

**Joint UNCT<sup>1</sup> Cambodia Report in the context of Cambodia’s third UPR cycle  
FINAL**

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**Cooperation with Treaty Bodies and Human Rights Mechanisms, including the Special Procedures (118.44-118.47)**

1. As of May 2018, Cambodia has five overdue periodic or follow-up reports or responses to the UN human rights treaty bodies.<sup>2</sup>
2. In 2017 and 2018, UN has supported the Cambodian Human Rights Committee in its preparation of reports under CRPD, CRC, ICERD, ICPED and CAT and in June 2017 supported a conference on follow-up to recommendations from the second UPR cycle.<sup>3</sup> In

2015, the Cambodian National Council of Women (CNCW), with the support of UN and the CEDAW Committee, held a dialogue with the Senate's Technical Committee on Women and Children and the National Assembly's Commission on CEDAW, including application to national legislation and policy formulation processes. CNCW's draft Strategic Plan 2018-2022 includes a strategy for increased engagement with the Parliamentary Committees on CEDAW implementation.

3. **The UNCT encourages the Government to consider convening a National Conference on implementation of recommendations of human rights mechanisms following the third cycle of UPR. The UNCT offers its support in case the Government decides to convene such a Conference.**

#### **Establishment of the National Preventive Mechanisms (NPM) According to OP-CAT Requirement (118.13)**

4. In 2017, a royal decree was issued that repealed the sub-decree on the establishment of the NPM under OP-CAT. This involved the restructuring of the mechanism. In June 2018, the Sub-Committee on the Prevention of Torture removed the National Preventive Mechanisms (NPM) from its Article 17 list, the list of those NPMs whose compliance with article 17 obligations is substantially overdue.<sup>4</sup>
5. **The UNCT encourages the Government to continue to take steps, in particular the provision of adequate funding, to ensure the formal and operational independence of the NPM.**

#### **Education on Human Rights and Treaties (118.42)**

6. From 2014-2016, the Ministry of Justice (MoJ), in accordance with the national policy and its strategic plan, provided training on CEDAW, gender, and relevant national laws to 3,650 (1,204 female) judges and prosecutors, court clerks and court officials, law enforcement officials.
7. The National AIDS Authority, in partnership with UN, FHI 360 and KHANA conducted sensitization activities with policy-makers and law enforcement authorities on the implementation of several laws and policies, including the Law on Suppression of Human Trafficking and Sexual Exploitation, the Law on Drug Control and Village/Commune Safety Policy. The enforcement of these laws and policies can hinder access to services for key populations (KPs)<sup>5</sup> in some instances, particularly where fear of arrest leads to individuals avoiding accessing services or actual arrest under such laws disrupts access to services.
8. The Government's Disability Action Council provided training of its local officials in Koh Kong Province in November 2017, with the support of UN.

#### **Legal Reform (118.27, 118.80, 118.91, 118.133)**

9. One of the key priorities on the Government’s Rectangular Strategy Phase III (2013-2018) is strengthening governance through *‘continuing legal and judicial reforms to ensure social justice and promote the rights of people along with integrity, transparency and accountability of civil service’*<sup>6</sup>.
10. Work on legal and judicial reform advanced in several areas such as the organization of the Courts, access to information, juvenile justice, legal aid and alternative sentencing. Communication within the justice system and the Government budget for the justice sector has increased over recent years.<sup>7</sup>
11. However, amendments to the Law on Political Parties in 2017 allowed administrative suspension of political parties indefinitely without due process and prohibited indefinitely those convicted of even misdemeanors from leading political parties.<sup>8</sup> In October 2017, Parliament enacted a series of amendments to legislation allowing for the redistribution of seats of a dissolved party to other parties at the national and local level.<sup>9</sup>
12. The Special Rapporteur on the situation of human rights in Cambodia has raised concerns that amendments to the Criminal Code introducing a crime of *lèse majesté*, making it illegal to insult the monarchy are inconsistent with international standards on freedom of expression.<sup>10</sup> Similar concerns have been raised in relation to the Inter-Ministerial Proclamation on Publication Controls of Website and Social Media Processing via Internet.
13. The Law on Trade Unions contains provisions that are inconsistent with international standards, particularly on the establishment, functioning and dissolution of trade unions.<sup>11</sup> The Law on Associations and Non-Governmental Organizations adopted in 2015 includes requirements of mandatory registration, onerous reporting duties and requirements of ‘political neutrality’ that, if unmet, could lead to criminal sanctions.<sup>12</sup>
14. **The UNCT encourages the Government to undertake broad participatory consultations with the public and relevant institutions when introducing and amending laws on human rights and related issues and urges a review of the above laws and amendments to ensure their compliance with international standards.**

**Independence of the judiciary and access to justice (118.24, 118.79, 118.81-118.90, 118.94, 118.95)**

15. The MoJ continued to implement the three “fundamental laws” on the judiciary, issuing three sub-decrees on the Law on the Organization of the Courts and taking steps toward drafting the laws on notaries, bailiffs and clerks.<sup>13</sup> In 2016, the MoJ took important steps to increase the salaries of judges and prosecutors in an effort to combat corruption. Towards that end, it invited the Anti-Corruption Unit to monitor the entrance exams to the Royal Academy of Judicial Professions.<sup>14</sup> However, structural challenges in law enforcement and judicial institutions remain, including in the area of independence and procedural guarantees, weak evidentiary basis for convictions and persisting impunity.<sup>15</sup>

