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**Committee on the Elimination of Discrimination
against Women**

Pre-session working group

Thirty-fourth session

16 January-3 February 2006

**List of issues and questions with regard to the consideration
of reports**

Cambodia

Introduction

1. The pre-session working group examined the combined initial, second and third periodic report of Cambodia (CEDAW/C/KHM/1-3).

General

2. Please describe the process of preparing the combined initial, second and third periodic report, and indicate in particular the role of the Cambodian Human Rights Committee, whether consultations were held with civil society and non-governmental organizations and whether the report was approved by the Cabinet and presented to the National Assembly.

Articles 1 and 2

3. The report states that all rights “as stated in the international human rights covenants are protected by the Constitution of the Kingdom of Cambodia and all principles of the international covenants and conventions take precedence over domestic law” (para. 49). According to paragraph 313 of the report, any laws which are not in harmony with the Convention cannot be implemented. Please clarify the precise status of the Convention in the domestic legal system and specify whether the Convention has been used in court cases and whether standards under the Convention have prevailed over domestic laws.

4. The report notes that while “the term discrimination against women is recognized and used in laws and legal documents ... in practical action there are

some loopholes dependent on the fields” (para. 64). Please indicate the efforts under way to close the loopholes referred to in the report. In particular, please specify if there are complaint mechanisms, remedies and sanctions to prevent discrimination against women and how the application of laws prohibiting discrimination is monitored.

5. The report refers to several draft, or planned laws. In this regard, please provide an update on the status of the Draft Criminal Code, Code of Criminal Procedure, Law on Suppression of Kidnapping, Trafficking/Sale and Exploitation of Human Persons, Draft Law on the Prevention of Domestic Violence and the Protection of the Victims and Law on Foreign Adoptions. If these laws have not been adopted please indicate a time frame for their adoption.

6. Please clarify the functions and the level of human and financial resources allocated to the Ministry of Women’s and Veteran’s Affairs. In particular, clarify its relation to and level of interaction with the Cambodian National Council for Women, which is the top national mechanism to monitor and follow up on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (para. 90) and the Cambodian Human Rights Committee, which is the body responsible for drawing up the draft reports on human rights to be submitted to the United Nations (para. 35). Please specify the powers and the responsibilities of these three bodies, how their functions are coordinated and how they are supported by structures at the local level.

7. Please indicate whether an evaluation of the five-year plan known as Neary Rattanak, which focuses on building women’s capacity through education, health, legal protection and economic development (para. 115), has been undertaken, especially with a view to assessing the impact of gender mainstreaming in all sectors, and if so, please provide information on the results.

Article 3

8. The report mentions that the Ministry of Women’s and Veteran’s Affairs was actively involved in the development of the National Poverty Reduction Strategy 2003-2005 and that it sought to have gender mainstreamed in Cambodia’s National and Sectoral Policy of the Socio-Economic Development Plan II 2001-2005 (para. 208). Please indicate to what extent the Convention was taken into account in this Strategy and describe how implementation of the Strategy and impact on gender equality is monitored. Also indicate whether civil society, and in particular women’s groups, including women from ethnic minorities and from indigenous populations, were consulted during the drafting and monitoring of this Strategy.

Article 4

9. In paragraphs 122 to 131 the report includes information about the various legal measures (e.g., special provisions in articles 73, and 46.3 of the Constitution, special policies on education and employment, law on the pension regime) which are not temporary special measures in line with article 4, paragraph 1, of the Convention. Please provide information on the efforts to implement temporary special measures to accelerate de facto equality between women and men, in accordance with the Committee’s general recommendation 25.

Article 5

10. Throughout the report, reference is made to deep-rooted cultural and social patterns, norms, attitudes and stereotyped roles that limit women's access to education, cause elevated school dropout rates among girls, obstruct women's participation in political and public life, constrain their use of health services and encourage discriminatory practices such as early and arranged marriages (paras. 152, 217-219, 224, 276-277 and 350). In addition, it is mentioned that "dissemination and education on change of unacceptable and uncivilized old customs to civilized customs has not been made widely" (para. 152). Please indicate whether the Government has put in place, or plans to adopt, a comprehensive strategy — which also targets indigenous women, women from rural areas and ethnic minority groups — to eliminate stereotypes that discriminate against women, and any progress achieved in its implementation.

11. Please provide detailed information about the draft Law on the Prevention of Domestic Violence and the Protection of the Victims, including the time frame for its adoption and its scope, and indicate whether a provision for criminal and civil remedies has been included. Also indicate whether the views of women's organizations and civil society were integrated in the drafting of this bill.

12. Please indicate the strategies which are in place and have been implemented, and the progress achieved, to combat all forms of violence against women, including sexual violence, and whether there is a mechanism in place to systematically gather data and information regarding this problem.

Article 6

13. The report indicates that the Ministry of Interior is undertaking a three-step strategic programme to combat trafficking, focused on raising awareness of the issue and training police, judges and prosecutors (para. 161) and that several measures have been undertaken for the rehabilitation and reintegration of victims of trafficking (paras. 187-188). Please provide details of the impact of such measures on combating trafficking of women and girls, and in particular on the rehabilitation of victims of trafficking. In addition, please provide details of efforts to collect data on the incidence of trafficking in Cambodia.

14. The Special Rapporteur on violence against women, its causes and consequences, referred to reports that indicate that trafficked women and girls are dealt with as criminals who have violated immigration laws and not as victims whose rights were violated (E/CN.4/2003/75/Add.1, para. 949). Please clarify whether under the Law on Human Trafficking and Sexual Exploitation trafficked women benefit from witness-protection measures and whether steps have been taken to ensure that trafficked women are not re-victimized by the criminal justice system.

