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## ACRONYMS

ADHOC	Cambodian Human Rights and Development Association
ARCPPT	Asia Regional Cooperation to Prevent People Trafficking
CAMBOW	Cambodian Committee of Women
CCC	Cooperation Committee for Cambodia
CDP	Cambodian Defenders Project
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CEDAW Committee	Committee on the Elimination of the All Forms of Discrimination Against Women
CHRAC	Cambodian Human Rights Action Committee
CMDGs	Cambodia Millennium Development Goals
CNCW	Cambodian National Council for Women
CRC	Convention on the Rights of the Child
CSD	Center for Social Development
CWCC	Cambodian Women’s Crisis Center
DCA	DanChurchAid
GAATW	Global Alliance Against Traffic in Women
GAD/C	Gender and Development for Cambodia
HIV/AIDS	Acquired Human Immuno-Deficiency Syndrome/Virus
HSS	HIV Sentinel Surveillance
ICESCR	International Covenant on Economic, Social and Cultural Rights
IMR	Infant mortality rate
IWRAW Asia Pacific	International Women’s Rights Action Watch Asia Pacific
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
LSCW	Legal Support for Children and Women
MMR	Measles, mumps and rubella
MoH	Ministry of Health
MoWA	Ministry of Women’s Affairs
MoSVY	Ministry of Social Affairs, Veterans and Youth Rehabilitation
NCHADS	National Centre for HIV/AIDS, Dermatology and STD (NGO Non-governmental organization)
NIC	National Institute of Cambodia
NIS	National Institute of Statistics
RGC	Royal Government of Cambodia
SRP	Sam Rainsy Party
STD	Sexually transmitted disease
UNCOHCOR	UN Cambodia Office of the High Commissioner’s Office for Refugees
UNDP	United Nations Development Program
UNHCR	UN High Commissioner’s Office for Refugees
UNIFEM	United Nations Development Fund for Women
UNTAC	United Nations Transitional Authority in Cambodia
WTO	World Trade Organization

## EXECUTIVE SUMMARY

The Kingdom of Cambodia ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1992 with no reservations. After accession to CEDAW, the Royal Government of Cambodia (RGC) produced one periodic report in 2003, which combined the initial, second and third periodic reports to the CEDAW Committee.

Gender stereotypes are deeply rooted in Cambodian society. Women live under the overwhelming influence of the *Chbab Srey*, the ‘Code of Women’, which contains moral principles for living that enable discrimination against women in many of their spheres of living. It is taught that women must serve and respect their husband at all times. Women have less access to education, especially at the higher levels; less access to paid employment, again especially in the higher categories of the occupational scale; less access to land ownership and other property rights because of inheritance customs; and fewer opportunities to ensure their views are included in political processes (Ministry of Planning, 2002: 90).

### Land and natural resources

Although approximately 90% of women in rural areas are engaged in substantive agriculture, 15% of rural households do not own agricultural land, many of which are female-headed households. Increasingly limited access to both land and natural resources has a significant negative impact for women’s food security.

The right of women to own land is weakened because of subordinate status to men within the household. Land titles are often vested in the name of the male head of household; as a result, the right of women to own land, especially for women-headed households, is often ignored. Insufficient understanding of women regarding land rights and land titling procedures also contributes to women being excluded from enjoying rights to own land.

### Education

Only 14% of girls in rural areas attend lower secondary school; this number is only 4.1% for upper secondary schools. Literacy rates among rural women are at 55.6% whereas that among men is 77.5%. The gendered stereotype that education is unnecessary for girls still prevails in rural areas, and poverty prevents girls from continuing their schooling. In addition, a number of practical obstacles, such as lack of adequate sanitary facilities, prevent girls from continuing schooling.

Girls from ethnic minority groups and girls with disabilities are often marginalized in society and can not enjoy their rights to receive education. Older women who have had no formal education because of long-lasting civil war also find it difficult to access basic education. There is a lack of adequate mechanisms to support women organized by the state, such as daycare or childcare services.

## **Reproductive health rights**

Maternal and infant mortality rates are still high, with MMR at 437 per 100,000 live births and IMR at 95 per 1,000 live births. The high cost of receiving basic healthcare seriously affects women's lives, especially women from poor households.

Lack of adequate knowledge about reproductive health and a lack of negotiating power with partners about sexual rights contribute to women's vulnerability to sexually transmitted diseases (STDs) and HIV/AIDS. Although the prevalence rate of HIV/AIDS is decreasing among the general public, the prevalence among female heads of households are increasing. Housewives in rural areas are the most vulnerable group to new infection because their reproductive health rights are ignored. Discrimination against women with HIV/AIDS is also a serious concern.

## **Economy**

More than 80% of Cambodian women in the workforce are engaged in substantive agriculture. 58% of working women are unpaid family workers. As a result, the income disparity between women and men is high, women earning an average 33% less than men.

Entry into the World Trade Organization (WTO) on 13 October 2004 was a major step for Cambodia in terms of entry into the world market. However, there was no substantive research and no surveys to measure the impact of WTO entry on the lives of women. No safety net was prepared for women.

Discrimination against women in terms of employment opportunities and within employment is also a serious concern. Sexual harassment is a new concept and most women have never heard of it. There is no data showing the magnitude of these issues.

