

Universal Periodic Review 4th cycle
Submission by the United Nations Country Team (UNCT) in Cambodia¹

Cooperation with international human rights mechanisms.....	2
Institutional reforms.....	2
Detention.....	2
Fundamental freedoms and civic space.....	3
Elections and participation.....	5
Access to justice.....	5
Gender equality and gender-based violence (GBV).....	6
Lesbian, gay, bisexual, transgender and intersex (LGBTI) people.....	6
Persons with disabilities.....	7
Indigenous peoples.....	7
Cultural rights.....	7
Right to health.....	8
Labour Rights.....	9
Social Protection.....	9
Poverty.....	11
Right to Education.....	11
Right to water and sanitation.....	13
Child rights.....	13
Trafficking.....	14

¹ The UNCT in Cambodia consists of UNRC, FAO, IAEA, IFAD, ILO, IMF, IOM, ITC, OHCHR, UN-HABITAT, UN Women, UNAIDS, UNCDF, UNCTAD, UNDP, UNEP, UNESCO, UNFPA, UNHCR, UNICEF, UNIDO, UNODC, UNOPS, UNV, WFP and WHO.

Cooperation with international human rights mechanisms

1. During the cycle, Cambodia participated in treaty body reviews² and as of October 2023, had five overdue periodic or follow-up reports or responses.³
2. Cambodia received one visit from the Independent Expert on Sexual Orientation and Gender Identity (IESOGI) (2023), and two visits from the Special Rapporteur on the situation of human rights in Cambodia (2019, 2022). Cambodia received 29 communications from various Special Procedures and sent 23 replies. Cambodia does not have a standing invitation to Special Procedures.
3. *Suggested recommendations:*
 - **Continue efforts to implement recommendations of international human rights mechanisms, including through dissemination workshops and consultations with civil society.**

Institutional reforms

4. The Government continues efforts to establish a national human rights institution through finalisation of the draft law on Organisation and Functioning of the National Human Rights Commission (NHRC). The drafting committee fully integrated comments from OHCHR on the draft law, better reflecting the Paris Principles.⁴
5. A draft law is being developed on establishment of the National Committee Against Torture (NCAT), (previously established by decree). The legislation would bring NCAT in line with guidance on National Preventive Mechanisms under OP-CAT. NCAT has developed, with OHCHR's support, standard operating procedures on monitoring places of detention.⁵
6. *Suggested recommendations:*
 - **Adopt the Law on NHRC, in line with the Paris Principles.**
 - **Continue to take steps to ensure the formal and operational independence of NCAT including through the adoption of a law.**
 - **Undertake broad participatory consultations with the public and relevant stakeholders when introducing and amending laws.**

Detention

7. As of September 2023, Cambodia had a prison population of 40,908 persons (2,496 women), an overcapacity of over 300%.⁶ Overcrowding seriously affects conditions and access to adequate food and health for prisoners.
8. The Government has been conducting studies on alternative sanctions to reduce overcrowding. In February 2023, the Ministry of Justice created a working group to pilot community work for lesser offences. The Ministry is working on implementation of the criminal justice case database, whose systematic use can address overcrowding by monitoring detention periods and identifying prisoners eligible for sentence reduction or parole.⁷

² Human Rights Committee, CEDAW, CERD, CESC and CRC. See CCPR/C/KHM/CO/3; CEDAW/C/KHM/CO/6; CERD/C/KHM/CO/14-17; E/C.12/KHM/CO/2; CRC/C/KHM/CO/4-6

³ Related to CAT, CED, CRPD and OP-CAT See http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=KHM&Lang=EN; https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/CountryVisits.aspx?SortOrder=Alphabetical.

⁴ A/HRC/54/72, para. 45.

⁵ A/HRC/54/72, paras. 43-44.

⁶ Per General Department of Prisons (GDP) figures. The GDP estimates the total holding capacity by 8,800 inmates.

⁷ A/HRC/54/72.

9. 13,555 persons (847 females, 1,298 children, 41 girls) are in pre-trial detention. The number of persons detained pending final judgment is high – 15,874 inmates (1,013 females, 708 children, 22 girls). A particular protection concern is the 111 children reported to be living with their mothers in prison.
10. Regarding Prey Speu rehabilitation centre, OHCHR liaised with the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSVY) to address serious documented violations including torture, ill-treatment and the right to health. The law provides that the facility should serve as a drop-off location, but it is used to detain persons requiring specialist rehabilitation or treatment without transfer. MOSVY has publicly acknowledged an unspecified number of deaths at the facility during June-December 2022, established a task force, and is drafting standard operating procedures.⁸
11. The number of children in detention, including pretrial detention, remains high, despite non-custodial measures in the Criminal Procedure Code and Law on Juvenile Justice. In 2022 and early 2023, the Government made efforts to disseminate guidelines on the diversion of children in conflict with the law. However, this measure remains new to judges and prosecutors, and the number and capacity of social agents to support diverted children is limited.
12. *Suggested recommendations:*
 - **Address prison overcrowding through policy and legal reforms, including alternative sanction options.**
 - **Adopt alternative approaches to detention and compulsory treatment and rehabilitation for drug users.**
 - **Ensure enforcement of the Juvenile Justice Law through increasing the capacity of law enforcement institutions and social agents to support diversion of children in conflict with the law.**
 - **Strengthen community policing programmes to prevent children from entering into conflict with the law.**
 - **Immediately investigate all allegations of torture, ill-treatment and deaths in custody, and provide access to remedy and reparations for survivors of torture and ill-treatment or families of those who have died in custody.**

