development Goals 2 and 3. It urges the State party to address effectively the obstacles that prevent girls from continuing their education, such as early and forced marriages. It also recommends the active encouragement of diversification of educational and professional choices for women. It requests the State party to revise educational curricula and textbooks to eliminate gender stereotypes.

27. The Committee expresses concern about occupational segregation and the concentration of women in the low-wage and unskilled labour sectors. The Committee is particularly concerned about ambiguities in the labour law and that the weak enforcement of labour laws, the absence of sanctions for non-compliance and the lack of effective monitoring mechanisms infringe on women's enjoyment of their rights under article 4, paragraph 2, and article 11 of the Convention, including the right to equal remuneration, maternity leave, social security and protection from sexual harassment. It is also concerned about the possible long-term detrimental impact of the termination of the MultiFibre Agreement on women employed in the garment sector.

28. The Committee urges the State party to accelerate and ensure equal participation for women and men in the labour market. It further calls for measures to ensure that women receive equal pay for both equal work and work of equal value, and equal social benefits and services. The Committee encourages the State party to spell out clearly its definition of both equal work and work of equal value. It encourages the State party to establish sanctions for discrimination against women in the employment field in both the public and private sectors, including sexual harassment, to create effective enforcement and monitoring mechanisms and to ensure that women have access to means of redress, including legal aid. It encourages the State party to disseminate information about labour legislation among women to make them aware of their rights. It also recommends the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 of the Committee and to accelerate achievement of de facto equality in the area of recruitment, training and promotions according to article 11 of the Convention. The Committee requests the State party to describe in its next periodic report whether the long-term effects of the termination of the MultiFibre Agreement have impacted negatively on women employed in the garment sector and to provide information on measures taken to counteract and minimize any detrimental impact.

29. The Committee notes that despite the reduction in the rate of maternal mortality, the number nevertheless remains high at 417 deaths per 100,000 live births, owing primarily to lack of access to obstetric emergency services. The Committee is also concerned that only 10 per cent of births takes place in a health facility.

30. The Committee recommends that the obstacles to accessing obstetric services be monitored and removed and that (a) a strategic plan to reduce maternal mortality and morbidity be put in place through which quality prenatal, post-natal and emergency obstetric services are progressively distributed in all provinces; (b) a proactive referral service be established to facilitate access to obstetric services; (c) benchmarks be set for the reduction of maternal mortality; and (d) the necessary funding be specifically mobilized from all sources.

31. The Committee expresses concern at the higher levels of poverty among rural women, who constitute the majority of women in the country. While noting the efforts to give preference to households headed by women in land distribution under the Land Law, the Committee is concerned about the overall implementation of the Law. It is also concerned that women lack both awareness about their rights and understanding of the legislation and land registration process. The Committee is particularly concerned about the situation of female heads of household who have lost their livelihoods as a result of the confiscation of land by private companies and are excluded from decision-making processes concerning land distribution.

32. The Committee urges the State party to pay special attention to the situation of rural women so as to enhance compliance with article 14 of the Convention, to ensure that rural women have access to education, health services and credit facilities and that they participate fully in decision-making processes. The Committee also urges the State party to disseminate information on the Land Law and the land registration process and to take appropriate measures to eliminate all forms of discrimination with respect to the ownership and administration of land by women. It further calls on the State party to place high priority on rural women in its efforts aimed at eradicating poverty.

33. While taking note of the Marriage and Family Law, the Committee is concerned about the lack of enforcement and an effective monitoring mechanism thereof. The Committee is concerned that traditional and cultural factors are preventing women from exercising the full enjoyment of their rights within the family, in particular the right to enter into marriage with free and full consent, as required under article 16 of the Convention. It is further concerned about the difference in the age at which women and men may enter into marriage.

34. The Committee urges the State party to widely disseminate information about the Marriage and Family Law and to address the cultural and traditional factors that perpetuate discrimination against women. The Committee urges the State party to raise the minimum age of marriage for women and men to 18 years, in line with article 16 of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.

35. The Committee expresses concern that women from ethnic minority groups and disabled women face multiple forms of discrimination with respect to access to

education, employment and health care and are victims of violence. The Committee regrets the lack of information and data in the report about those groups of women.

36. **The Committee calls on the State party to integrate attention to disabled women and women from ethnic minority groups into national policies, plans and programmes as well as to implement specific measures to eliminate discrimination against those groups of women. The Committee requests the State party to provide in its next report data and information on the situation of disabled women and women from ethnic minority groups, including with regard to education, employment and health care.**

37. **The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

38. **The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

39. **The Committee also emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention into all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

40. **The Committee notes that States' adherence to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Cambodia to consider ratifying the treaty to which it is not yet a party, that is, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

41. **The Committee requests the wide dissemination in Cambodia of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-**

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

third special session of the General Assembly on the theme “Women 2000: gender equality, development and peace for the twenty-first century”.

42. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which was due in November 2005, and its fifth periodic report, which is due in November 2009, in a combined report in 2009.