Migration is a grave issue for women, especially women from rural areas who are moving to cities and overseas. Insufficient job opportunities for women in rural areas is a significant push factor causing women to migrate from rural areas to urban centers, and even to foreign countries. These girls and women are most vulnerable, situated as they are in completely new living conditions. It is a policy of the government to promote overseas work, but there are no adequate measures for monitoring and providing support to these women working outside of their homes.

## **Women in decision making**

Women's representation in political life at all levels remain low. In the legislative branch of government, only 17.2% of the National Assembly is occupied by women and only 13% of the Senate (figures given by the NGO Committee on CEDAW, not adjusted after recent expulsion of SRP member). The executive branch demonstrates similarly low participation; only 7.4% of ministers are female, and none of these is among the central key ministers. There is a lack of data segregation of women working at different levels in government administration. Women's participation in the judiciary is extremely low. There are no female justices in the Supreme Court, no female prosecutor generals, and only 7% of all judges are female. Decentralization, which the government has been facilitating, shows low female representation in local governance; only 8% of commune councilor positions are occupied by women.

Various factors exist that impede women's participation in politics. The gender stereotype that women take care of house and children and stay away from politics still widely prevails. Family and community support encouraging women to join politics is extremely low.

### **Violence against women**

Violence against women in Cambodia is a serious problem. Owing to the insidious nature of this violence, no comprehensive statistics can be gathered to determine how many women in Cambodia are affected. However, it is clear that some of the worst forms of violence committed against women (such as domestic violence, rape and trafficking of women) occur regularly in Cambodia. 25% of Cambodian women report that they experience domestic violence.

Reporting of violence against women is increasing but, although there is currently sufficient legislation to protect women from these crimes, there is insufficient action by the RGC in combating the practical problems of violence against women. Cultural and social attitudes towards violence against women, a culture of impunity, unfair legal and judicial processes, and lack of governmental assistance to victims of this violence all contribute to women in Cambodia continuing to suffer.

## 1. INTRODUCTION

This report works in parallel with the Initial, Second and Third Periodic Report prepared by the Royal Government of Cambodia (RGC) for the Committee on the Elimination of the All Forms of Discrimination Against Women (CEDAW Committee) for examination in January 2006. Cambodia ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 1992 with no reservations; however, this will be the first official report that the RGC has presented to the Committee.

This is a joint coalition Shadow Report for the CEDAW Committee by the NGO Committee on CEDAW and the Cambodian Committee of Women (CAMBOW). The NGO Committee on CEDAW was established in 1995 and has 68 members. Its main purpose is to monitor and promote the implementation of CEDAW in Cambodia. The NGO Alternative Report to the CEDAW Committee has been published twice by the Cambodian NGO Committee on CEDAW, the first in 1997 and the second in 2001. CAMBOW was established in 2000. It is a coalition of 35 NGOs working to advance the cause of women in Cambodia. CAMBOW seeks to promote respect for and to protect women's rights through education, training, research, documentation and advocacy. Particular attention is given to advocacy campaigns on violence against women, including domestic violence, rape and trafficking.

This report was prepared with the assistance of members of both the NGO Committee on CEDAW and CAMBOW in identifying the issues of concern that Cambodian women are facing. After a preparatory meeting in August 2005, the Cambodian NGO Committee on CEDAW and CAMBOW decided to establish sub-committees according to the issues and started collecting relevant data for the report. This report includes information submitted by each sub-committee. The report (2005) was completed with technical support from the International Women's Rights Action Watch Asia Pacific (IWRAW Asia Pacific) and UNIFEM Cambodia, and financially supported by the Cambodian League for the Promotion and Defense of Human Rights (LICADHO) and DanChurchAid (DCA).

In addition to a general evaluation of the implementation and realization of CEDAW, this report also includes reflections on a number of critical issues of concern. This is not a comprehensive evaluation on the issues described in the government periodic report submitted to the CEDAW Committee. Rather, this report critically assesses the status of Cambodian women in terms of selected areas of serious concern such as: land and natural resources; education; health; economy; decision making; and violence against women.<sup>1</sup> The selection of these topics was based on a series of intensive discussions and consultations among the members of NGO networks in Cambodia, including the NGO Committee on CEDAW, CAMBOW, Gender and Development for Cambodia (GAD/C), the NGO Forum, and other non-governmental organizations and associations. This report is thus limited to themes where members participating in this process have the most knowledge and experience, and where they can access information.

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1. Among 12 areas of concern in the Beijing Platform for Action of 1995, the Royal Government of Cambodia chose five topics as priority areas for action. These include; Woæmen and Education; Women and Health; Women and the Economy; Women and Legal Protection; and Women in Decision Making.

## 2. COUNTRY CONTEXT

### 2.1 Situation

The Kingdom of Cambodia is located in the Southeast Asian peninsula, bordering Thailand, Laos and Vietnam. The population is 13 million, of which 52% are female, and it is growing at an annual rate of 1.8%. Out of 2.5 million households in Cambodia, 29.2% are headed by females and 64% are over 40 years old. Approximately 55% women aged 25+ have not completed primary education.

