



## Economic and Social Council

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### Committee on Economic, Social and Cultural Rights

#### Forty-second session

#### Summary record (partial)\* of the 13th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 12 May 2009, at 10 a.m.

*Chairperson:* Mr. Marchán Romero

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#### Consideration of reports

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

*Initial report of Cambodia* (continued)

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\* No summary record was prepared for the rest of the meeting.

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*The meeting was called to order at 10.05 a.m.*

### **Consideration of reports**

#### **(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant** *(continued)*

*Initial report of Cambodia* (continued) (E/C.12/KHM/1; E/C.12/KHM/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the Cambodian delegation took places at the Committee table.*

*Articles 10–12 of the Covenant* (continued)

2. **Mr. Martynov**, noting with concern the 1.5 million child workers aged between 5 and 14 years, asked what measures Cambodia intended to take to enforce the ban on child labour. A national action plan for the period 2008–2012 had been adopted to combat child labour, but had clearly not yielded any results as yet. He would like more information about proposed measures to revise the plan of action and, in particular, to improve coordination between the various bodies responsible for implementing it.

3. **Mr. Pillay** said that, according to the World Bank and the International Labour Organization (ILO), the most underprivileged population groups had not benefited from economic growth and development, and the inequality between rich and poor continued to increase. Thirty-six per cent of the population were said to be living below the poverty line. In that context, he asked what action had been taken to reduce inequality and whether a human rights approach had been adopted during the preparation of the National Strategy for Poverty Reduction.

4. On the issue of housing, he asked whether the policy for 2009–2010 cited by the Cambodian delegation was based on the project drawn up by the United Nations Human Settlements Programme (UN-HABITAT) in 2003, which had never been implemented. Returning to the problem of forced evictions, he noted with concern that, in paragraph 63 of the report of the Special Representative of the Secretary-General for human rights in Cambodia (A/HRC/7/42), the Special Representative noted that “land rights are regularly violated with impunity by influential individuals, companies and government entities”. All information sources indicated that the forced eviction policy persisted on a large scale and that the Government appeared to be complicit in evictions demanded by owners or private enterprises. He asked in that context whether there was any real political will on the part of the Government to adopt a royal decree imposing a moratorium on all forced evictions pending the adoption of a law consistent with the Committee’s general comment No. 7 on the right to adequate housing: forced evictions.

*Articles 13–15 of the Covenant*

5. **Mr. Kerdoun** asked for details of the initial results of the 2006–2010 Education Strategy cited in paragraph 649 of the State party’s initial report. In particular, he wished to know the level of annual budget expenditure on the implementation of the Strategy and the amount of foreign aid received. He would also like to know the illiteracy rate among women and men and the results of the programmes to promote education and literacy training for adults aged from 15 to 45 years. He enquired how many people benefited from those programmes. Finally, he asked about Cambodia’s efforts to improve the level of education of street children, working children and marginalized individuals.

6. **Mr. Sadi** asked whether information about the Khmer Rouge regime was taught in schools and whether children were made aware of the atrocities committed during that period.

7. **Ms. Bonoan-Dandan**, referring to information received which indicated that 400–800 women were trafficked every month to countries bordering Cambodia for the purposes of sexual exploitation, asked the delegation to confirm that alarming figure and describe any results which the national action plan to combat trafficking in women and children had achieved.

8. In 2008, she herself had visited the so-called “Group 78”, who lived in appalling conditions with no drinking water or sanitation facilities available. When the State evicted people, it offered, at best, to rehouse them in tents, which was unacceptable, particularly in view of the monsoons and flooding which went on for weeks. She described the situation of various communities where residents were threatened with eviction, and called upon the Cambodian authorities to respect the right to housing.

9. On the issue of nine years of free basic education, she said that the Committee had often found that, in some developing countries, schools were short of funds and had to charge for certain services, such as electricity supply, which meant that education was not altogether free. Did similar problems exist in Cambodia? She would also like to know how the literacy programme, which according to the State party’s initial report existed in both the Khmer language and tribal languages, was implemented in rural areas where languages other than Khmer were spoken. She further asked about the languages in which laws were written, since many conflicts had apparently arisen because the people concerned could not read the laws. Had the Covenant been translated into Khmer and other languages used on the territory of the State party?