16. The national legal aid budget tripled between 2013 and 2017 to USD 150,000 but it remains insufficient for a country where nearly half of the population lives below or just above the poverty line.<sup>16</sup> Since 2012, the Government has allocated a budget of KHR 200 million (USD 50,000) per year to support access to legal services for female victims of all forms of violence and the number of poor women receiving legal assistance increased from 106 in 2014 to 233 in 2016. Legal assistance, including legal counseling, has been made available for KPs and LGBTI people on a limited scale. Accessibility remains limited due to the complexity of the process and the need to increase public trust in the justice system.
17. In July 2016, the Juvenile Justice Law was enacted. The Law establishes a separate system that focuses on diversion programmes rather than punishment.<sup>17</sup> The Ministry of Social Affairs Veterans and Youth Rehabilitation (MoSAVY) and MoJ continue to work on implementation of the Law. There have been delays in ascertaining the ages of young people upon arrest so as to determine if they are below the minimum age of criminal responsibility and juveniles are still sometimes detained with adults. Measures, such as the use of screens and audio-visual facilities for remote testimony should help protect child witnesses and victims of crimes.
18. **With a view to promoting independence of the judiciary, substantially reducing corruption, and promoting access to justice in accordance with the ICCPR, CRC and SDG16, the UNCT:**
  - a) encourages the Ministry of Justice to undertake the judicial integrity study, as indicated in the joint monitoring indicators of the Technical Working Group on Legal and Judicial Reform;
  - b) welcomes the ongoing development of a national legal aid policy and encourages its timely adoption and adequate resourcing;
  - c) welcomes the Juvenile Justice Law and encourages the Government to implement it, including through ensuring its adequate resourcing.

#### **Impunity (118.13, 118.92, 118.105, 118.112-118.116)**

19. Impunity remained a challenge, sometimes creating conditions for parallel solutions, such as out-of-court financial settlement or vigilante actions.<sup>18</sup> Impunity for cases of mob justice remains of concern: investigations are rarely carried out, and cases are generally closed as the initial crime is considered to have been solved.<sup>19</sup>
20. **The UNCT encourages the Government to take steps to tackle impunity, including through raising awareness that acts such as mob violence are unacceptable and to investigate and prosecute such crimes.**

#### **Fundamental freedoms (118.104-118.111, 118.14-118.16, 118.18-118.20, 118.101, 118.102)**

21. Freedom of association, particularly since the adoption of the 2015 Law on Associations and Non-Governmental Organizations (LANGO) and the 2016 Law on Trade Unions, remains a challenge. In 2017, the Government ordered the closure of the office of the National

Democratic Institute in Cambodia in the context of allegations that the Institute's training materials indicated collusion with the Cambodia National Rescue Party to ensure its victory in the 2018 elections and issues related to the Institute's registration. The Government suspended for 30 days Equitable Cambodia, an organization working in the area of land rights and deregistered the environmental NGO, Mother Nature, and two of its members were held on pretrial detention on charges related to attempts by film suspected illegal sand-dredging activities. Administrative instructions by the Ministry of Interior from October 2017 require NGOs to notify local authorities three days in advance of all activities even if such notification is not required under legislation.<sup>20</sup>

22. The Government has revoked licenses of independent radio stations, independent media have shut down, and two independent journalists have been charged with 'espionage'.<sup>21</sup> More work needs to be done in terms of protecting journalists covering sensitive issues related to the environment and natural resources, and corruption, especially investigative reporting.<sup>22</sup>
23. The January 2014 ban on large-scale demonstrations marked a change in the generally tolerant approach to demonstrations.<sup>23</sup> In 2016, civil society demonstrations calling for the release of staff members of the Cambodian Human Rights and Development Association and the Deputy Secretary-General of the National Election Committee (referred to as the Black Monday gatherings) were forcibly dispersed.<sup>24</sup> On 10 October 2016, a peaceful march to mark World Habitat Day was violently repressed.<sup>25</sup> Increased police presence, including undercover police, before and during public NGO activities or events is reported.<sup>26</sup>
24. **The UNCT highlights the importance of the voice, creativity and ingenuity of civil society in meeting the SDGs, including when those voices are critical. In this context, the UNCT:**
  - a) **encourages the Government to allow a broad range of expressions and associations, subject only to permissible limitations under the ICCPR;**
  - b) **refrain from prosecuting journalists, human rights defenders and other civil society actors to avoid discouraging them from freely expressing opinions; and**
  - c) **respect freedom of assembly, including in accordance with the implementation guide to the Law on Peaceful Demonstration.**

#### **Electoral Reform and Political Participation (118.23, 118.117-118.123)**

25. In 2014, the National Election Committee was reformed so that it comprised equal numbers of representatives of the ruling and main opposition parties and one independent member.<sup>27</sup> The Committee embarked on the preparation of the fourth communal elections which were held on 4 June 2017. A new voters' list established in late 2016 had been deemed to be over 98 per cent accurate by election monitors. Cambodians turned out in exceptionally high numbers and the voting took place peacefully with few complaints lodged.<sup>28</sup> The elections appear to have been held in accordance with the law.<sup>29</sup>
26. Judicial actions were taken against the two leaders of the former opposition political party (CNRP) with treason-related charges against Kem Sokha and incitement and defamation

against Sam Rainsy in September 2017. Kem Sokha has remained in detention since that time. In November 2017, the Supreme Court ordered the dissolution of the Cambodia National Rescue Party and banned 118 senior members of the party, including all parliamentarians, from political life for five years.<sup>30</sup> The dissolution of the CNRP permitted the distribution of its seats, without new elections, at the National Assembly and all communes previously under the control of the CNRP passed to the ruling Cambodian People's Party.<sup>31</sup>

