

**Center for Economic and Social Rights (CESR) individual submission to the Office
of the High Commissioner for Human Rights on the occasion of the sixth
session of the Universal Periodic Review December 2009**

Cambodia

**A selective submission on compliance with economic, social and cultural rights
obligations**

I. Introduction

1. The Center for Economic and Social Rights (an ECOSOC accredited non-governmental organization) hereby contributes this individual submission to the Office of the High Commissioner for Human Rights on the occasion of the Universal Periodic Review of Cambodia.

2. This submission focuses on Cambodia's compliance with its obligations in relation to the fulfillment and realization of economic, social and cultural rights (ESC rights). It presents and analyses key indicators related to the enjoyment of the rights to health, education, food, water and housing, as well as selected indicators of state policy efforts. The analysis highlights key areas of apparent non-compliance by the state of Cambodia, in relation to the principles of progressive realization according to maximum available resources, the prioritization of minimum core obligations and the duty of non-discrimination.

3. This submission is based on the most accurate and up-to-date data available from national statistical sources and international organizations. Most of the data derives from official government statistical data from Cambodia's 2000 and 2005 household surveys and the 2003/2004 Cambodia Socio-Economic Survey. The World Bank's World Development Indicators are used to make international comparisons with latest available comparable data. The issues raised in this submission are graphically illustrated in a 'fact sheet' on Cambodia, which is part of a CESR publication series on 'Visualizing human rights: Making Human Rights Accountability More Graphic'.¹

II. Key concerns regarding economic and social rights

i) The right to health

4. **The realization of the right to health is compromised by stark disparities in accessibility and availability of health services across Cambodia's provinces. This suggests an inequitable distribution of available resources and raises concerns about the government's efforts to meet the duty of non-discrimination.** The availability of reproductive health services is much higher in the capital of Phnom Penh than in other regions. More than 86% of women giving birth in the capital Phnom Penh are assisted by a skilled birth attendant, which is over six times more than women in the

¹ This fact sheet is available on CESR's website [here](#).

regions of Mondol Kiri and Rattanak Kiri (where only 13.7 % of births are attended)². For infant and child health, immunization is essential for protection against prevalent diseases and to combat child mortality, but disparities in vaccination coverage across Cambodia's regions are also evident. Children from the more industrialized province of Kandal are more than twice as likely to be vaccinated as children from the rural province of Pursat. While less than 47% of children in Pursat have vaccination cards, 83% of children in Kandal have vaccination cards³.

5. Despite rising GDP per capita, government expenditure on public health has declined, raising the question whether Cambodia is using the 'maximum available resources' to realize the right to health. Public expenditure on health fell from 2.5% of GDP in 2003 to 1.5% in 2005⁴. Cambodians spend more of their private resources on health care than people in other low-income Asian countries. Almost 6% (5.8%) of all health expenditure in Cambodia (as a proportion of GDP) comes from private sources, compared with a much lower average of 2.9% in other low-income Asian countries⁵.

ii) The right to education

6. Although Cambodia has increased the rate of students enrolled in primary school, government expenditure per student has fallen, with potentially negative implications for the quality of education. While enrollment rates increased (from 102% gross enrollment rates to 123.8 % reflecting adult as well as child enrollment⁶), Cambodia's expenditure per student fell between 2001 and 2004 from almost 7% of GDP per capita to 5.6 % in 2004 (latest available data⁷). This decline in expenditure per student raises concerns about possible implications for the quality of education.

7. Many adults have no education at all, and there are wide rural-urban and gender disparities in access to education. Nearly 60% of women and 40% of men in the more provinces of Mondol Kiri and Rattanak Kiri have no education, compared to less than 15% of women and 5% of men in urban Phnom Penh. In the province of Svay Rieng, girls are almost three times less likely to attend school than boys⁸. This reflects wide gender and rural-urban disparities in access to education in Cambodia.