82% of women over 15 years old are in the workforce, the highest number in the region. However, 53% of working women are employed in unpaid family employment. Cambodia is one of the poorest countries in the world, with approximately 40% of the population living under the poverty line. The majority of the population lives in rural areas. Social infrastructure is underdeveloped and only 29% have access to clean water. The maternal mortality rate is 437 per 100,000 live births and the infant mortality rate is 95 per 1,000 live births (UNDP, 2004).

### Legislation

Cambodia ratified CEDAW in 1992. However, CEDAW has never been published in the Official Gazette of the Kingdom of Cambodia, and the many judges and legal officers are not aware of its existence. The Cambodian Constitution, adopted in 1993, affirms full protection of the fundamental rights of the Khmer people in Chapter III, including an emphasis on protection of women's rights. These protections include the right to equality before the law (Art. 31) and prohibition of all forms of discrimination against women (Art. 46).

In reality, there are a number of serious limitations on the effectiveness of the constitutional provisions. With respect to Art. 2 of CEDAW, there is no effective review of laws enacted before 1993, before the Constitution was adopted. As a consequence, a number of laws which clearly violate constitutional provisions are still in force and the courts have not established explicit jurisprudence over contradictions between constitutional provisions and discriminatory provisions in laws. An example is that the Constitution guarantees equality between men and women whereas Art. 9 of the Law on Marriage and Family states that 'After the dissolution of marriage ... a woman may remarry. However, shall remain in a legal period of conception until at least 300 days after the death of husband ... or 300 days after the judgment which grants a final divorce.'

### Policy/strategy for gender equality

Several policies/strategies which include an emphasis on gender equality are in place, such as the Rectangular Strategy for Growth, Employment, Equity and Efficiency of the RGC, the RGC's main policy for 2004-2008; the National Poverty Reduction Strategy 2003-2005; the Socio-Economic Development Plan 2001-2005; and the Cambodian Millennium Development Goals (CMDGs). The Ministry of Women's Affairs (MoWA) has also prepared a strategy, Neary Rattanak II, Five-Year Strategic Plan 2004-2008, produced in September 2004. It is aimed particularly at the advancement of women's status and achieving gender equality.



Although there has been significant progress in addressing the situation of women, the RGC's report to the CEDAW Committee fails to report how effectively the RGC has been implementing CEDAW since its accession to CEDAW in 1992.<sup>2</sup> No special temporary measures and no affirmative programs have been undertaken to achieve *de facto* gender equality.

### **Stereotyped gender concept**

In Cambodia, stereotyped gender roles have been ascribed to women. The widely taught *Chbab Srey* ('Code of Women'), a set of morals expected of women, oppresses women in every field of their lives. Women are regarded as subordinate to men and are thus placed in disadvantageous situations. The high prevalence of gender-based violence demonstrates the low status of women in society. For example, in Banteay Meanchey province 41% of women are suffering from domestic violence (CCC, 2005). Girls are often ordered to stop schooling based on the notion that education is unnecessary for women's future. As a result, 59.3% of women are illiterate (UNDP, 2004).

### **Women from ethnic minority groups**

The RGC's report to the CEDAW Committee neglects to describe the magnitude of human rights violations of women from ethnic minority groups. Women from the Kampuchea Krom group (Khmer people from the Vietnamese territory of the Lower Mekong) suffer from a number of serious human rights violations, including difficulties in obtaining nationality and land titles, and discrimination in unemployment.<sup>3</sup> Other ethnic minorities living in Ratanakiri and Mondulkiri are also suffering from violations of their rights, such as exclusion from access to adequate education, to adequate health service, and to clean water.

## **2.2 Obstacles**

- The government ratified the CEDAW in 1992, but CEDAW itself has not been officially published in the Official Gazette of the Kingdom of Cambodia in Khmer.<sup>4</sup> Many judges and legal officers are not yet fully aware of the existence of CEDAW.
- The Constitution of Cambodia prohibits any forms of discrimination against women. Nevertheless, no explicit definition of discrimination against women has been incorporated into domestic legislation.<sup>5</sup>
- No court decision has cited or drawn upon CEDAW. To date, no complaint has been made claiming violation of women's particular rights or gender-based discrimination.
- There are a number of policies with different indicators for achieving gender equality, and no effective coordination among policies has been made. The government report neglects to describe, within the overall framework aiming at realization of gender equality, how effectively the government is implementing each policy.
- Persistence of deeply rooted and rigid stereotypes remains a serious concern, as these function to oppress women.
- Rights of women from ethnic minority groups and women with disabilities are often ignored by central government.

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2 There is also no explicit description on progress on the Beijing Platform for Action (MoWA, 2004b: 2).

3 UNHCR estimates 1,200,000 Kampuchea Krom live in Cambodia and 45% of them are women. Personal source.

4 Several NGOs and UN organizations have published CEDAW in Khmer, but none is official yet: translations vary according to the institute translating the Convention.