Fundamental freedoms and civic space

13. The Government has embarked on consultations to amend the 2015 Law on Associations and Non-Governmental Organizations (LANGO) but is yet to implement the UN Secretary-General's recommendation to incorporate civil society recommendations in a comprehensive and genuine manner.
14. While the process to amend LANGO is ongoing, civic space could shrink further if draft laws on cybercrime and cybersecurity, and the sub-decree on the national Internet gateway (proposed to channel all Internet traffic through a single government-controlled hub⁹) were to be implemented. The latter raises concerns about freedom of expression due to broad and ambiguous language and undefined grounds for government action, such as arbitrary mass surveillance of private communications and widespread censorship of online content.¹⁰
15. In 2018-2019, a draft law on access to information compliant with international standards was prepared following broad stakeholder participation,¹¹ but was not adopted. The draft fails to establish an independent information commission or specialized administrative body to oversee enforcement and implementation, and lacks adequate appeal procedures.^{12 13}

⁸ A/HRC/54/72.

⁹ A/HRC/54/72, para. 42.

¹⁰ A/HRC/51/63

¹¹ A/HRC/42/31, A/HRC/45/46.

¹² A/HRC/45/46, A/HRC/48/49.

¹³ A/HRC/54/72, para 42.

16. Defamation is a criminal offence under the Criminal Code. Public insults and insulting public officials are criminal acts, as are “plotting” and “incitement to commit a felony or disturb social security”. In 2018, a ‘lèse majesté’ (royal insult) provision was added to the Criminal Code.
17. On 12 February 2023, the Government ordered the closure of the media outlet Voice of Democracy. The UN High Commissioner for Human Rights noted that the decision failed to meet the tests of legality, necessity and proportionality required for any permissible restriction on freedom of expression.¹⁴ Subsequently, the High Commissioner expressed concern that, immediately preceding the general elections, the government telecommunications regulator ordered internet service providers to block social media accounts of three media organizations they believed critical of Government.¹⁵
18. In 2023, the ILO Committee on the Application of Standards deplored the use of the legal system, including the Criminal Code, to prosecute and convict persons who express views in opposition to the existing political, social or economic system, or to punish those participating in strikes, leading to penalties involving prison labour. The Committee expressed concern at the imprisonment of trade unionists and others.¹⁶
19. Dialogues held by the Government between press, judicial and law enforcement actors, have not resulted in mechanisms providing media protection or safety. Journalists report harassment and intimidation, with impunity for alleged perpetrators. Despite existence of a Press Law, the Criminal Code has been overwhelmingly used to regulate the press, leading to self-censorship, especially on coverage regarding the environment, land-rights and human rights violations. Between 2017-2021, OHCHR documented cases involving 23 journalists facing criminal charges due to their work.¹⁷ Since 2008, UNESCO has condemned the killing of three journalists, though no cases are resolved according to UNESCO records.
20. The Government has initiated discussions with journalists’ associations to amend the Press Law. The Law forbids pre-publication censorship, but contains content restrictions, including a prohibition on reports deemed threatening to political stability and public order. It fails to provide for a human rights compliant system to regulate the print media. There is no proper framework for licensing broadcasters.
21. *Suggested recommendations:*
 - **Allow a broad range of expressions and associations, subject only to limitations permissible under the ICCPR.**
 - **Respect freedom of peaceful assembly, in accordance with the ICCPR and implementation guide to the Law on Peaceful Demonstration.**
 - **Refrain from using national legislation to prosecute journalists, human rights defenders and other civil society actors for the legitimate exercise of the right to freedom of expression and opinion.**
 - **Amend the LANGO to comply with the ICCPR, in a transparent consultative process and taking into account the recommendations of civil society.**
 - **Amend the Press Law, in consultation with a range of stakeholders, to remove the licensing requirement for media houses to operate, and support the introduction of a self-regulatory or co-regulatory mechanism such as a Press Council.**
 - **Put in place a human rights compliant system for regulating broadcasters.**
 - **Introduce an access to information law consistent with international standards.**

¹⁴ A/HRC/54/72, para 36.

¹⁵ “Cambodia: UN Human Rights Chief regrets elections held in restrictive environment”, 26 July 2023, www.ohchr.org/en/press-releases/2023/07/cambodia-un-human-rights-chief-regrets-elections-held-restrictive.

¹⁶

www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P13100_COUNTRY_ID:4348240,103055.

¹⁷ OHCHR, “State of Press Freedom in Cambodia”, August 2022, www.ohchr.org/sites/default/files/2022-08/press-freedom-cambodia-en.pdf.