10. It appeared that some rural minorities had no access to cultivable land, forests or fishing areas, and that minorities in general were looked down upon by majority groups. That problem should be addressed by means of human rights education. Did minority groups have equal access to education, specifically the nine years of free compulsory education?

11. She understood from certain information received that fishing legislation had had adverse consequences for many traditional fishermen, who lived in great poverty, particularly in the Tonle Sap Basin region. What was the current situation relating to possible conflicts between traditional fishermen and commercial fishing companies?

12. Finally, she noted that, although a law dating from 2001 provided for the granting of land title to indigenous groups, there had been no cases of such title being granted so far in 2009. She asked why the process took so long when, in the meantime, certain areas had allegedly been placed under military control after investors had moved in, which had driven away the indigenous inhabitants. She noted that, in general, the various types of land title were not clearly defined, particularly the difference between “State public land” and “State private land”, and would like more details on that issue.

13. **Mr. Sun** (Cambodia) said that funding for health and education in the 2009 national budget had increased by 24 per cent and 19 per cent, respectively, compared with 2008. Although Cambodia had not yet adopted a law specifically banning corporal punishment, it had ratified the Convention on the Rights of the Child. The issue was being monitored by the National Council for Children, an inter-ministerial body on children’s rights. Cambodia took an active part in the international campaign to eradicate landmines; projects at national level addressed both the humanitarian dimension and aspects of the economic and social development of the recipient groups.

14. Progress had been made in the field of education, including the number of children enrolled at primary and secondary level, the achievement of a basic level of education, and adult literacy. There were still gaps in access to education, particularly for very poor children or those living in remote areas. A new law on education had been adopted at the end of 2007. New school curricula and apprenticeship standards had been approved in 2006.

The target of 90 per cent of girls going on to secondary school from primary school had not yet been achieved, since the current proportion doing so was 78.5 per cent. The Education for All policy provided that no distinction could be made on the grounds of origin; consequently, ethnic minorities were not subject to any discrimination in education.

15. At present, Cambodia did not have a housing policy consistent with UN-HABITAT recommendations, but it wished to move in that direction. Infant mortality had decreased by 30 per cent between 2000 and 2005. Two thirds of children received the recommended basic vaccinations. The percentage of births attended by qualified staff now stood at 44 per cent, compared with 33 per cent in 2000; that should fairly soon be reflected in a reduction in maternal mortality. Free basic medical care was provided by a growing number of health facilities. HIV prevalence had decreased in recent years, and malaria control activities were also making significant progress.

16. **Mr. Ke** (Cambodia) explained that “State public land” consisted of parks and public spaces which the entire population could use, while “State private land” consisted of land belonging to the State which was leased out for economic purposes.

17. **Mr. Sun** (Cambodia) said that three new ecotourism sites had been opened in Cambodia in 2006 and 2007, and two others were being constructed. Since the promulgation of the law on protected areas in 2008, the areas in question had been managed by the Ministry of the Environment. The new communities which had been created for the fishermen of Tonle Sap Lake and other areas and for the inhabitants of protected areas helped to maintain natural expanses of water and prevent deforestation and illegal encroachment on the property of others. He recalled that, in 2006–2007, over 3,500 hectares of illegally occupied land had been recovered and reintegrated into the protected areas. In 2007, 73 communities had been established in protected areas and 18 protected areas had been demarcated and registered. The management and protection of natural resources and environment still suffered from the weaknesses of the institutional and legal system, particularly the lack of coordination between the bodies concerned and the local authorities.