5 Moreover, no penal provision has been introduced to punish criminal offences in violation of this principle.

## 2.3 Recommendations

*The RGC should immediately implement the following recommendations:*

- 1- Ensure that all the provisions of CEDAW are fully reflected in all legislation and ensure compatibility between all national laws and CEDAW. For this purpose, government must initiate a comprehensive review of all existing laws and amend discriminatory provisions to bring them into line with CEDAW and the spirit of the Constitution.
- 2- Clarify the status of international conventions within the domestic legal framework. The RGC must ensure the primacy, direct applicability and enforceability of CEDAW within the national legal system.
- 3- Review the draft Criminal Code to bring it into complete accord with the requirements of CEDAW.
- 4- Given that the public and officials have limited awareness of CEDAW, actively publicize and disseminate CEDAW nationwide for the purpose of enabling the people, especially politicians, legislatures, prosecutors, judges, lawyers and government officials, to be fully aware of CEDAW.
- 5- Clarify the mandate and responsibilities of the different mechanisms set up to ensure advancement of women's status and gender equality.
- 6- Consider ratifying the Optional Protocol to CEDAW to offer women a direct means of seeking redress at the international level for violations of their rights under the Convention. This would strengthen and improve the existing enforcement mechanism for the protection of women's rights as well as provide a positive message reaffirming the determination of the government to ensure that women fully enjoy equal rights.
- 7- Pay specific attention to the needs of ethnic minority women, women with disabilities and older women, to ensure that they can benefit from policies and programs in all fields of development.

## 3. LAND AND NATURAL RESOURCES

*Art.14(2)(g), 15(2),16(1)(h) of CEDAW; General Recommendation 21*

### 3.1 Situation

Cambodia is an agricultural country and 89% of rural women are engaged in substantive agriculture. Women make up more than half of the agricultural workforce (UNIFEM et al, 2004: 56). However, approximately 15% of rural households do not have agricultural land, many of which are female-headed and the poorest of the poor (RGC, 2002). Many people are losing land because of land grabbing by people with more power and because of economic land concessions. Economic land concessions, granted to private enterprises based on the Land Law, often result in mass-scale evictions of people from their land. In addition, microfinance institutions confiscate land from borrowers who can not repay their debts, which also results in a large number of landless among the poor.

It is estimated that landlessness is increasing by about 2% annually (Kim Sedara et al, 2003). The magnitude of the problem is enormous. The RGC's report to the CEDAW Committee, however, provides neither description nor analysis of social and economic impacts of land-related issues on rural women<sup>6</sup>

### Legislation

Art. 44 of the Cambodian Constitution guarantees Khmer citizens the right to own property.<sup>7</sup> Art. 46 provides special protection for rural women in order that they may enjoy decent living conditions.<sup>8</sup> Art. 32 of the Law on Marriage and Family, adopted in 1989, stipulates equal rights to both spouses in all property acquired by the earnings and effort of either spouse during the marriage.<sup>9</sup> Art. 8 of the Land Law adopted in 2001 affirms the Khmer people's right to land.<sup>10</sup>

However, there is no explicit provision which prohibits discrimination against women in obtaining land titles. Cambodia ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), which also includes equal access to property ownership, administration and disposition in marriage (Art. 3).

### Policy

The Rectangular Strategy of the RGC stresses the importance of land reform, but fails to provide any mechanism to assist poor households – especially female headed household – to ensure access to land tenure rights (RGC, 2004). The Ministry of Land Management, Urban Planning and Construction has carried out comprehensive land reform since 2001 through the Interim Paper on Strategy of Land Policy Framework, but this includes no effective mechanism to ensure women's access to land. Neary Rattanak II of the Ministry of Women's Affairs does not focus on land issues at all.

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6. The RGC's report to CEDAW Committee (Page 86) includes only a brief explanation about the land reform.

7. Art. 44 of the Constitution states 'All persons, individually or collectively, shall have the right to ownership.'

8. Art. 46 of the Constitution states 'The state and the society shall provide opportunities to women, especially to those living in rural areas without adequate social support, so they ... have decent living conditions.'

9. In reality, only 78% of land titles are under the name of both wife and husband, because of a woman's subordinate status to a man within a household.

10. Art. 8 of the Land Law states 'Only natural persons or legal entities of Khmer nationality have the right to ownership of land in the Kingdom of Cambodia.'

## Impact of economic land concessions

Among a series of land reforms, the most significant with regards to the lives of women is that regarding land concession for economic development.<sup>11</sup> Economic land concessions are highlighted in Art. 49 of the Land Law, which allows beneficiaries to clear land for industrial agricultural exploitation. Economic land concessions often result in mass-scale human rights violations, affecting hundreds of families. For example, on 7 January 1997, the Pheapimex Company was granted 315,028 hectares of land, an amount 30 times greater than that permitted by the Land Law. This strongly endangers the sustainable livelihoods and lifestyles of nearby villagers (CHRAC, 2005). Another example is the Wuzhishan Company's land concession in Mondulkiri province. This concession is considered to violate the historic land, customs, traditions, and daily life of the ethnic Phnong minority group, with communities in seven communes. The tribe communities affected have reported that the company is violating traditional burial land and a holy 'spirit forest', and has used chemicals that affected the health of people and animals (LICADHO, 2005). The UN Special Representative for Human Rights in Cambodia strongly criticized economic land concessions in Cambodia, stating 'I have concluded that the policies are wrong' (UNCOHCOR, 2004). Despite the seriousness of this issue, the RGC's report to the CEDAW Committee neglects to mention its impact on rural women who are losing their land.