Article 7

15. The report refers to a set of actions aimed at increasing the presence of women in public and political affairs at all levels (para. 220). Please indicate progress in their implementation, including the impact of these policies.

Article 9

16. The report states that “anybody who was born in [Cambodia] will be given Cambodian nationality including: (a) children who have foreign fathers or mothers who were born in or have been legally living in [Cambodia] [and] (b) children who have been born from unknown fathers or mothers, and were found by someone else in [Cambodia] shall be considered as born in [Cambodia]” (para. 232). Please specify whether this provision is actually enforced, and in particular whether women of Vietnamese origin, from other ethnic minorities and from indigenous groups are able to establish effectively their citizenship and whether their rights are respected, both de jure and de facto.

Article 10

17. The report mentions that illiteracy, which seriously affects women, has not yet been covered by the strategy developed by the Ministry of Education, Youth and Sports. Please indicate what steps are being planned or implemented to address the high illiteracy rates among women, in particular indigenous women, women from rural areas and women from ethnic minorities.

18. The report notes that the Ministry of Education, Youth and Sports “has reformed the curriculum at kindergarten and secondary levels in accordance with ... international standards” (para. 257). Please specify whether the reform also resulted in the elimination of stereotyped concepts of the roles of women and men in the textbooks and in the curricula, and whether this reform will also be undertaken for the primary and tertiary levels of education.

19. Please provide information on the education level and access of girls and young women from ethnic minorities, rural areas and indigenous populations, and indicate whether these groups of girls are specifically targeted in the 2002-2006 Strategic Work Plan of the Ministry of Education, Youth and Sports.

20. Please provide information on the strategies planned to tackle the causes of girls dropping out of school. In particular, provide detailed information on the time line and resources for implementing the future strategies to eliminate discrimination against women and girls in education listed in paragraphs 282-288 and specify whether specific programmes are in place for indigenous women, women from rural areas and women from ethnic minorities.

21. Please indicate whether information on family planning and sex education is provided in schools to girls and boys as part of the training courses on health care (para. 275), and if not, please specify how such information is conveyed to young people.

Article 11

22. The report recognizes that the enforcement of the Labour Law is still weak and that efforts will be made by the Royal Government to enforce it (paras. 314-315). Please specify the measures that are being planned to ensure enforcement and monitoring of the related laws, in particular of article 172 of the Labour Law, on

sexual harassment and article 46.2 of the Constitution, on the right to maternity leave.

23. While women have a very high level of participation in the labour market, the report indicates that the large majority of women are working in the informal sector, in low-paid, unskilled positions, and that they are vulnerable to many forms of exploitation in the workplace (para. 293). Please provide data with regard to the formal sector, on horizontal (i.e., according to sector) and vertical (i.e., according to rank) job segregation and wages disaggregated by sex.

24. Please identify the efforts that are being undertaken to provide women with access to training, improved working conditions and social protection.

25. Please provide information on the economic activities of rural women and their income levels in comparison with men.

26. Article 106 of the Labour Act of 1997 provides for equal wage for work of equal conditions, professional skill and output. Please specify how this is interpreted and whether it has been used in any way to discriminate against women. Indicate whether discrimination in the provision of benefits is also prohibited under the Labour Act.

27. In the light of Cambodia's recent accession to membership of the World Trade Organization and the ending of the Multi-Fiber Arrangement, indicate whether an evaluation of the impact on the livelihoods of women has been undertaken in order to readjust macroeconomic policies accordingly.

Article 12

28. A number of health programmes on reproductive health, nutrition, HIV/AIDS and mental health for victims of domestic violence are listed in paragraphs 318-327. However, the report also recognizes that the general understanding of these and other health matters is very limited (para. 275), health-care services are limited for women (para. 350), only 10 per cent of births take place in health facilities (para. 331) and there is a high rate of maternal mortality. Please specify what measures are in place to increase women's awareness of and access to general health care and obstetrics services.

29. The report states that 42.6 per cent of sex workers were infected with HIV/AIDS in 1998 (para. 342), and that "increasingly, men are bringing HIV infection from sex workers ... to their own wives (or girlfriends) who then pass the virus to their babies" (para. 343). Please indicate whether a specific programme is in place aimed at reducing the prevalence of HIV/AIDS among this group of vulnerable women, and if not, whether there are any plans to establish such a programme.

Article 13

30. The report indicates that the Government is concerned about the need for a comprehensive programme of land reform and that the Comprehensive Land Policy will create an enabling environment for women who are the head of the family to have access to land for housing and agriculture (para. 377). Please indicate the

status of this policy and describe how it ensures that women, including indigenous women and women from ethnic minorities, have access to land.

Article 14

31. Eighty-five per cent of the Cambodian population lives in rural areas (para. 360). The report mentions that the implementation of the National Poverty Reduction Strategy is still poor for women in rural areas due to the constraints of the national budget (para. 383). Please indicate what efforts have been undertaken to enhance funding of the Strategy and specifically to ensure that rural women benefit from it. Please also indicate how rural women participated in the design of the Strategy and how they are involved in its implementation.

Articles 15 and 16

32. Please indicate what efforts are under way to disseminate and ensure the effective enforcement of the Law on Marriage and Family to eliminate the high incidence of forced marriages.

33. According to the report of the Special Rapporteur on violence against women, polygamy is common in many parts of Cambodia (E/CN.4/2003/75/Add.1, para. 951). Please indicate what measures are in place, or planned, to eliminate the practice of polygamy.

Optional Protocol

34. Please indicate whether any measures or actions have been undertaken to ratify the Optional Protocol.