27. **The UNCT encourages the Government to ensure inclusive and participatory political processes, in which every citizen can take part in public affairs, directly or through freely chosen representatives, in a way that guarantees and respects the free expression of the will of the electors at the national and sub-national levels, in accordance with article 25 of the ICCPR and as a means to achieving SDG16.**

#### **The ECCC (118.97-118.99)**

28. The case 002/01 at the ECCC came to an end in 2016. The case 002/02 concluded in 2017 with the verdict expected in 2018. Case 003 reached final submissions of the co-prosecutors in November 2017 and case 004 was severed into three case files.

#### **Detention and Prison Conditions (118.60, 118.61, 118.96)**

29. A 'six-month campaign against illicit drugs', launched in January 2017 and renewed in June 2017, led to a sharp increase in the prison population. This has put further strain on detention facilities and has seriously affected the living conditions and health of prisoners, as well as the working environment of prison personnel. The number of people detained without an enforceable verdict remained very high, with only 25 per cent of prisoners serving a final sentence as of December 2017.<sup>32</sup> There is concern about the prevalence of pre-trial detention.<sup>33</sup>
30. **With a view to preventing ill-treatment and meeting SDG16, the UNCT recommends that the Government take measures to reduce overcrowding in places of detention, including through examining alternatives to detention and reducing the number of people in pre-trial detention through introducing more prompt court procedures and ensuring pre-trial detention is used as a last resort.**

#### **Socio-Economic Development and Poverty Reduction (118.128, 118.134, 118.136, 118.138, 118.139, 118.141-118.145, 118.158)**

31. In 2016, Cambodia graduated to the status of lower middle-income country.<sup>34</sup> Economic growth has continued at high levels of almost seven percent and poverty continued to decline, although almost a third of the population is still living near the poverty line and risks slipping back into poverty.<sup>35</sup> The benefits of development are not enjoyed equally across all sectors of society and profound challenges remain including persisting income inequality, an urban/rural divide and vulnerabilities to minor shocks.<sup>36</sup> Addressing poverty reduction and

inclusive growth was identified by the Government in 2017 as one of the main cross-cutting challenges ahead.<sup>37</sup>

32. The Government has sought to expand access to finance, in particular in rural areas. The greatest outreach of financial services in rural areas is through Micro-Finance Institutions (MFIs), with 68 MFIs registered with the National Bank and NGOs providing credit and loans. In 2017, these institutions provided over USD 3.99 billion in loans, an increase from USD 2.03 billion and USD 2.95 billion in loans in 2014 and 2015 respectively. According to the Cambodia Microfinance Association, more than 70 percent of loans were provided to women, who now have as much access as men to financial services from both commercial and MFIs. The Ministry of Rural Development (MRD) has expanded a micro-credit scheme with low interest rates to enable people in rural areas, especially women, to obtain loans for small businesses and agriculture activities. In 2017, the credit scheme released capital totaling USD 1.31 million to 6,035 clients (4,989 women or 82.7 percent) in 15 provinces.
33. The MRD has made important progress in promoting access to improved water supply and sanitation in rural areas in line with the targets of the National Strategic Development Plan and the Cambodian Millennium Development Goals. The percentage of rural population with access to improved water supply increased from 42 percent in 2009 to 44.2 percent in 2013 to 53 percent in 2015. Furthermore, access to improved sanitation reached 56 percent in 2015, up from 37.5 percent in 2013 and 25 percent in 2010. This represents a significant contribution to the improvement in health and nutrition among rural citizens. A National Strategic Plan for Rural Water Supply Sanitation and Hygiene 2014-2025 was approved in January 2014.

### **Business Responsibilities, Employment (118.125-118.127)**

34. Business enterprises continue to have an important role in promoting Cambodia's economic growth, which can affect the enjoyment of human rights, such as land and housing rights, rights in the work place, gender equality among other rights. This highlights the Government's role to protect human rights. In 2017, the Government introduced improved social protection for workers, a lump-sum payment scheme for pregnant workers and raising the minimum wage for workers in the textile and footwear industries by 11 percent in 2018. The Government suspended the drafting of a controversial bill on labour dispute resolution.<sup>38</sup> Despite all these efforts, the living conditions of people working in factories, particularly women, are still poor and net salaries low. Sexual harassment at the workplace continues to be a serious problem that undermines women's rights and women's participation in the economy.
35. UN has been working with Government and business enterprises to provide adequate remedies for cases of violations of land and housing rights, including through supporting 'peace tables' between the Runta Ek community in Siem Reap Province and the Apsara Authority.<sup>39</sup> UN, through its regional offices in Bangkok, has been providing support for governments and business enterprises in promoting business and human rights in the context of the 2030 Agenda.