## Right to own land

Since the adoption of the Land Law in 2001, approximately 80,000 new land titles have been issued. Only 78% of these are in the names of both wife and husband.<sup>12</sup> Rights of women to own land are also weakened owing to their subordinate status to men within a household. When land rights are vested solely in the name of the male head of household, the woman may lose her land rights if the couple separate or divorce or if the husband dies. An assessment shows that land rights of women, especially for women-headed households, are often ignored, partly owing to women's lack of knowledge of land rights and of land titling procedures.<sup>13</sup> Land grabbing by powerful people also results in a large number of serious human rights violation cases, in which women are evicted from their land and have no place to make a living. For example, in 2004, 307 families living on Koh Kpich Island were evicted from their land because of a City Hall development project. The majority of these victims were women. On 21 March 2005, 218 families were evicted by force from their land in Poipet, Banteay Meanchey province, resulting in the killing of five people.<sup>14</sup> Frequent migration to the cities or to more developed towns from rural areas also results in difficulties in obtaining land titles.

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11. Chapter 5 of the Land Law describes and regulates land concessions.

12. Despite joint titles that confer legal rights to wives, customary practices and enforcement regimes may not fully recognize these rights. One study, for example, found that women often needed their husband's permission to include their names on land titles (UNIFEM et al, 2004: 61).

13. Landless female-headed households account for 21% (UNIFEM et al, 2004: 61).

14. Media Statement Verdict Enforcement Killed and Injured Innocent People, released by Action Committee.

## Access to natural resources

Women from poor landless families collect snails, shellfish, firewood, weeds and other plants for consumption and selling (UNIFEM et al, 2004: 60). Limited access to natural resources, as a result of land concessions or other barriers, has a significant negative impact on women's food security. The agricultural production system remains highly vulnerable to natural disasters and pest damage, leading to large fluctuations in yields (RGC, 2000: 17). The result is food deficits in nearly half of the 24 provinces and municipalities.

Only 29% of the population has access to clean water. Many girls and women carry water every day, especially during dry season (UNIFEM et al, 2004: 63). For the poorest 20% of the population in rural areas, only 4% have access to safe water (RGC, 2002: 77). Water collection takes one to two hours per day on average; gender roles ascribe this responsibility to women.

### 3.2 Obstacles

- Rural women have little knowledge about their rights to own land. Therefore, they are not aware of procedures to claim land titles.
- Economic land concessions result in mass violations of women's right to land.
- When land disputes occur, women can not take appropriate action to claim their rights to land because of lack of knowledge on rights to land and lack of access to legal support.
- When a land title within a marriage belongs to the husband, after his death or the breakdown of the family, the wife finds it difficult to claim inheritance of the land title.
- The court often favors the powerful and wealthy. It is difficult for poor women with no financial resources or legal knowledge to get justice in court in claiming rights to land.
- Lack of infrastructure in rural areas deprives women of adequate access to clean water.

### 3.3 Recommendations

*The RGC should immediately implement the following recommendations:*

- 1- Undertake full consideration to ensure that the needs and concerns of rural women are fully integrated into the implementation of land reform strategy to safeguard food security. For this purpose, more women, especially those who have wide knowledge about the concerns and problems of rural women, need to join in implementation and evaluation of land reform.
- 2- Take appropriate measures to ensure the Land Law is appropriately implemented so that women can have access to land.
- 3- Conduct a survey to reveal the real picture of rural women who are losing their land. Human rights organizations receive a number of complaints related to land disputes. However, no comprehensive survey has been undertaken to explore the causes or consequences of the problem.
- 4- Clarify the needs of rural women in education, health and employment, as well as exploring the problems women face because of limited access to both land and natural resources. Adequate policies aimed at supporting rural women in particular must be designed and implemented.
- 5- Ensure all women know how to access their rights and expand training for women detailing their rights to own land, the role of the Cadastral Commission, and legal procedure to claim their land titles.
- 6- Accelerate the development of infrastructure, such as roads, water and electricity in rural areas.

## 4. EDUCATION

### *Art. 10, 14(d) of CEDAW*

#### 4.1 Situation

Realizing the right to universal education is still a big challenge for Cambodia; net enrollment rates remain the lowest in East Asia. Net enrollment among girls in rural areas for lower secondary school is 12.6%; in upper secondary schools it is only 4.1% (NIS, 2004b: 13). The literacy rate among rural women is 55.6%, whereas 77.5% of rural men are literate (ibid: 8). The gender stereotype instilled by parents that education is unnecessary for girls, combined with poverty, often results in girls dropping out of school. Teachers sometimes request unofficial payment, especially in cities, which also discourages children from continuing schooling.

#### Legislation

Art. 68 of the Cambodian Constitution stipulates that nine years of free education is guaranteed.<sup>15</sup> Cambodia is a signatory to the Convention on the Rights of the Child (CRC) which obliges the RGC to make primary education compulsory and available free of charge to all (Art. 28).