- Decriminalise defamation and insult and replace them with a civil defamation law system consistent with international standards, repeal the lèse majesté provisions, and bring relevant provisions of the Criminal Code in line with the ICCPR.
- Consider repealing the registration system for print media or, at minimum, ensure the registration system is transparent and independent.
- Repeal the Sub-decree on Establishment of National Internet Gateway and revise the draft cybersecurity and cybercrimes laws to bring them in line with international standards.
- Investigate the cases of killed journalists and voluntarily report on their status to UNESCO.
- Prioritize the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, putting in place a national mechanism to ensure safety of media workers
- Repeal or amend provisions of the Law on Political Parties and Criminal Code providing for penalties of compulsory labour, in consultation with social partners, bringing them in line with ILO Convention No. 105 on the Abolition of Forced Labour.

Elections and participation

22. Following dissolution of the Cambodia National Rescue Party in 2017, the seats assigned to the party in the National Election Committee (NEC) were handed to nominees of the ruling CPP, resulting in NEC membership being from a single party, rather than multi-party representation as provided by law. In May 2023, the NEC rejected applications by the Candlelight Party and Khmer United Great Nation Party to run in the national election.¹⁸ The UN High Commissioner for Human Rights noted that “all citizens have an equal right to stand for election, a right that may only be subjected to restrictions that are objective, reasonable, and non-discriminatory.”¹⁹
23. In July 2023, amendments were made to election laws²⁰, including: stripping the right to vote or stand for election from those who fail to vote in two national elections without “legitimate reasons”; and, preventing political parties from participating in an election if they breach provisions of the electoral law. Amendments also added a clause to fine and criminally charge those who instruct or incite people to invalidate ballots.
24. Before the 2022 and 2023 elections, members and supporters of the political opposition were subjected to physical attacks, judicial harassment, surveillance, and pressure to join the ruling party.²¹
25. *Suggested recommendations:*
- **Ensure inclusive and participatory political processes in which every citizen can take part in public affairs, directly or through freely chosen representatives, in a manner that ensures the fundamental freedoms necessary for free and fully participatory elections.**

Access to justice

26. Although the legal aid budget has increased, there is no centralized coordination system. The Government legal aid policy has remained in draft form since 2018. Concerns remain about the lack of legal aid for persons charged with misdemeanours, which has resulted in high numbers of people in pretrial detention who are unaware of their rights, including their right to request release under judicial supervision.²²

27. *Suggested recommendations:*

¹⁸ A/HRC/54/72.

¹⁹ “Cambodia: Türk urges ‘new course’ to ensure free and fair vote”, 16 June 2023, www.ohchr.org/en/press-briefing-notes/2023/06/cambodia-turk-urges-new-course-ensure-free-and-fair-vote.

²⁰ Law on the Election of Members of the National Assembly (LEMNA), Law on Commune Elections, and the Law on the Election of Senate Members and District/Provincial Councillors.

²¹ A/HRC/54/72, paras. 4-6, 27-38.

²² A/HRC/51/63, paras. 32-33; A/HRC/54/72, para. 61.

- **Guarantee the right to legal assistance, including for misdemeanours, through adoption of a national policy and system for legal aid which includes allocation of appropriate funds.**

Gender equality and gender-based violence (GBV)

28. Cambodia has a range of strategies to advance gender equality and address GBV,²³ however, outdated legislation without clear protocols for justice services remain a barrier for women reporting violence.
29. Gender equality and women's empowerment remain pressing issues, as evidenced by low rates of women in leadership, and high rates of women experiencing violence and harassment. An underlying factor is deeply rooted patriarchal beliefs, resulting in harmful social norms. Approximately 53% of women who have experienced physical or sexual violence have not sought help or told anyone about the violence.²⁴
30. The Ministry of Women's Affairs (MOWA) is reviewing the law on the prevention of domestic violence and the protection of victims of domestic violence, pursuant to the recommendation of CEDAW and in collaboration with the UN.
31. Surrogacy was banned by the Ministry of Health (MOH) in 2016, and despite a draft law being developed by an inter-ministerial working group in 2017, no legislative change has been made. Women continue to be charged under the Law on the suppression of human trafficking and sexual exploitation of 2008.²⁵
32. *Suggested recommendations:*
 - **Amend the Law on the Prevention of Domestic Violence and the Protection of Victims, by removing the mediation clause, aligning with the Criminal Code and Civil Code, and ensuring that the law defines, prohibits and criminalizes all forms of GBV.**
 - **Invest further into coordinated multi-sector, survivor-centred approaches and services for GBV survivors.**
 - **Consider including essential services for GBV survivors into Universal Health Care.**
 - **Ensure that the NAPVAW-IV includes a comprehensive policy and action plan to address harmful social norms, promotes gender equality and women's empowerment, strengthens essential service responses, sets standards for coordination and case management, and takes into account gender diversity beyond binary gender.**

Lesbian, gay, bisexual, transgender and intersex (LGBTI) people

33. Civil society and the UN have called on the Government to step up efforts to fulfil commitments made in the UPR third cycle, particularly on marriage equality.²⁶ At the end of his mission to Cambodia, the IESOGI called on the Government to make progress on data gathering related to same-sex marriage and gender identity recognition, highlighting that legal recognition of LGBTI families is key to social integration.²⁷
34. *Suggested recommendations:*
 - **Amend legislation to legally recognize of same-sex marriage and gender identity.**

²³ Notable plans include: Neary Rattanak V; the third National Action Plan to Prevent Violence against Women 2019-2023 (NAPVAW-III); the first National Action Plan to Prevent and Respond to Violence Against Children (NAPVAC); and the third National Action Plan to counter trafficking.