36. **In the context of meeting SDG17, the UNCT encourages:**

- a) **the Government to promote responsible business practices and effective public private partnerships through the elaboration of a National Action Plan on Business and Human Rights, based on the UN Guiding Principles on Business and Human Rights and in consultation with the private sector, civil society and other relevant stakeholders;**
- b) **further collaboration between the Government and the private sector in enacting legislation and policies that clearly define the term ‘sexual harassment’ and prevent and effectively sanction sexual harassment at the workplace.**

### **Land and Housing Rights (118.129-118.135)**

37. Cambodia has experienced significant deforestation and forest degradation in recent years, with the main identified causes including conversion for commercial agriculture, mining, economic land concessions, social land concessions, legal and illegal settlement and farmland, large scale infrastructure and hydropower development, road construction, legal and illegal logging, fuelwood harvesting, and forest fire.<sup>40</sup>
38. Weak forest governance and implementation of land law, together with a lack of state land registration and forest estate demarcation, have impacted forest resources.<sup>41</sup> This in turn has led to forest conflicts, often characterized by power disparity, differing interests in forest lands and forest products, governance and human rights issues.<sup>42</sup>
39. The Government has made progress in providing land titles and resolving some conflicts. From the inception of the land titling program till the end of 2017, a total of 4,881,582 land titles have been granted, which is equal to 66.4 percent of the projected 7 million titles to be issued by 2030. Several ad hoc mechanisms to resolve outstanding land issues have been established, although the number of active disputes remained unclear.
40. While the possibility of indigenous communities to have communal land title is a positive development in the region, the collective land titling process has been complex, lengthy and expensive.<sup>43</sup> As of June 2018, out of the estimated 455 indigenous communities in Cambodia, 141 had been recognized as indigenous by the Ministry of Rural Development, 128 had been legally registered by the Ministry of Interior, and only 24 had received collective land titles.
41. In 2015, the Government introduced the Land Policy “White Paper” in response to socio-economic development and land reform, serving to support people’s livelihoods. The “White Paper” (Points 5 and 7) includes key guidelines and activities for achieving gender equality in the land sector and land registration.
42. **In the context of achieving the rights to land and to housing and SDGs10 and 15, the UNCT encourages the Government:**
- a) **to adopt a transparent and consistent methodology and mechanism for keeping track and resolving land issues, including minimum requirements of fairness for the determination of compensation;**



- b) to review and simplify the process for requesting communal land title registration and to increase the budget for community land titling so as to expedite the processing of claims.**

**Health, Including HIV (118.147-118.157, 118.160, 118.171)**

43. Cambodia's development efforts are reflected in some important health outcomes such as a significant decline in child mortality rates and the early achievement of related MDGs. Cambodia is one of the ten fast-track countries in the Partnership for Maternal, Newborn and Child Health. However, health outcomes vary according to socioeconomic status and location. For example, children in the poorest quintile have three times greater risk of death before turning five than those in the richest quintile.<sup>44</sup>
44. Health equity funds seek to ensure free access to healthcare for the poorest families, including their children.<sup>45</sup> The Third Health Strategic Plan 2016–2020 (HSP3) of the Ministry of Health reflects the Government's commitment to incremental progress towards universal health coverage. The overarching policy goal of HSP3 is improved health outcomes of the population, with increased financial risk protection in access to quality health care services. Patient's out-of-pocket health expenditure remained high at 58 per cent of the total health expenditure in 2015.<sup>46</sup>
45. Cambodia's HIV response over the past two decades has been highly successful and resulted in decline of HIV prevalence in the adult general population aged 15-49 to 0.6 per cent in 2016. This made the country one of the seven countries globally to achieve the 90-90-90 targets (that translates into 73 per cent of all people living with HIV being virally suppressed) in 2017. The number of new HIV infections has fallen to just a few hundred per year, and the total number of people living with HIV in Cambodia is estimated to be 70,000. The epidemic affects men and women almost equally in Cambodia. 58,516 people living with HIV were receiving free anti-retroviral therapy in Cambodia by the end of December 2017. Cambodia's successful HIV program has emerged from a sound policy and strategic framework.
46. The MoH has implemented the National Strategic Plan for Prevention of HIV from Mother to Child 2008-2015, which provides care to all pregnant women including blood tests for anemia, HIV and STIs. In 2017, 84 percent of pregnant women were voluntarily tested for HIV, up from only 15 percent in 2008. The percentage of pregnant women living with HIV receiving anti-retroviral treatment for prevention of mother to child transmission increased from only 27 percent in 2008 to 81.2 percent in 2017.
47. People who live, work or are otherwise dependent on the streets are particularly vulnerable to abuse and to being rounded-up and sent to centres such as the Phnom Penh Social Affairs Drop-In Centre (Prey Speu). Some of these people have psychosocial disabilities and health issues, including HIV/AIDS and drug addiction and require appropriate professional medical support which is not currently available. In 2015, the Government, United Nations agencies and civil society organizations participated in the National Conference on Persons in Street Situations to address these challenges and make recommendations.