#### Policy

The Rectangular Strategy of the RGC emphasizes the commitment to achieving ‘Education for all’ (RGC, 2004: 41). Universal primary school enrollment and completion is also one of the Cambodian Millennium Development Goals.<sup>16</sup> Neary Rattanak II acknowledges that education is a foundation of future employment and several plans are in place (MoWA, 2004a: 8). A number of policies/strategies exist to ensure children have the right to receive education, but implementation has not been achieved, partly because of lack of an adequate budget to meet the goals.<sup>17</sup>

#### Access to education

Girls have extremely limited opportunities to receive education in rural areas, particularly among minority ethnic groups. Obstacles for girls going to school which arise from the gender stereotypes that girls need no education. Another obstacle is the lack of personal security in rural areas. Girls and women with disabilities are also often deprived of their right to education. The RGC’s report to the CEDAW Committee neglects to mention this problem. In rural areas, the distance girls have to travel to access lower secondary school and secondary school is also a barrier. There are not enough secondary schools for rural villages; therefore, most girls drop out of schools for fear of personal security, such as through rape and robbery, and because of high travel costs.

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15. ‘The State shall provide free primary and secondary education to all citizens in public schools. Citizens shall receive education for at least nine years.’

16. Goal 2 of CMDG aims to ensure that all children are able to complete a full course of basic schooling.

17. Although the Rectangular Strategy mentions increased budget expenditure for education, it remains only 18.3% of the national budget.



## School enrollment

Some progress has been made on increasing the school enrollment rate. However, statistics show that the proportion of female students in Grades 10-12 has remained stably low at approximately 34%, from 1995 till the present (UNIFEM et al, 2004: 77). Net enrollment is 17% for lower secondary schools, and only 8.5% for upper secondary schools (NIS, 2004b: 13). In terms of higher education, rural areas schools are distant from girls' homes; sometimes it takes three hours to get to school. Girls find it difficult to continue owing to this lack of personal security.

## School drop-out

The drop-out rate for primary school for girls has been stable for the last eight years, between 13% and 14% (ibid: 74). Poverty, combined with the gender roles ascribed to girls, means that poor households often urge girls to drop out while boys can remain in school. Early marriage in rural areas also prevents girls from continuing schooling.<sup>18</sup> Unofficial payments to teachers at school for additional teaching also represent an obstacle.<sup>19</sup> Frequent migration makes it difficult for children to continue schooling after moving to a new place. The RGC's report to the CEDAW Committee describes some root causes of the problem, but fails to take any action to eliminate the causes.

## Literacy

Gender disparity in the literacy rates among the population over seven years old remains high; in rural areas, the rate for women is 56.3% and the rate for men is 71.3% (NIS, 2004b: 8). Disparities widen in the age group over 15, with the rate for women (in rural areas) at 55.6% and the rate for men at 77.5%. The literacy rate of women in Phnom Penh over 15 years old is at 85.7% (ibid).

## Curriculum

Gender stereotypes are deeply rooted in the education system in Cambodia. The *Chbab Srey*, which contains principles for living that bear discrimination against women, is still taught at school.<sup>20</sup> Gender is not effectively mainstreamed in the curriculum; developing and reviewing the entire curriculum is one of the duties of a committee within the Ministry of Education, Youth and Sports and it appears the committee is not functioning effectively.<sup>21</sup> As a result, within the nine years of compulsory schooling, subjects such as home skills and sewing are taught only to girls, whereas carpentry is taught only to boys. There is no comprehensive strategy and no mechanism in existence to eliminate gender discriminatory views in school textbooks.

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18. In rural areas, girls often get married at around 15 years old and then stop attending school.

19. 72% of households interviewed reported that they paid unofficial payments in the education sector (CSD, 2005: 25).

20. 'Code of Men' is also taught, but this is more a moral code and does not contain discriminatory teachings against women.

21. The Gender Mainstreaming Committee of the Ministry of Education, Youth and Sports consists of 12 members, of whom only four are women.

## 4.2 Obstacles

- Poverty puts pressure on poor households and deprives girls of the opportunity to go to school.
- Poor security prevents girls from going to school.
- Early marriage prevents girls from continuing schooling.
- There is no law to reprimand or fine parents who do not comply with the principle that their children have rights to receive nine years of education.<sup>22</sup>
- Gender stereotypes among parents against girls and in society towards girls, that girls grow up to get married and take care of the household, still widely prevail. Girls themselves are also deeply influenced by gender-based concepts and make no objections to dropping out of school.
- The government does not allocate sufficient funds/budget for salaries and administrative costs.<sup>23</sup> The budget for supporting quality education inputs, such as professional development of teachers and principals, is still limited.
- Unofficial payments to school teachers put pressure on less wealthy households and force children, especially girls, to give up schooling.
- Drug use among youth is high, which leads to boys and girls dropping out from school and joining gangs.
- There is a lack of infrastructure such as roads and school buildings in rural areas.
- Frequent migration from place to place makes it difficult for girls to continue schooling after moving to a new place.

## 4.3 Recommendations

*The RGC should immediately implement the following recommendations:*

- 1- Increase the number of awareness-raising measures to overcome traditional attitudes that constitute obstacles to girls' education, particularly targeting parents and communities, so that community pressure can encourage girls to continue schooling.
- 2- Design and implement comprehensive and gender-sensitive educational programs to change stereotyped gender roles in society. Adequate materials also need to be designed and developed to achieve this goal.
- 3- Increase the number of comprehensive and uniform awareness-raising measures to foster a better understanding of equality between women and men at all levels of society, especially targeting parents in rural areas.