²⁴ Per the 2021-2022 CDHS.

²⁵ A/HRC/54/72.

²⁶ A/HRC/51/63.

²⁷ See www.ohchr.org/en/press-releases/2023/01/cambodia-legal-recognition-lgbt-families-key-social-integration-says-un; www.ohchr.org/sites/default/files/documents/issues/sexualorientation/cfi-visitcambodia/2023-01-19/Cambodia-End-of-mission-statement_IE-SOGI-20Jan2023-EN.docx.

- **Adopt and promote comprehensive anti-discrimination and gender-responsive legislation and policies, including for the education, health and labour sectors.**

Persons with disabilities

35. A draft law on the protection of the rights of persons with disabilities is under review by MOSVY. UN agencies provided an analysis on its compliance with the CRPD.²⁸
36. A working group of UN agencies engaged with the Disability Action Council to provide expertise on the finalisation and implementation of the second national disability strategic plan (NDSP2) 2019-2023, and develop a zero draft of the third NDSP 2024-2028, with participation from organizations of persons with disabilities and other stakeholders.
37. In August 2023, the Government issued the “Sub-decree on the identification of disabilities by social model and basic rights”, setting out process, roles and responsibilities for providing ID cards to persons with disabilities at local, regional and national levels, across named Government ministries. The card aims to facilitate persons with disabilities accessing social protection benefits “in an equitable and inclusive manner”.
38. *Suggested recommendations:*
 - **Adopt the Law on the protection of the rights of persons with disabilities, in compliance with the CRPD.**
 - **Ensure inclusion of all persons with disabilities, particularly mental and psychosocial disabilities, in policies, strategies and consultations, and ensure sufficient funds for implementation.**
 - **Continue capacity building of Government officials and policy-makers on a human rights-based approach to disability.**
 - **Streamline inclusive policies across all Government ministries and institutions, and ensure implementation of laws and policies at all levels, especially subnational.**
 - **Expedite the submission of Cambodia’s State party report to the CRPD.**

Indigenous peoples

39. In April 2023, the UNCT submitted to the Government analysis of the draft law on national protected areas, emphasizing the need for appropriate terminology to ensure protection of the inherent rights of indigenous peoples and explicitly recognize their customs, traditions and land tenure systems, in particular collective ownership of lands, territories and resources.²⁹ However, in June 2023, the Environment and Natural Resources Code was adopted, incorporating parts of the draft law on national protected areas, but referring only to “local communities”, without explicit recognition of indigenous peoples.
40. *Suggested recommendations:*
 - **Ensure recognition and protection of the rights of indigenous peoples to possess, use, develop and control their lands, territories, and resources.**
 - **Expedite collective land registration for the indigenous communities through consultations with the indigenous communities and concerned civil society organisations.**

Cultural rights

41. The cultural scene has enjoyed relative openness and increased artistic activity, with endeavours by the Government to restore cultural heritage and include it in economic progress. Cambodia made efforts to

²⁸ A/HRC/54/72.

²⁹ A/HRC/54/72, para. 24.

build policies devoted to creating a more stable and protected environment for artists and creative professionals, and for them to be socially included. The cultural and creative industries stand at a crucial juncture, poised for growth but in need of structural support.

42. *Suggested recommendations:*

- **In the spirit of the 2014 National Policy on Culture, enact comprehensive policies and programmes on the status of the artist and to enhance their economic and social protection.**
- **Improve the status of artists through policies and measures related to training, social security, employment, mobility, and freedom of expression, in line with the 1980 Recommendation concerning the Status of the Artist.**

Right to health

43. In 2022, new health policies and plans were developed for equitable health services³⁰ that need to operationalised and implemented. In 2022-2023, the Government started a policy dialogue and has taken actions to extend healthcare coverage through: (1) health insurance to dependents of formally employed workers; (2) voluntary health and other insurance to informal workers; and (3) coverage of the Health Equity Fund³¹ to at-risk (near-poor) populations.
44. Nevertheless, access to social health protection remains limited for vulnerable populations and informal workers. Only one-third of the population has access to subsidized healthcare services, either via the Health Equity Card (20%) or National Social Security Fund (10%).³² Processes to establish a normative framework should be accelerated, as envisaged under the Universal Health Coverage Roadmap.³³
45. Budgets and investments from development partners in public health infrastructure, particularly since COVID-19, are increasing. However, the budget for the MOH as a percentage of total budget is declining.
46. Progress has been made across all indicators in improving the quality and utilization of sexual reproductive and maternal health services per the CDHS 2021-2022. Despite progress, the Maternal Mortality Ratio remains high, with 154 maternal deaths per 100,000 live births in 2021/2022. The unmet need for family planning is high and stagnant at around 12% among currently married women and 59.7% among sexually active unmarried women and girls aged 15-49. Disparities exist across socio-demographic backgrounds.
47. In December 2022, Cambodia joined the Global Partnership for Action to Eliminate all forms of HIV-related Stigma and Discrimination, which will support translating commitments into policies, programmes and practices that realize HIV-related rights. The Action Plan for Addressing HIV-related Stigma and Discrimination 2023-2028 was developed, addressing three priority settings: education, healthcare and community.
48. National tuberculosis targets are on track, despite some decline in service coverage during COVID-19 in coverage of services.
49. *Suggested recommendations:*
- **Continue efforts to implement policies and programmes to ensure quality health care for all.**
 - **Accelerate establishment of a normative framework for access to health care for the most vulnerable.**

³⁰ Notable plans include the new Health Sector Strategic Plan, Primary Health Care Booster Framework, and Policy on Community Participation.