48. The National Strategy for Reproductive and Sexual Health was launched in 2017 to ensure comprehensive sexual and reproductive health services are available at all service delivery points. While Cambodia's overall fertility rate among women aged 15 to 49 has fallen over the last decade, the rate among girls and women aged 15 to 19 went up from 47 per 1,000 women in 2005 to 57 in 2014. The fertility rate in rural areas for teenage girls is three times higher than in urban areas.<sup>47</sup> Among all adolescent girls in a union aged 15–19, close to 71 per cent were not using a method of contraception.<sup>48</sup>
49. **As it achieves the progressive realization of the right to health and SDG3 , the UNCT encourages the Government:**
- a) **to expand the social health protection and prepayment mechanisms and increase domestic funding to health, in order to alleviate the health burden on households, alleviate the high out-of-pocket expenditure on health care and achieve the progressive realization of the right to health and SDG3;**
  - b) **to increase domestic financial investment, including in collaboration with the private sector, in innovative, people-centred, evidence-informed sustainable interventions for HIV prevention, treatment, care and support programs so as to reach the national goal of ending AIDS as a public health threat by 2025;**
  - c) **to implement the recommendations from the 2015 National Conference on People in Street Situations and the UNCT reiterates its support in the implementation phase.**

#### **Education (118.140, 118.159, 118.162-118.168)**

50. Progress has been made in eliminating widespread cheating in examinations, through strong political and policy leadership from the Minister of Education, and through enabling teachers to earn a decent wage, which has nearly tripled over a three-year period.<sup>49</sup> These reforms have also helped to curb unofficial 'additional payments' from families made to send their children to school, and assisted the building of additional schools. In-service teacher training is also being reviewed to ensure quality teaching standards; a system of Continuous Professional Development (CPD) is being developed as well as a defined career pathway devised for teachers and school directors. Comprehensive Sexuality Education is being integrated into Health Education for grades 5-12.
51. The Ministry of Education, Youth and Sport (MoEYS) has worked to secure near universal primary enrolments.<sup>50</sup> However, secondary education drop-out rates are high.<sup>51</sup> Gender disparities still exist at the secondary level, often as a result of food insecurity and poverty, and are very high at the tertiary level. In recent sectoral trends analysis, it is apparent that more girls than boys complete primary, lower and upper secondary school;<sup>52</sup> and for tertiary education, while there appears to be gender parity in the pursuit of associate degrees and bachelor degrees, there are far fewer females pursuing advanced degrees. For example: only 22 per cent of student pursuing master degree programmes in 2016-17 were female.<sup>53</sup> Girls from HIV-affected households were more likely to have missed school as compared with girls from non-affected households.

52. In 2016, the Government launched the Multi-lingual Education National Action Plan to improve access to education for children from indigenous minorities.<sup>54</sup> MoEYS is currently preparing a new Multilingual Action Plan 2019-2023 that will guide progress in the sector over the next five years.
53. **In the context of ensuring right to education and meeting SDGs4 and 10, the UNCT encourages the Government to make stronger efforts to address school drop-outs; to assist boys to complete primary, lower and upper secondary education; and to improve access of young women to secondary and tertiary education, including through analyzing root causes, such as education quality, cost of education to families, prospects for jobs and the level of vocational training available;**

#### **Safety Net (118.146, 118.149)**

54. The Government adopted the National Policy Framework for Social Protection 2016-2025, a long-term roadmap focusing on social assistance and social security.<sup>55</sup> The Framework aims to harmonize, concentrate and strengthen existing schemes or programmes in order to increase the effectiveness, transparency and consistency of the social protection system. In addition, it seeks to expand the coverage of the social safety network to all citizens. However, gaps exist between policies and their implementation, manifesting in limited access of social protection schemes by vulnerable groups.
55. **In the context of SDGs1 and 10 and the right to social security, the UNCT encourages the Government, in furtherance of the National Social Protection Policy Framework 2016-2025, to ensure institutional capacity and to allocate sufficient resources for its implementation.**

#### **Children (118.55, 118.64, 118.65, 118.73, 118.74, 118.171), Violence against Children (118.26, 118.62), Child labour (118.26, 118.67-118.71, 118.72, 118.125)**

56. The Government has closed down some abusive residential care facilities, in particular ‘orphanages’, and has sought to regulate intercountry adoptions. The Ministry of Social Affairs, Veterans and Youth launched an action plan in 2017 for improving childcare with the target of safely returning 30 percent of children in residential care to their families over the following two years. The Government has been working on strengthening the implementation of the Adoption Law so as to ensure that safeguards exist before approval of adoptions.
57. The Government in 2013 launched its Plan of Action to Prevent and Respond to Violence against Children (2017-2021) in 2017.
58. Child labour is a concern, with 19 percent of Cambodian children aged 5 to 17 economically active, according to UN.<sup>56</sup> Progress has been limited in attaining indicators and targets on child labour.

59. **In the context of meeting international labour standards, the rights of the child and SDG8, the UNCT encourages the Government:**

- a) **to invest in the employment of social workers in all 165 districts and 1,646 communes to provide prevention and response services to children vulnerable to and harmed by violence;**
- b) **to provide sufficient resources to enforce laws related to child labour and ensure that labour inspections are conducted throughout the country, in particular in the informal sector and in rural areas.**