8. Gender disparities in education increase at secondary and tertiary level education. While the proportion of girls and boys is fairly equal in primary school, this is not true for secondary school and university education where the proportion of girls is much lower. The female to male enrollment ratio in primary school is 93 %, but

² World Bank 2008, World Development Indicators, www.worldbank.org

³ DHS 2005. Cambodia: Standard Demographic and Health Survey. National Institute of Public Health and National Institute of Statistics. www.measuredhs.com

⁴ World Bank 2008, *op cit*

⁵ World Bank 2008, *op cit*

⁶ This enrollment is calculated by the number of students enrolled, regardless of age, as a percentage of the population of the official school age, thus allowing for rates of over 100.

⁷ World Bank 2008, *op cit*

⁸ DHS 2005, *op cit*

declines to 78 % in secondary school, and to 50 % at the tertiary level. Only 33.6 % of female students enroll in secondary school, compared with 42.6 % of males.⁹ This suggests that girls and young women face increasing barriers to access as they attempt to progress through the educational system.

iii) The right to housing

9. **Almost 80% of Cambodia's urban population lives in slums, in conditions that do not meet the requirements of adequate housing.** Cambodians living in the slums suffer from a lack of legal security of tenure, poor availability of facilities and infrastructure (including water and sanitation) and squalid conditions.¹⁰

10. **The lack of legal security of tenure leaves the majority of poor Cambodians vulnerable to violations of the right to housing such as forced eviction and land grabbing.** The vast majority of land and housing sales are still not formally documented at the provincial level. Most sales are documented at the village or communal levels (93.4 % of sales in urban Phnom Penh, though only 65-67 % in predominantly rural provinces), while many are still documented informally, particularly in rural provinces. Without formal documentation at the provincial level, land ownership can be disputed by provincial and national officials, leaving Cambodians vulnerable to forced eviction. Failure to promote official procedures suggests the government is not doing enough to ensure security of tenure.¹¹

11. **The vast majority of the population lives in rural areas (85%), but less than 20% of the rural population has access to improved sanitation facilities.**¹² This is significantly lower than the average for low-income countries across the world, and is lower than comparable countries in the region. Bangladesh, for example, has a lower income (measured by GDP per capita) yet 32 % of the rural population has access to improved sanitation.¹³

iv) The right to water

12. **The proportion of people with access to safe drinking water in urban areas has been declining, despite rising national wealth, raising concerns about the progressive realization of the right to water.** The proportion of urban residents with access to safe water declined from 60% to 56% over the five years between 2000 and 2005¹⁴, even though Cambodia's national income (as measured by GDP per capita)

⁹ World Bank 2008, *op cit*

¹⁰ UN Habitat, *op cit*

¹¹ Ballard, Brett M. 2008. "From Informal to Formal Land Markets: Navigating Land Tenure in Cambodia," in CDRI Annual Development Review 2007-2008: Phnom Penh. www.cdri.org.kh/webdata/download/adr/adr03e0708.pdf

¹² World Bank 2008, *op cit*

¹³ World Bank 2008, *op cit*

¹⁴ DHS 2000 and 2005, *op cit*

increased over the same period.¹⁵ Access to safe water is much lower in urban slums than in other urban areas.

13. **There are also stark disparities in access to safe water across Cambodia's provinces, suggesting an inequitable allocation of resources.** While more than 90% of the residents of Phnom Penh have access of potable drinking water, less than 12% of residents in the more marginalized Pursat province have access¹⁶. These disparities among provinces raise concerns about Cambodia's efforts to ensure equal enjoyment of the basic human right to water.

v) The right to food

14. **Cambodia is still not meeting its minimum core obligations to realize the right to food, given that one in five Cambodians lives under the national food poverty line.** The 20% of the population living under the food poverty line are unable to afford the minimum essential calorie requirement of 2,100 calories/day.

