



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined fourth and fifth periodic reports of Cambodia at the Committee's fifty-sixth session, held in October 2013. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/KHM/CO/4-5). You may recall that in the concluding observations, the Committee requested Cambodia to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 15 and 21 of the concluding observations.

The Committee welcomes the follow-up report received with a four-month delay in February 2016 (CEDAW/C/KHM/CO/4-5/Add.1) under the CEDAW follow-up procedure. At its sixty-fourth session, held in July 2016 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 15** of the concluding observations that the State party “provide effective redress to victims of sexual and gender-based violence, in particular sexual violence, against women committed during the Khmer Rouge regime and consider to develop effective non-judicial transitional justice programmes, including the provision of adequate reparation and psychological and other appropriate support”: The State party mentioned that a number of dialogues were conducted with survivors of sexual and gender-based violence (SGBV) during the Khmer Rouge regime to identify redress schemes. It further indicated that the Extraordinary Chambers in the Courts of Cambodia (ECCC) has provided moral and psychological redress to victims SGBV committed under the Khmer Rouge regime, which aims to formally recognize victims, restore their dignity and establish a collective memory. It reported that the ECCC reparation scheme used a victim-centred approach, which allowed civil parties, including women survivors of violence, to ask questions via their lawyers to the accused and to be provided with legal and psychological counselling. It also stated that, throughout the development of the reparation process, civil parties were consulted and their requests were later turned into projects for implementation. It further elaborated on psychological support provided to women victims of violence, as well as empowerment of women victims of gender based violence at ECCC/non-judicial transitional justice project entitled “Promoting Gender equality and Improving Access to Justice for Female Survivors and Victims of GBV under the Khmer Rouge Regime”.

His Excellency
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According to information before the Committee, the project was found to have contributed to substantial progress in ensuring that female GBV survivors of the Khmer Rouge regime can enjoy and exercise their transitional justice rights. Yet, the Committee was informed that many civil party participants still needed increased legal and health services which were not always accessible. Furthermore, the State party mentioned that substantial hearings of Case 002/02 had recently started, and that crimes with relation to forced marriage and rape in the context of forced marriage would be heard and that related reparation projects would be initiated. According to information before the Committee, the ECCC has decided to limit itself to these crimes, even though there was documented evidence of other forms of sexual violence under the Khmer Rouge regime, including rape outside the context of forced marriage. Information before the Committee also indicated that generally speaking, the provision of all measures of redress to date have been almost exclusively focused on crimes associated with forced marriage. The Committee welcomes the efforts of the State party to provide effective redress to victims of sexual and gender-based violence against women committed during the Khmer Rouge regime and to develop effective non-judicial transitional justice measures. It further welcomes the provision of moral and psychological reparation, as well as the positive results achieved by the deliverance of the “Promoting Gender equality and Improving Access to Justice for Female Survivors and Victims of GBV under the Khmer Rouge Regime” project. It notes, however, that all measures have been taken with an almost exclusive focus on crimes committed in the context of forced marriage, leaving sexual violence in other context out of the ambit. It also notes that survivors have not received any compensation so far. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “take advantage of the process of drafting the second National Action Plan to End Violence against Women to fully incorporate into it the provisions of the Convention and of Security Council resolution 1325 (2000)”: The State party mentioned that the second National Action Plan to End Violence against Women (2nd NAPVAW) specifically includes a focus on women, peace and security as compliance to its internationally committed promises to implement United Nations Security Council resolution (UNSCR) 1325. It indicated that one expected output of the Plan relates to both CEDAW and UNSCR 1325, stating “Compliance to the internationally agreed upon commitments to address violence against women particularly within the framework of UNSCR 1325”. The plan also includes a legal and justice reform process, which considers and discusses violence against women issues within the framework of international standards, including UNSCR1325. According to alternative sources of information, reference to CEDAW and UNSCR 1325 in the 2nd NAPVAW is included not merely on a formal level, but in the substance of the strategic activities to be delivered under the policy. The Committee welcomes the substantive incorporation of the provisions of the Convention and of Security Council resolution 1325 (2000) into the second National Action Plan to End Violence against Women. The Committee considers that the State party took significant steps to implement the recommendation. It considers that the recommendation **has been implemented**.

The Committee recommends that, in relation to paragraph 15 of the concluding observations, the State party provide, **in its next periodic report due in October 2017**, information on further actions taken to:

- 1) Provide effective redress to all victims of sexual and gender-based violence against women committed during the Khmer Rouge regime and to develop effective non-judicial transitional justice programmes, including by ensuring that the ECCC takes into account the needs of victims of sexual and gender-based violence outside forced marriage; extending the “Promoting Gender equality and Improving Access to Justice for Female Survivors and Victims of GBV under the Khmer Rouge Regime” project; expanding access to psychological services for victims of all forms of sexual and gender-based violence under Khmer Rouge regime; and providing these victims with adequate reparation, including financial compensation, and other appropriate support;

2) Ensure that the incorporation of the provisions of the Convention and the Security Council resolution 1325 (2000) continue to be reflected in the implementation of the 2nd NAPVAW and provide information on the results achieved.