**Women (118.49-118.56, 118.64), Violence against Women (118.62, 118.65, 118.72, 118.124)**

60. The Second National Action Plan to Prevent Violence Against Women (NAPVAW II) covering 2014-2018 focuses on the prevention and response to gender-based violence (GBV). The National Guidelines for Managing Violence Against Women and Children in the Health Sector was endorsed in 2015 followed by the publication of a clinical handbook for care providers. The Technical Working Group on Gender sub-group on GBV (TWGG-GBV) was set up to strengthen coordination and support efforts to reduce violence against women through the NAPVAW II.<sup>57</sup> The draft *Preventing Violence Against Women and Girls – A strategy to implement prevention priorities in the NAPVAW* was developed in 2017. A domestic violence module was successfully included in the Cambodia Demographic Health Survey in 2014 to capture the prevalence rate of VAW. Challenges remain, in particular the significant under-resourcing of the national women’s machineries -namely the Ministry of Women’s Affairs and the CNCW. The UNCT supports the Government’s efforts to expand gender-responsive budgeting across the ministries.
61. The Law on the Prevention of Domestic Violence and the Protection of Victims (2005) has resulted in few protection orders for victims and lack of prosecution of perpetrators. Cases including rape and domestic violence are often resolved through informal justice systems. While the law on the prevention of domestic violence only permits mediation in cases that are not criminal, mediation is commonly used, resulting in many victims returning to live with an alleged perpetrator who has not been criminally investigated. A lack of gender sensitivity of law enforcement and judicial personnel when dealing with victims of sexual assaults and crimes has resulted in a culture of silence and very few cases reach the courts.<sup>58</sup>
62. Gender stereotyping, particularly within the family, but also in schools, communities, workplaces and the media remains common in Cambodia. The tradition in the Chbab Srey, the code that outlines ways that girls and women should behave restricts women in the equal exercise of their rights, limits choices and influences decisions.<sup>59</sup>
63. Despite some improvements in women’s participation in civil service, politics and decision-making over the last two decades, women continue to be largely under-represented.
64. **In the context of achieving gender equality and meeting SDGs 5 and 16, the UNCT encourages the Government:**

- a) **to review relevant laws and policies so as to ensure that mediation in cases of domestic violence is relied upon in only appropriate case as well as to improve access to justice for victims of violence, including through challenging obstacles, such as gender norms, to access to justice in the police and judiciary;**
- b) **to combat traditional gender stereotypes and develops a comprehensive strategy to modify and eliminate patriarchal attitudes and stereotypes that discriminate against women, including those of the Chbab Srey;**
- c) **to take measures, including through engaging with political parties, to address the systematic under-representation of women in decision-making positions and endorse binding mechanisms to boost women’s participation, such as quota systems in favour of under-represented gender.**

**Discrimination on the basis of sexual orientation and gender identity**

- 65. Recent support from some Government officials for LGBTI people is welcome.
- 66. The Cambodian Law on Marriage and the Family (1989) defines marriage as an agreement or contract between a man and a woman (Art. 3). The article 12 of the Cambodian Labour Law (1997) provides for equality in the workplace although it does not explicitly prohibit discrimination based on SOGIE. Legal and policy reforms to address discrimination against LGBTI people in families, communities and at the workplace are needed.
- 67. Bullying of LGBTI people at schools by friends and teachers remains as a problem. The MoEYS has acknowledged the issue and started integrating SOGIE issues in school curricula (as part of life skill and comprehensive sexuality education) and teachers have been sensitized through SOGIE training.
- 68. **In the context of promoting equality and meeting SDGs10 and 16, the UNCT encourages the Government:**
  - a) **to consider amending legislation and practices to allow same-sex marriage and legal recognition of transgender people to allow people to change their sex in identification documents;**
  - b) **to promote SOGIE-inclusive non-discriminatory policies for education, including the teaching of issues related to SOGIE and the promotion of ways to address negative perceptions around sexuality.**

**Ethnic/Religious Minorities (118.58, 118/59)**

- 69. The Government’s National Strategic Plan of Identification 2017-2026 seeks to ensure that everyone is recognized before the law. Currently, some ethnic Vietnamese and Khmer Krom appear to face challenges with birth registration and identity cards.<sup>60</sup>
- 70. In 2016, the Government launched the Multi-lingual Education National Action Plan to improve access to education for children from indigenous minorities.<sup>61</sup> MoEYS is currently

preparing a new Multilingual Action Plan 2019-2023 that will guide progress in the sector over the next five years.

71. **With a view to ensuring that no one is left behind in the implementation of the SDGs, in particular SDG10, the UNCT encourages the Government:**
- a) **to speed up the process of registration of all Vietnamese and Khmer Krom in Cambodia, in particular children, and ensure their access to economic and social rights.**
  - b) **to collect data on indigenous, ethnic and religious minorities, including in the upcoming census, respecting the principles of disaggregation, self-identification, transparency, privacy, participation and accountability.<sup>62</sup>**
  - c) **to roll out the new National Action Plan for Multi-lingual Education (1919-2023) and ensure sufficient funding.**

#### **Persons with Disabilities (118.25, 118.137, 118.169, 118.170)**

72. Persons with disabilities face obstacles in society and in accessing public services and employment. Polling stations are not systematically physically accessible.<sup>63</sup> A national accessibility guideline has been drafted and a cash transfer programme for poor persons with disabilities is being implemented. However, low public investment and lack of evidence (data) to inform policy and programmes are challenges. Social norms continue to play a significant role as barriers to participation.
73. There is very little professional support available in the country for those with psychosocial and intellectual disabilities.<sup>64</sup> However, public statements on inclusivity made by Government officials are positive. The current strategic plan includes objectives to provide equal access to health services.<sup>65</sup>
74. **In the context of the CRPD and SDG17, the UNCT encourages the Government to develop a methodology for collecting data on the number of persons with disabilities in Cambodia, the types of disabilities they have, the services they need as well as the main obstacles they face in accessing their rights and participating freely in society.**

#### **Trafficking (118.75-118.78)**

75. The Government has taken efforts to combat crimes, such as trafficking in persons, the exploitation of labour and the sexual exploitation of women and children although further effort is needed.<sup>66</sup> Enhancing prevention is one of the strategies of the second National Plan of Action for Counter Trafficking in Persons (NPA-CTIP II) 2014-2018, and significant prevention activities including public awareness raising efforts have occurred. The National Committee for Counter Trafficking organizes the National Day for Counter Trafficking in Persons in partnership with ministries<sup>67</sup>, institutions and development organizations which highlight the importance of prevention, protection of victims of trafficking and the prosecution of perpetrators. The National Committee and NGO partners have aired radio, TV

spots and talk shows on prevention of trafficking and promotion of safe migration, while the MoEYS mainstreamed safe migration and prevention of trafficking messages in youth camps.