³¹ Currently covering IDPoor households.

³² Per a UN review of the National Social Protection Policy Framework 2016-2025.

³³ Drafted and under consultation.

- **Increase financial investment in the healthcare sector, particularly in relation to sexual, reproductive and maternal health (SRMH), including through collaborative initiatives with the private sector, and ensure human rights-based approaches to SRMH services and information.**

Labour Rights

50. Concerns have been raised about the impact of civic space restrictions on trade unions and freedom of association. Several unions have perceived an increasing criminalization of trade union activity, particularly for the long-running industrial action at Nagaworld Casino Complex,³⁴ while several government officials have referred to what they understood to be a politicization of trade unions and civil society organizations.
51. There are practical hurdles to the formation and functioning of trade unions, particularly on registration or recognition of their representative status. A recent estimate shows that the trade union index for Cambodia is 66/100 with very low collective bargaining coverage (1.3%) and trade union density rates (9.63%).³⁵
52. In 2019, the Law on Trade Unions³⁶ was amended to remove certain requirements for trade union officers, such as literacy in Khmer language and the submission of annual financial reports. While some progress was observed by the ILO Committee of Experts in the Application of Conventions and Recommendations (CEACR), this remains insufficient.³⁷
53. Although legislation supports the principle of equal pay irrespective of gender, women reportedly earn on average 19% less than men for the same work.³⁸ In 2022, the National Minimum Wage Council approved an increase in the minimum wage for 2023 to \$200 (up from \$194) taking into account the 5% inflation rate.³⁹ However, the statutory minimum wage applies only to the garment, footwear, travel goods and bags sectors.
54. *Suggested recommendations:*
 - **Remove legislative and administrative provisions of certain standards relating to internal matters of workers' associations, including trade unions, as requested by the ILO CEACR.**
 - **Eliminate hurdles to the formation and functioning of trade unions, including by simplifying registration forms, ensuring clear instructions, regular trainings, and elimination of all discretionary authority of officials of the Ministry of Labour.**
 - **Enhance transparency of registration procedures for trade unions, such as through an online database showing requests, pending issues and final resolution.**

Social Protection

55. Since 2020, the Government has invested over \$1 billion in social protection through its COVID-19 responses. There are concerns this investment may be downsized. Under the Economic Recovery Plan and following the end of emergency settings, efforts to accelerate the formalization of the economy and ensure transition to formal work have been triggered. Special focus is required to ensure that the most vulnerable population groups are adequately covered and not left behind. The technical and vocational education and training (TVET) Cash Transfer Programme for Poor and Vulnerable Young People is a

³⁴ See A/HRC/51/63, paras. 16-17.

³⁵ <https://labourrightsindex.org/trade-union-indicator/cambodia>

³⁶ Amendments were made to arts. 3, 17, 20, 21, 27, 28, 29, 54, 55 and 59.

³⁷ Observation (CEACR) - adopted 2021, published 110th ILC session (2022)

www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4122256_103055:NO; Direct Request (CEACR) - adopted 2021, published 110th ILC session (2022)

www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4122258_103055:NO.

³⁸ UNDP, "The gender wage gap in Cambodia" (2021).

³⁹ See <https://www.minimumwage.gov.kh/en/9312/> (in Khmer).

positive example of addressing LNOB and economic development in parallel.

56. Measures to promote access to social protection and the formal economy are accelerating, but there remains an absence of a coherent strategic framework to specifically address the situation of rural populations primarily engaged in the agricultural sector, within the context of climate change and overall economic recession.
57. Only 40% of the population is covered by some form of social protection.⁴⁰ Cambodia has recently seen acceleration of the implementation of the policy framework under its two pillars: social assistance and social security. Coverage of the most vulnerable groups remained mainly limited to the extremely poor (IDPoor), primarily through routine cash transfer programmes.⁴¹
58. In February 2019, the Government ratified six policy measures through ‘SorChorNor 213’ (Policy Circular 213). The second measure directs the MOH and Ministry of Planning (MOP) to consider all People Living with HIV (PLHIV) as a vulnerable group entitled to Equity Cards, to ensure their access to free healthcare and social protection. In December 2022, the MOP developed and launched the IDPoor registration system for PLHIV at HIV treatment sites to complement existing registration mechanisms.
59. The Government has made efforts to protect the IDPoor against the impact of COVID-19, with over 700,000 IDPoor households (about 2.8 million individuals) covered by the Cash Transfer Programme for the Poor and Vulnerable affected by COVID-19, and over 600,000 households at risk (near poor) covered against floods and inflation in late 2022-2023. COVID-19 responses additionally included the Wage-Subsidy Scheme, providing an unemployment benefit to over 500,000 workers in textile, garment, footwear, and tourism sectors.
60. The Cash Transfer Programme for Pregnant Women and Children under Two has been extended to the garment and other target sectors. Nevertheless, coverage remains far from universal, with large pockets of unprotected vulnerable populations in the agriculture and other sectors.
61. The Government intends to phase out the COVID-19 Cash Transfer Programme towards the end of 2023, and will replace it with the Family Package of Social Assistance, which despite covering the most vulnerable segments of the population (IDPoor), concerns remain.⁴²
62. Whereas the Government intends to ensure gradual expansion of coverage, concerns remain regarding ensuring a more systematic approach for the most vulnerable populations and the available fiscal space, based on announced revenue reductions in 2023. The Government recently agreed to be one of the Pathfinding countries on Decent Jobs and Social Protection for Just Transition, a process expected to further contribute to harmonization of social protection.
63. Despite commendable efforts regarding COVID-19 Cash Transfers, many people relied on negative coping strategies for their livelihoods. According to a recent report,⁴³ people sold their land and took loans to meet their basic needs. Between December 2019 and May 2023, the outstanding loan amount per microfinance borrower increased from about \$3400 to \$4400.⁴⁴ There are grounds to believe that people are borrowing to meet basic needs (education, health, food and housing), with many unable to