15. **High levels of malnutrition and food insecurity are concentrated in rural areas and appear to be linked to highly unequal land ownership.** A greater proportion of children living in rural areas suffer from malnutrition, compared to children living in urban areas. Malnutrition also impacts on child mortality rates and rural children are far more likely to die before they reach the age of five than their urban counterparts (111 under-5 deaths per 1,000 live births compared with 75.7)¹⁷. While the vast majority of the population lives in rural areas and depends on agriculture, only 1 in 6 Cambodians in the poorest income quintile owns land, reflecting Cambodia's highly unequal land ownership and distribution of resources¹⁸. Stark rural/urban disparities in rates of malnutrition also suggest that a lower priority is given to ensuring food and nutrition security for rural people.

vi) Progressive Realization in accordance with maximum available resources

16. **Economic growth is not benefiting the poor, but has been accompanied by rising inequality.** Following elections in 1993, Cambodia experienced a rapid decline in poverty, from 47 % to 36% (defined as the poverty headcount ratio at the national poverty line). However, this rapid rate of poverty reduction slowed almost to a halt after the 1998 elections, declining only to 35% by 2004. This stands in marked contrast to the rapid rise in income per capita, which almost doubled over the same decade. This suggests that economic growth has not translated into effective poverty reduction. In fact, economic growth has been accompanied by rising inequality, as measured by the

¹⁵World Bank, 2009.

¹⁶ UNDP Cambodia Human Development Report 2007. www.hdr.undp.org/en/reports

¹⁷ World Health Organization (WHO) 2008. WHO Statistical Informational System (WHOSIS).

www.who.int/whosis

¹⁸ Poverty Profile. "A Poverty Profile of Cambodia 2004." Royal Government of Cambodia, Ministry of Planning. www.mop.gov.kh

GINI Index (which rose from 38.3 in 1994 to 41.2 in 2004)¹⁹ suggesting that the benefits of growth and development are increasingly concentrated in the hands of the wealthy.

17. **Cambodia's public expenditure is the lowest of all low-income countries as a proportion of its GDP, limiting the resources available for provision of social services.** The Cambodian government's public expenditure is only 3.5 % of GDP, the lowest level of all low-income countries²⁰, imposing a serious limitation on the resources invested in social spending and the progressive realization of ESC rights.

18. **Low levels of public expenditure are partly due to alleged corruption and low revenue generation, with the poor bearing a disproportionate burden of taxes.** Low expenditure reflects alleged diversion of government resources through corruption²¹. It also reflects low revenue generation resulting from tax evasion, particularly by the wealthy, leaving the poor to contribute disproportionately to government revenue. Less than 14 % of Cambodia's tax revenues come from direct income taxes, the lowest rate of any low-income country for which data is available²². Revenue generation has become dependent on indirect taxes such as VAT, putting a disproportionate burden on the poor.

III. Conclusions and Recommendations

19. The available data analyzed above suggests that Cambodia is **failing to meet its minimum core obligations** in relation to the right to food, the right to water and the right to adequate housing (including security of tenure).²³ High gender and regional disparities in the realization of economic and social rights, particularly in relation to the rights to health, education and water, also raise questions as to whether the state is taking adequate steps to ensure the equitable distribution of resources and meet its **duty of non-discrimination**.

20. Comparatively low levels of public expenditure also suggests that Cambodia is **failing to meet the duty to use "the maximum of its available resources"** to achieve the progressive realization of economic and social rights, under Article 2 (1) of the International Covenant on Economic, Social and Cultural Rights. The burden of taxes falls disproportionately on the poor due to tax evasion of the wealthy elite, and allegations of corruption suggest a diversion of government expenditure away from the realization of economic and social rights.

21. CESR urges the members of the Human Rights Council participating in this Review session to raise these concerns in their interactive dialogue with representatives of the government of Cambodia and to urge that urgent priority is given to the full realization of economic, social and cultural rights.

¹⁹ World Bank 2008, *op cit*

²⁰ World Bank 2008, *op cit*

²¹ Global Witness 2009. Country for Sale. www.globalwitness.org

²² World Bank 2008, *op cit*

²³ See Committee on Economic, Social and Cultural Rights, General Comment 3: 'The nature of States parties obligations, Art 2, par 1 of the Covenant', fifth session, 1990, Para 10 for a definition of minimum core obligations.

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