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22. A law as such has been drafted, and the Minister of Education, Youth and Sports has expressed his commitment to adopting it.

23. The salary for primary school teachers is only 120,000 riel (US\$30) per month, which is insufficient for making a living.



- 4- Strengthen implementation of the law against trafficking<sup>24</sup> and the law on drugs to reduce the number of girls dropping out of school.
- 5- Increase teachers' salaries to ensure that children do not have to make any additional payments to teachers. This also contributes to improving the quality of teaching.
- 6- Take appropriate measures to keep girls in school and strengthen the implementation of re-entry policies providing for girls' return to school after dropping out.
- 7- Provide informal literacy education to adults, especially in rural areas. Sufficient childcare services must be provided for female workers at garment factories so that they can attend informal education.
- 8- Provide more security in rural areas so that girls can continue schooling.
- 9- Provide more scholarships for girls in rural areas and build dormitories for girls from the provinces so they can continue higher education.

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24. Many young perpetrators report that they commit rape, targeting younger girls, after having watched pornography. Pornography is illegal under Art. 7 of the Law on Suppression of the Kidnapping, Trafficking and Exploitation of Human Persons.

## 5. REPRODUCTIVE HEALTH RIGHTS

*Art.10 (h), Art12, 14(2)(b)-(c) of CEDAW; General Recommendation 15,  
General Recommendation 24*

### 5.1 Situation

Despite significant efforts to improve the health situation, Cambodia has some of the worst health indicators in the region. Maternal and infant mortality rates are high, with MMR at 437 per 100,000 live births and IMR at 95 per 1,000 live births (UNIFEM et al, 2004: 89). The national budget for the health sector is only 10.9% and disbursement is often delayed, which affects sustainable health services.<sup>25</sup> The RGC has established the ‘Health Equity Fund’ to exempt poor people from paying fees.<sup>26</sup> However, exemptions are not uniformly applied and unofficial payments to doctors and nurses have not been eliminated, mainly because of the low salary of health professionals.<sup>27</sup> HIV/AIDS prevalence among women is increasing and they have become most vulnerable group to new infection.<sup>28</sup>

### Legislation

The Cambodian Constitution guarantees the health of the people and free services for poor people.<sup>29</sup> The Constitution also guarantees that the state will give full consideration to mothers and children and the maintenance of their health.<sup>30</sup> Women’s rights to abortion are guaranteed in the Law on Abortion.<sup>31</sup> The Law on the Prevention and Control of HIV/AIDS, adopted in 2002, fully protects the rights of people living with HIV/AIDS, including prohibiting any discrimination against them.<sup>32</sup>

The Rectangular Strategy mentions that more health laws and regulations will be drafted and adopted to ensure high quality health services, medicines and food safety. There is no prioritization of laws to ensure women have access to healthcare.

### Policy

The Rectangular Strategy stresses the improvement of the health status of the poor and reaffirms that the poor must have free healthcare (RGC, 2004: 42). Goal 4 of the CMDGs aims to reduce child mortality, Goal 5 focuses on improving maternal health and Goal 6 focuses on combating HIV/AIDS. The Health Financing Charter, adopted in 1997, permits charges to be made for health services, except to the poor who can not afford such payments. Stakeholders in each local

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25. Health budget allocation per capita is only US\$3 per year.

26. The Fund was initiated by NGOs to support the poorest in accessing health services for free. It has been a success and the RGC is planning to expand the program: currently it is accessible in only certain selected areas in Cambodia.

27. Poor citizens who can not afford payment for staff at hospital receive less care. As a result, 92% of citizens reported that they preferred to go to private clinics (CSD, 2005: 29).

28. A survey shows that in Cambodia 20 women are infected with HIV/AIDS per day, unsubstantiated source. NCHADS (2004) says that in 2003, of those Cambodians affected by HIV/AIDS, 20% were women.

29. Art. 72 of the Constitution states ‘The health of the people shall be guaranteed. The State shall give full consideration to disease prevention and medical treatment. Poor citizens shall receive free medical consultation in public hospitals, infirmaries and maternities.’

30. Art. 73 of the Constitution states ‘The State shall give full consideration to children and mothers. The State shall establish nurseries, and help support women and children who have inadequate support.’

31. The Law on Abortion was adopted in 1997 and Chapter II regulates the procedures and conditions for abortion to protect women’s health..

32. Art. 36 of the Law on the Prevention and Control of HIV/AIDS states ‘Discrimination in any form from pre and post employment, including hiring promotion, and assignment, livelihood, based on the actual, perceived or suspected HIV/AIDS status of an individual or his/her family members is prohibited.’

community have been consulted about the Charter in the attempt to identify those in need of free healthcare (see above for the Health Equity Fund).

### **Access to health services**

A survey shows that 20.1% of women had been ill in the previous four weeks (NIS, 2004a: 8). In rural areas, women find it difficult to receive adequate health services. The distance to health clinics (in remote areas this can be as much as several hours away) and transportation expenses continue to put constraints on women. In addition, the high cost of health professionals puts financial pressure on poor households. Poor women are much less likely to access health services during pregnancy and delivery, which results in a high maternal mortality rate, at 437 per 100,000 live births. The infant mortality rate is at 95 per 1,000 live births.