⁴⁰ Per the UN Mid-term review of the NSDP for 2016-2025.

⁴¹ For example, the Cash Transfer Programme for Pregnant Women and Children under Two; the Scholarship Programme for vulnerable students in primary and secondary schools; and the disability allowance.

⁴² Notably: (1) adequacy of benefits; (2) expansion of coverage to children aged 3-5 (currently not covered due to lack of fiscal space); (3) further expansion of the social assistance protection for Persons and Children with Disability (currently and under Family Package only poverty-targeted); and (4) adequately linking cash transfers with complementary programmes, including those linked to livelihoods.

⁴³

https://docs.wfp.org/api/documents/WFP-0000145344/download/?_ga=2.152864633.1126467143.1671528524-1948965104.1671440409

⁴⁴ www.nbc.gov.kh/download_files/publication/eco_mon_sta_eng/Review%20355%20May-2023-En.pdf, p. 27.

repay the debt and relying on additional loans, thus falling into a debt trap.⁴⁵

64. *Suggested Recommendations:*

- **Enhance the provision of an accessible, and affordable social protection system for workers in the informal sector.**
- **Conduct a comprehensive policy review of new strategies to ensure coherence in programmes and policies for poverty reduction, particularly for children.**
- **Expand social protection horizontally and vertically, to ensure that people are not compelled to borrow money to meet their basic needs.**

Poverty

65. Current poverty rates, adjusted using the updated national poverty line, are at 17.8% with higher rates (22%) in rural areas. Despite progress, World Bank estimates in 2022 indicated that an additional 460,000 households may have fallen into poverty during COVID-19.

66. Approximately 16.6% of Cambodians experience multidimensional poverty, with deprivation in education being the primary contributing factor,⁴⁶ though child multidimensional poverty has potentially reduced by 22%.⁴⁷ Poverty remains persistent, especially amongst the most vulnerable groups, and over 40% of IDPoor households are women-headed.

67. The Government has re-prioritized poverty reduction and social protection in its Pentagonal Strategy. The translation of the Strategy into the new National Sustainable Development Plan will provide opportunity to analyse future poverty-reducing measures. In order to address inter-generational monetary poverty and multidimensional child poverty, further investment and focus is required for: (1) Child-sensitive Cash Plus; (2) Integration of social assistance and social insurance, including family-friendly policies; and (3) Design of an over-arching policy approach to harmonize social protection, social sector strategies and economic development plans at national and sub-national level.

68. While Cambodia has witnessed a reduction in its poverty rate, there is a notable rise in income disparity, with the income proportion held by the lowest 50% of the population decreasing from 13.87% (2017) to 8.78% (2021). Conversely, the top 1% saw their share grow from 18.18% (2017) to 26.79% (2021).⁴⁸

69. *Suggest recommendations:*

- **Ensure that approaches to poverty reduction encompass distinct and measurable objectives, have adequate resources for implementation, and address the needs of those most left behind.**

Right to Education

70. The Government has made progress on the right to education. The number of scholarships continues to rise, reaching 262,157 primary and secondary students (147,767 girls) in 2021-2022. Increasingly, this is linked to IDPoor status. Education is free; however, in practice many pay for private tutoring and private schools are often considered to provide better quality education. Primary education remains non-mandatory.

71. MoEYS and partners have made efforts to roll-out an Early Grade Learning package, focusing on foundational literacy and numeracy skills. A National Action Plan on Early Childhood Care and Development was launched in 2022.

⁴⁵ See A/HRC/54/72, paras. 8-10.

⁴⁶ <https://hdr.undp.org/system/files/documents/hdp-document/2023mpireportenpdf.pdf>

⁴⁷ Per the 2020/21 DHS.

⁴⁸ Data retrieved from World Inequality Database (<https://wid.world/data/>) on 11 September 2023.