76. The second *Labour Migration Policy for Cambodia 2015-2018* sets out a framework for effective governance of labour migration, empowerment and protection of the rights of female and male migrant workers, and enhancement of the impact of migration on development. The Ministry of Labour and Vocational Training is developing guidelines for the identification and referrals of victims of human trafficking, and has established a Labour Migration Information System (LMIS) with support from partner organizations to collect sex and sector-disaggregated data on the number of Cambodian workers that migrate through regular channels.
77. **In the context of meeting international labour standards and SDG8, the UNCT encourages the Government to increase protection mechanisms for Cambodian migrants abroad, including domestic workers, and closely monitor labour agencies recruiting and deploying Cambodian migrant workers abroad.**

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<sup>1</sup> The Cambodia UN Country Team consists of UNRC, FAO, IAEA, IFAD, UN, IOM, UN, UNCDF, UN, UNEP, UNESCO, UN, UN-HABITAT, UNHCR, UN, UNIDO, UNODC, UNUN, UNOPS, UNV, UN, WFP and WHO.

<sup>2</sup> CAT, CED, ICESCR, and CRPD reports and a response under OP CAT.

<sup>3</sup> A/HRC/37/64, paras 51, 52.

<sup>4</sup> <https://www.UN.org/EN/HRBodies/OPCAT/Pages/Article17.aspx>

<sup>5</sup> “UN lists its global definition of key populations on their website (<http://www.UN.org/en/topic/key-populations>). In Cambodia’s context, they include gay men, men who have sex with men, entertainment workers (sex workers), transgender people, and people who inject drugs.

<sup>6</sup> *Rectangular Strategy Phase III*, para 4: [http://www.cdc-crdp.gov.kh/cdc/documents/Rectangular\\_Strategy\\_Phase\\_III.pdf](http://www.cdc-crdp.gov.kh/cdc/documents/Rectangular_Strategy_Phase_III.pdf)

<sup>7</sup> A/HRC/36/32, para 25.

<sup>8</sup> A/HRC/36/32, para 10.

<sup>9</sup> A/HRC/37/64, para 6.

<sup>10</sup> ‘UN Experts say Constitutional changes in Cambodia infringe democracy’, Statement of the Special Rapporteur on the situation of human rights in Cambodia and the Special Rapporteur on Freedom of Expression, 20 February 2018.

<sup>11</sup> A/HRC/33/39, para 26. ‘UN’s Statement on Trade Unions Law in Cambodia’, 4 April 2016, [http://www.UN.org/asia/media-centre/news/WCMS\\_466553/lang--en/index.htm](http://www.UN.org/asia/media-centre/news/WCMS_466553/lang--en/index.htm) ; Observation (CEACR) published 107<sup>th</sup> ILC Session (2018), Freedom of Association and Protection of the Right to Organize Convention, 1948 (No.87), [http://www.UN.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0:::P13100\\_COMMENT\\_ID:3344064](http://www.UN.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0:::P13100_COMMENT_ID:3344064)

<sup>12</sup> A/HRC/30/39, para 20.

<sup>13</sup> A/HRC/36/32, para 29

<sup>14</sup> A/HRC/33/39, para 32

<sup>15</sup> A/HRC/36/32, paras 26.

<sup>16</sup> A/HRC/36/32, para 32

<sup>17</sup> A/HRC/36/32, para 28

<sup>18</sup> A/HRC/36/32, para 35

<sup>19</sup> A/HRC/37/64, paras 23-24

<sup>20</sup> A/HRC/37/64, paras 8-9.

<sup>21</sup> A/HRC/37/64, para 7.

<sup>22</sup> Speaking Notes of the UNESCO Representative on World Press Freedom Day, 3 May 2017

[http://www.unesco.org/new/en/phnompenh/about-this-office/single-view/news/speech\\_2017\\_world\\_press\\_freedom\\_day\\_new\\_media\\_new\\_oppo/](http://www.unesco.org/new/en/phnompenh/about-this-office/single-view/news/speech_2017_world_press_freedom_day_new_media_new_oppo/)

<sup>23</sup> A/HRC/33/39, para 12.

<sup>24</sup> A/HRC/36/32, para 14.

<sup>25</sup> A/HRC/36/32, para 19

<sup>26</sup> A/HRC/37/64, para 9.

<sup>27</sup> A/HRC/33/39, para 9.