18. In reply to questions about forestry, he recalled that 59 per cent of the national territory was covered by forest and that the national forestry programme, which was currently in preparation, aimed to increase forest cover to 60 per cent, in line with the target set by Cambodia under the Millennium Development Goals. He noted that, in forestry law, a distinction was made between permanent forestry reserves and privately owned forests. The Cambodian Government made it a priority to strengthen and implement forestry law, improve governance, increase the rate of land registration, improve management and conservation of forests and wildlife, develop the forestry programme at the community level, promote reforestation, strengthen institutional capacity and build capacity in forestry research.

19. In reply to the question whether indigenous people had the same access as other citizens to land title, he explained that the Cambodian Constitution stipulated equal treatment for all Cambodians. There was no discrimination or distinction on the grounds of race. Any Cambodian citizen could hold land title, including indigenous groups living in tribal areas.

20. The right to food and food security were major concerns of the Cambodian authorities, particularly since a considerable proportion of the population lived below the poverty line. Nevertheless, that proportion was steadily decreasing: it had fallen by 1 per cent every year for the last five years. At present, it stood at 30 per cent. Statistics on trafficking in human beings would be submitted to the Committee later; the Government was committed at national, regional and international level to the fight against trafficking, a fight which called for cooperation on a vast scale. The Government did not have a

deliberate forced-eviction policy, but acknowledged that the country had problems related to land issues, which was why it had introduced land reforms and decided to penalize individuals who committed illegal acts associated with land issues. The Cambodian delegation wished to register its disapproval of the way in which examples and cases had been presented by Committee members, and deplored the politicization of the issue. The Cambodian Government, inspired by a genuine desire to resolve the land problem, was determined to preserve the entire social dimension of the issue and had chosen the path of common sense. Every year, it submitted a report, detailing the current situation, the progress of land reform, the activities conducted and recommendations by development partners, to an advisory group associated with aid donors.

21. **Mr. Ke** (Cambodia) said that the issue of unlicensed clinics was a matter for the Ministry of Health, which addressed it through a working group with a mandate to draw up recommendations for the Ministry. Landmines and explosives which injured or killed people (including children) in the rice fields were dealt with under the State demining programme; it was an area in which Cambodia required as much help as possible from donors. On the subject of domestic violence, he said that a criminal law had been adopted some years before and was being enforced. The Government collaborated with local non-governmental organizations to combat domestic violence and planned to take more action in that area, with the encouragement of the Ministry of Women's Affairs.

22. **Mr. Sun** (Cambodia) said that, although statistics about the various education programmes in Cambodia were still scarce, some of the data available indicated marked progress in that area. In addition to the accelerated apprenticeship programme and the programme for indigenous children, the programme for disabled children had yielded results: the number of participants had increased from 72,652 (including 28,900 girls) in 2006–2007 to 72,719 (including 31,727 girls) the following year. Ethnic minority children were not left out: in 2006–2007, 21,616 ethnic minority children (including 9,313 girls) had received education in public-sector schools, compared with 21,000 children the previous year. A bill on the promotion and protection of the rights of disabled people had been approved by the Council of Ministers and submitted to the National Assembly and the Senate for approval and adoption. Finally, there was a genuine Government policy aiming to provide non-formal education for marginalized groups (in particular street children, vulnerable women and children, and adults aged between 15 and 45 years who were excluded from the formal school system).

23. In conclusion, he welcomed his delegation's exchanges with Committee members, whose recommendations and suggestions would be duly taken into account in the further implementation of the various programmes and plans of action in all the areas covered by the Covenant. He was aware of the gaps in the initial report and the delegation's responses, and said that the delegation's initial experience with the Committee should enable it to improve the quality of the next report.

24. **The Chairperson** thanked the Cambodian delegation. On the occasion of the day of national celebration to mark the birthday of the King of Cambodia, he sent his best wishes to a country which, emerging from a time of war and destruction, was now at a stage of reconstruction in which it could count on the Committee's cooperation in any activities related to economic, social and cultural rights. The State party could ask the Office of the United Nations High Commissioner for Human Rights for help in drawing up its future reports. The Committee had thus concluded its consideration of the initial report of Cambodia.

25. *The Cambodian delegation withdrew.*

*The discussion covered in the summary record ended at 11.55 a.m.*