72. With Cambodia close to achieving universal access to primary education (97% net enrolment), MoEYS is placing stronger focus on improving quality of education, particularly through upgrading the competencies of the teaching force. A national Continuous Professional Development system has been developed, with capacity for over 120,000 teachers and education staff. Reforms of pre-service teacher education are ongoing, including transitioning to a 12+4 system for all grade levels in line with international standards.
73. The Constitution states that every Cambodian has the right to nine years of free basic education. However, high dropout rates remain a challenge, especially at the secondary level. Only 26% of Cambodia's labour force aged 15-19 and 20% of those aged 20-24 have completed lower secondary education.⁴⁹ For this group of learners, the non-formal education sector remains critical. However, the sector remains severely underfunded, receiving less than 1% of the MoEYS budget.
74. A Gender Mainstreaming Plan for Education 2021-2025 has been developed. There continue to be widening learning gaps between girls and boys; boys fall behind at all levels of basic education and are consistently at greater risk of dropping out nationally. At the tertiary level, while the gender gap is close to parity at undergraduate levels, there are significantly fewer female students at postgraduate levels.⁵⁰
75. The share of education budget as a percentage of total budget has declined, following an increase in 2018-2019, due to the impact of COVID-19. However, the Government has reaffirmed its commitment to increase financing towards the international benchmark of 20% by 2025.⁵¹ The draft budget for 2023 indicated that MoEYS continues to receive the largest proportion of the budget, nearly \$1 billion. The COVID-19 pandemic caused children to fall behind, with boys losing more learning.⁵²
76. In 2019, MoEYS developed the Multilingual Education Action Plan 2019-2023 for ethnic minority learners whose mother tongue is not Khmer. MoEYS has a well-established multilingual education programme for ethnic minority children in pre-school and early primary school, which is integrated into the public education system. Work is underway to extend this programme to additional ethnic groups and establish a multilingual education teacher-training course at the Stung Treng Provincial Teacher Training College. Training is also being provided to teachers regarding disabilities and identification mechanisms.
77. The Comprehensive Sexuality Education (CSE) is yet to be fully implemented, despite approval for its syllabus in early 2018. Approximately 3.8 million students lack access to CSE. A total of 747 teachers (334 women) have received training to deliver the curriculum, but about 10,000 teachers still need training and support.
78. Progress in reducing teenage pregnancy was minimal, declining from 12% in 2014 to 9.5% in 2021/22.⁵³ Factors impeding progress include lack of access to information and sexual reproductive health services, and gender discriminatory harmful social norms and practices. Half of youth aged 15 had have some knowledge of family planning and contraception, but less than 3% were aware that a condom can protect against HIV/STIs, and 35% had basic knowledge of the menstrual cycle and hygiene.⁵⁴
79. The National Home-Grown School Feeding Programme (NHGSFP) was nationalised in 2019-2020, with a full transition to MoEYS planned by 2028. It aims to provide locally sourced food to selected pre-primary and primary schools in areas with high food insecurity, poor nutrition, and low education performance. On 13 March 2023, a sub-decree was adopted establishing procedures for implementation. The Ministry of Economy and Finance and MoEYS are responsible for managing and leading the

⁴⁹ Per the Cambodia Socio-Economic Survey 2021.

⁵⁰ Education Congress Report 2023.

⁵¹ https://apa.sdg4education2030.org/sites/apa.sdg4education2030.org/files/2021-05/FFA_Complet_Web-ENG.pdf.

⁵² Per the Grade 6 National Learning Assessment conducted in November 2021; www.unicef.org/cambodia/media/6166/file/Grade%206%20NLA%20Report%20Final%20April%202021_clean_Final.pdf.

⁵³ National Institute of Statistics, Ministry of Planning, CDHS 2014 and CDHS 2021/22

⁵⁴ Per the Youth Situation Report 2020. See <https://cambodia.unfpa.org/en/publications/youth-situation-analysis-cambodia>

programme.

80. *Suggested recommendations:*

- **Sustain efforts to increase the national budget allocation for education, in line with Cambodia's commitment to reach the global benchmark of 20%.**
- **Continue efforts to ensure that new teachers are adequately trained and qualified to realize SDG 4 on quality education, in line with the 1966 ILO/UNESCO Recommendation concerning the Status of Teachers and the 1977 Recommendation concerning the Status of Higher-Education Teaching Personnel.**
- **Continue implementing the 1974 Recommendation on education for international understanding, cooperation and peace and education relating to human rights and fundamental freedoms, to prepare learners to face future shocks and shape more just, sustainable, healthy and peaceful futures.**
- **Guarantee universal access to sexual and reproductive health information for all students, by expanding the CSE programme in schools and extending it to out-of-school youth.**
- **Create an enabling environment for nationwide rollout of Health Education and CSE, including expansion of CSE into post-secondary TVET programmes, sustained budget allocations and investment in training of specialized teachers.**

Right to water and sanitation

81. Despite regional differences, access to enhanced water sources has significantly improved, increasing from 79.7% of households in 2019-2020 to 87% in 2021 (97.9% in Phnom Penh, 91.6% in other urban areas, 82.7% in rural locales). Only 28.2% of households (74.7% in Phnom Penh, 38.5% in other urban, 13.5% in rural sectors) have piped water facilities.⁵⁵
82. Access to enhanced sanitation facilities also improved. In 2019-2020, 80.4% of households had access to improved toilets. This rose to 88% by 2021.⁵⁶
83. Through the NHGSFP, the Government has been building infrastructure which has improved access to safe water and sanitation in covered schools.
84. The Government has increasingly focused on climate-resilient WASH services to ensure access despite extreme weather conditions. Priority has been given to safely managed sanitation through adequate investment and sustainable and accessible technologies.
85. *Suggested recommendations:*
- **Allocate maximum available resources for the progressive realization of economic and social rights for all, disaggregated by ministry, programme and economic and functional classification.**

Child rights

86. Cambodia drafted the Child Protection Law (currently with Government for final revision), which addresses legislative gaps and loopholes, and responds to most of the 2022 recommendations of the CRC.