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- <sup>28</sup> A/HRC/36/32, para 17.
- <sup>29</sup> A/HRC/36/61, para 5.
- <sup>30</sup> A/HRC/37/64, para 5
- <sup>31</sup> A/HRC/37/64, para 6.
- <sup>32</sup> A/HRC/37/64 para 30
- <sup>33</sup> SR's End of mission statement, 14 March 2018:  
<http://cambodia.UN.org/sites/default/files/End%20of%20Mission%20statement%2014%20March%202018.pdf>
- <sup>34</sup> A/HRC/36/32, para 3
- <sup>35</sup> A/HRC/37/64, para 37
- <sup>36</sup> A/HRC/36/32, para 3.
- <sup>37</sup> A/HRC/36/32, para 3; [http://www.cdc-crdp.gov.kh/cdc/donor\\_country\\_pro/korea/2017\\_12\\_14\\_Policy\\_dialogue/docs/NSDP.pdf](http://www.cdc-crdp.gov.kh/cdc/donor_country_pro/korea/2017_12_14_Policy_dialogue/docs/NSDP.pdf)
- <sup>38</sup> A/HRC/37/64, para 37
- <sup>39</sup> A/HRC/37/64, para 44-45.
- <sup>40</sup> UNDP, FAO, UNEP, UNREDD+, Final Evaluation of the UN-REDD Cambodia National Programme Report, June 2015; USAID-LEAF and FAO, Drivers of Forest Change in the Greater Mekong Subregion Regional Report, 2015; Deluxe, C., Study on Drivers of Change Affecting Mekong Forests, Country report: Cambodia, 2015.
- <sup>41</sup> Royal Government of Cambodia, Forest Investment Program Cambodia's Investment Plan, draft for review April 2017, [http://www.moe.gov.kh/wp-content/uploads/2017/05/Forest-Investment-Program\\_Cambodia-Investment-Plan.pdf](http://www.moe.gov.kh/wp-content/uploads/2017/05/Forest-Investment-Program_Cambodia-Investment-Plan.pdf)
- <sup>42</sup> Royal Government of Cambodia, National Forest Programme (2010-2029). [http://www.cdc-crdp.gov.kh/cdc/documents/Sector\\_Strategy/6\\_Forestry\\_Reform/National\\_Forest\\_Programme\\_2010\\_2029\\_Eng.pdf](http://www.cdc-crdp.gov.kh/cdc/documents/Sector_Strategy/6_Forestry_Reform/National_Forest_Programme_2010_2029_Eng.pdf)
- <sup>43</sup> A/HRC/36/32, para 56.
- <sup>44</sup> WHO (2016). Cambodia Health Systems in Transition - Increasing equity in health service access and financing: Health strategy, policy achievements and new challenges, World Health Organization, <http://apps.who.int/iris/bitstream/10665/249514/1/WPR-2016-DHS-009.pdf?ua=1>
- <sup>45</sup> SR's End of mission statement, 18 Aug 2017:  
<https://UN.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22046&LangID=E>
- <sup>46</sup> WHO, Global Health Expenditure Database (<http://apps.who.int/nha/database/ViewData/Indicators/en>)
- <sup>47</sup> OECD (2017). Youth Well-being Policy Review of Cambodia, OECD, <http://www.oecd.org/countries/cambodia/Youth-well-being-policy-review-Cambodia.pdf>.
- <sup>48</sup> WHO (2014). Adolescent contraceptive use - Data from the Cambodia Demographic and Health Survey (CDHS) 2014, World Health Organization, <http://apps.who.int/iris/bitstream/10665/252421/1/WHO-RHR-16.67-eng.pdf?ua=1>.
- <sup>49</sup> Minister of Education, Key Note Address, Education Congress, 20 March 2018.
- <sup>50</sup> Actual Net Enrolment in primary education 2017-18 is 98.1%, according to EMIS data presented in MoEYS' Education Congress report, published in March 2018, p41.
- <sup>51</sup> According to the MoEYS-UNICEF Out of School Children Report, published in 2017, 10 per cent of children of lower secondary school age (12- to 14-year-olds) dropped out of school (11 per cent for boys), substantially higher than the 1 per cent of children of primary school age.
- <sup>52</sup> Education Sector Review 2018, June 2018. Report produced by the Education Sector Working Group.
- <sup>53</sup> Ministry of Education, Youth and Sport, Education Congress Report, published March 2018.
- <sup>54</sup> [https://www.unicef.org/cambodia/12681\\_25291.html](https://www.unicef.org/cambodia/12681_25291.html)
- <sup>55</sup> WFP, Fact Sheet: Education 2018
- <sup>56</sup> WFP, Fact Sheet: Education 2018
- <sup>57</sup> A/HRC/33/62, para 5
- <sup>58</sup> A/HRC/33/62, paras 23-24
- <sup>59</sup> A/HRC/33/62, paras 18-19
- <sup>60</sup> A/HRC/36/61, paras 32 and 34
- <sup>61</sup> [https://www.UN.org/cambodia/12681\\_25291.html](https://www.UN.org/cambodia/12681_25291.html)
- <sup>62</sup> 'A Human Rights Approach to Data: Leaving No One Behind in the 2030 Agenda for Sustainable Development' <https://www.UN.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf>
- <sup>63</sup> A/HRC/36/61, paras 42
- <sup>64</sup> A/HRC/36/61, paras 43
- <sup>65</sup> A/HRC/36/61, para 43
- <sup>66</sup> A/HRC/RES/36/32, para 13
- <sup>67</sup> Ministry of Education, Youth and Sport, Ministry of Labour and Vocational Training, Ministry of Social Affairs, Veterans and Youth Rehabilitation, Ministry of Tourism and Ministry of Women's Affairs.