Regarding the recommendation made in **paragraph 21** of the concluding observations that the State party “intensify efforts to train judicial and law enforcement officers on the strict application of the Law on the Prevention of Domestic Violence and Protection of Victims to ensure that cases of violence against women, including domestic and sexual violence, are effectively prosecuted and not systematically diverted to mediation”: The State party mentioned that, in the process of implementing the Gender Mainstreaming Action Plan and 2nd NAPVAW, many training courses targeting judges, prosecutors, court clerks, lawyers and law enforcement officers were held at the national and sub-national level on CEDAW and violence against women related laws, including the Law on the Prevention of Domestic Violence and Protection of Victims. In addition, the Lawyers’ Training Centre developed a training curriculum on working with and representing victims of gender-based violence, and training was conducted in 2014 and 2015. The State party also reported on capacity building activities for the local authorities, including municipal, commune, and provincial police forces, based on violence against women related laws, in particular the Domestic Violence Law. Moreover, it indicated that, although the Law on Prevention of Domestic Violence and Protection of Victims only permits mediation in cases that are not criminal, mediation is commonly practiced in all cases. As a result, a study was completed in 2015 and recommended to key stakeholders to strengthen the practice (as it will continue to be practiced in Cambodia’s plural legal system) by developing minimum standards on mediation, codes of conduct for mediators and clarification of the categorization of serious and non-serious cases of domestic violence. The Committee welcomes the efforts of the State party to train judicial and law enforcement officers on the strict application of violence against women laws, in particular the Prevention of Domestic Violence and Protection of Victims. It further notes the study carried out in 2015 on mediation in domestic violence cases and the subsequent recommendations addressed to key decision makers, as well as the State party’s acknowledgement that such practice is commonly used in both criminal and civil cases and will continue to be resorted to. It considers, however, that the State party did not take sufficient measures to ensure that cases of violence against women, including domestic and sexual violence, are effectively prosecuted and not systematically diverted to mediation. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented.**

Regarding the recommendation that the State party “encourage women to lodge formal complaints about domestic and sexual violence, by de-stigmatizing victims and raising awareness about the criminal nature of such acts”: The State party mentioned that 143 judicial police agents have been appointed nationwide to effectively encourage women to lodge formal complaints about violence, including by advocating for the legal rights of survivors, actively supporting them throughout the legal process and de-stigmatizing them. It also indicated that these judicial police agents are currently serving at the municipal/provincial level and training courses were provided to improve their capacity in delivering services to survivors. Moreover, it reported that the 2nd NAPVAW pays particular attention to marginalized women by ensuring availability and accessibility of services for them so that they can also make official complaints without fear of being stigmatized. In this context, public awareness campaigns targeting young women from diverse backgrounds have been organized, and public dialogues were held in 2015 with young women living with HIV/AIDS, lesbian, bi-sexual and transgender women participating with high officials from government institutions attending along with journalists. It has further been reported to the Committee that the media has been targeted as a key avenue for raising awareness about the criminal nature of violence against women, and that health care, legal aid, counselling and shelters have been provided in the provinces to encourage victims to seek support for domestic and sexual violence and to promote a safe environment for them to pursue a formal complaint. However, according to alternative sources of information, unreported cases of domestic and sexual violence remain an issue in the State party. The Committee welcomes the various initiatives undertaken by the State party to encourage women to lodge formal complaints about domestic and sexual

violence, by de-stigmatizing victims and raising awareness about the criminal nature of such acts. The Committee considers that the State party took significant steps to implement the recommendation. It considers that the recommendation **has been implemented**.

Regarding the recommendation that the State party “continue public awareness-raising campaigns on all forms of violence against women, in particular in rural areas”: The State party reported on the numerous public awareness-raising campaigns that have been organized at the national and grassroots levels to end violence against women, in particular the “Good Men Campaign” (2011 to 2015), which encourages men to change their behaviour to be more gender sensitive and women to file official complaints in case of violence against women, and the 16 Days of Activism against Gender-based Violence Campaign. According to information received by the Committee, the Ministry of Women’s Affairs and its partners use multiple media platforms (TV, radio, Facebook, and magazines/newspapers) and diverse approaches to campaigns in order to ensure that awareness-raising has strong reach to rural areas. However, the Committee was informed by alternative sources that the limited awareness of violence perpetrated by the State as a form of violence against women remains an area of concern. The Committee welcomes the various public awareness-raising campaigns launched on violence against women and the use of multiple media platforms to reach rural areas. However, it notes that the State party did not indicate whether these campaigns address all forms of violence against women. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

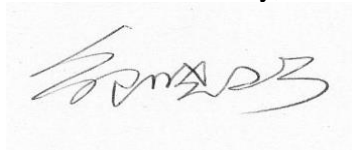
The Committee recommends that, in relation to paragraph 21 of the concluding observations, the State party provide, **in its next periodic report due in October 2017**, information on further actions taken to:

- 1) Ensure that cases of violence against women, including domestic and sexual violence, are effectively prosecuted and not systematically diverted to mediation;
- 2) Ensure that all women can lodge formal complaints about domestic and sexual violence, by de-stigmatizing victims and raising awareness about the criminal nature of such acts; and
- 3) Ensure that public awareness-raising campaigns address all forms of violence against women.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Cambodia on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Xiaoqiao Zou
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women