⁵⁵ See Cambodia Socioeconomic Survey-2019/20, www.nis.gov.kh/nis/CSES/Final%20Report%20of%20Cambodia%20Socio-Economic%20Survey%202019-20_EN.pdf, pp. 30-31.

⁵⁶ Ibid, pp. 32-33.

⁵⁷ For example the Provincial Action Plan on Ending Child Marriage and Teenage Pregnancy 2017-2021, Ratanakiri.

87. Child marriage remains an issue, despite efforts by MOWA to address the issue,⁵⁷ with 17.9% of women aged 20-24 in a union before 18, the highest prevalence being in northeast Cambodia.⁵⁸
88. 92% of children under 5 are registered and 87% have received birth certificates,⁵⁹ with disparities across provinces, notably lower percentages in provinces with the largest ethnic minorities.⁶⁰ In July 2023, Cambodia adopted a new Law on Civil Registration, Vital Statistics and Identification, which applies to all persons living in Cambodia and Khmer citizens living abroad.
89. *Suggestion recommendations:*
- **Expedite adoption of the Child Protection Law, and ensure sufficient resources for implementation.**
 - **Strengthen family-based care and adoption and introduce safeguards and standards in line with the Hague Convention before resuming intercountry adoption.**
 - **Incorporate child marriage in the NAPVAW and NAPVAC, and allocate resources to ensure implementation.**
 - **Ensure timely implementation of the Law on civil registration, and eliminate barriers preventing children from ethnic minorities from being registered.**

Trafficking

90. Cambodia has become a human trafficking destination for a range of criminal purposes. Trafficking for forced criminality (TFC), notably to engage in online scams and financial fraud, has emerged as a growing trend in Cambodia. TFC primarily targets foreign nationals being trafficked into Cambodia, though recent evidence indicates that Cambodian nationals are also victims in such schemes. OHCHR received reports of illegal online scam centres holding thousands of persons allegedly trafficked for forced criminality, some reportedly in special economic zones.⁶¹ Cambodia is a key destination for child sexual exploitation, especially related to the tourism industry. In August 2022, the Government announced a plan to immediately rescue victims and suppress trafficking in persons, forced labour, labour exploitation in the context of online scams, and sexual exploitation.⁶² A complaints hotline was established in 2022 via the Ministry of Interior among other measures.
91. Given the regional nature of the issue, ASEAN has also been increasing its engagement on trafficking, . . . issuing a May declaration expressing support for increased support to law enforcement capacity, a minimum regional standard for treatment of victims, and the need to address any legislative gaps. The issue was subsequently discussed during August 2023 ASEAN leadership meetings.
92. Trafficking of Cambodian nationals inside the country continues. The plantation, fishing, construction, manufacturing and entertainment sectors are high-risk, with particular concern over the brick kiln industry.⁶³ As Cambodians face displacement due to climate change, wide-scale over-indebtedness, land seizures, and other destabilizing factors, many are forced into exploitative and abusive sectors under conditions consistent with forced labour, debt bondage and situations similar to slavery. Occupational health and safety hazards in these sectors are concerning and the use of debt bondage is increasing.
93. *Suggested recommendations*
- **Ensure new forms of trafficking are thoroughly investigated, those responsible are brought to justice, and victims are provided with redress and appropriate protection and assistance.**

⁵⁷ For example the Provincial Action Plan on Ending Child Marriage and Teenage Pregnancy 2017-2021, Ratanakiri.

⁵⁸ Ratanakiri 47.7%, Stung Treng 40.8%, Mondulakiri 30%.

⁵⁹ Per the CDHS 2021-22.

⁶⁰ Ratanakiri 73.8%, Mondulakiri 78.2%, Kratie 78.6%.

⁶¹ A/HRC/54/72

⁶² <https://bangkok.ohchr.org/wp-content/uploads/2023/08/ONLINE-SCAM-OPERATIONS-2582023.pdf>

⁶³ In 2020, an estimated 10,217 Cambodians lived and more than 630 minors were estimated to work in brick kilns. See [National Survey of the Cambodian Brick Industry: Population, Geography, Practice — Blood Bricks \(projectbloodbricks.org\)](https://projectbloodbricks.org/)

- **Address the root causes and factors increasing vulnerability of trafficking in persons, and ensure the early identification, referral, rehabilitation and social integration of victims.**
- **Increase government oversight in high-risk sectors for debt bondage and child labour and enforce the 1997 Cambodian Labour Law against debt bondage.**
- **Establish and enforce occupational safety and health standards and labor inspections for high-risk sectors, including plantations/agriculture, construction, fishing, manufacturing and brick kilns.**
- **Establish minimum wage for high-risk sectors (for instance, time-based minimum wage in brick factories/kilns rather than payment per brick).**