### **Reproductive health rights**

The RGC's report to the CEDAW Committee fails to provide any substantive information on the reproductive health rights of women. Although it mentions that more than 95% of women are aware of birth spacing methods while only 19% use contraception, the RGC's report mentions no commitment to improving this situation (RGC, 2003: 74). Illegal abortion, which is widely conducted at unlicensed health clinics, is also a serious problem; there is no clear data showing the magnitude of the problem.

### **Sexually transmitted diseases (STDs) and HIV/AIDS**

The RGC's report makes no mention of the magnitude of the problem of STDs. It also fails to show sex-disaggregated data on HIV/AIDS. It does, however, attribute HIV/AIDS issues exclusively to women in the sex industry.

It is estimated that more than 160,000 people are living with HIV/AIDS and more than half are women. HIV/AIDS prevalence among women, especially among housewives in rural areas, is increasing; this has become the most vulnerable group to new infection.<sup>33</sup> The risk is also high among beer promotion girls and karaoke girls, whose condom use is less. The subordination of women and girls, and discrimination and violence against them, contributes to their vulnerability to HIV/AIDS and STDs (National AIDS Authority, 2005: 12). The RGC's report describes medical aspects of HIV/AIDS, but neglects overall vulnerability of girls and women, including their status – which prevents them from insisting on their reproductive rights.

### **Menopausal disorder care**

Women at menopause have very little information about their health needs. There is no health education for menopausal disorder, either from the RGC or NGOs. Women learn about menopausal disorder from tradition.

## **5.2 Obstacles**

- The budget for the health sector is limited and disbursement is often delayed.
- Many policies and plans in the health sector are not effectively coordinated to reflect gender sensitivity in implementation.

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33. 2.7% of HIV/AIDS prevalence in Cambodia and two-fifths of new infections result from husband-to-wife transmission (MoH, 2004: 11).

- Free health services for the poor are still limited because of inadequate budget allocation, which particularly affects poor women. In rural areas, where infrastructure is insufficient for women to maintain good health, women need regular medical check-ups. However, given the high cost of healthcare, most women can not have check-ups or access urgent care.
- Reaching healthcare centers in rural areas usually involves significant travel and women lack affordable transportation to access a center.
- Women lack appropriate knowledge regarding reproductive health and sexual rights.
- Rural women usually feel too shy to talk about their reproductive health.
- Women living with HIV/AIDS do not receive adequate health services, no formal counseling is provided, and no free medicine is available.
- Campaigns and reproductive health education are not conducted in remote areas such as Stung Treng, Ratanakiri and Mondulakiri. Lack of knowledge results in high mortality rates in remote areas.
- Coordination between the RGC and NGOs sometimes does not function effectively. A circular issued by the Ministry of Interior requesting that NGOs obtain approval from the provincial governor to organize any activities prevents smooth implementation of activities of provincial NGOs. Sometimes it takes a long time to obtain approval; some activities are not granted permission.

### 5.3 Recommendations

*The RGC should immediately implement the following recommendations:*

- 1- Secure adequate budget for health sector without delay in disbursement.
- 2- Make every effort to raise awareness of and increase affordable access to primary healthcare services and medical assistance by trained personnel, including reproductive healthcare, particularly in rural and remote areas.
- 3- Increase broadcasting time on healthcare education, both television and radio.
- 4- Accelerate programs to make family planning information available to girls and women, especially in rural areas, and to provide free birth spacing methods to families in need.
- 5- Ensure that women living with HIV/AIDS can receive health services for free.
- 6- Ensure that girls and women infected with HIV/AIDS are not discriminated against and are provided with appropriate assistance and medical treatment, including psychological care.
- 7- Assess and review the impact of the Law on Abortion on women's health. Legislation to make abortion legal is insufficient (RGC, 2003: 77); adequate measures, including punishments, need to be taken to ensure safe abortion.
- 8- Make more efforts to improve the quality of health services by providing additional education for healthcare professionals. Training must be conducted with sufficient funding and sustainability, particularly targeting healthcare professionals in rural areas.
- 9- Provide free health service for women with menopausal disorder.
- 10- Set up an effective mechanism for cooperation with NGOs active in the health sector.
- 11- Provide more training in maternal care for female doctors and nurses, to improve quality of care.

## 6. ECONOMY

*Art. 11, Art. 13 and Art. 14 of CEDAW*

### 6.1 Situation

82% of Cambodian women over 15 years old are in the workforce (UNIFEM et al, 2004: 36-37) and 72% of girls in the age group 15-19 are working (MoP, 2005: 5). Nevertheless, 53% of female workers are still employed in unwaged family employment or low-skilled employment (ibid: 38). The income disparity between women and men remains high. Among workers with no schooling, aged 15-29, wages are 75% higher for men than for women (ibid: 46). Migration inside and between countries has been increasing, partly because of wage differentials between rural areas and cities.

The RGC's report to the CEDAW Committee neglects to mention women's hardships in accessing employment opportunities or discrimination against women in respect of appropriate jobs for women or promotion in employment (RGC, 2003: 68-9).

### Legislation

The Cambodian Constitution fully guarantees equality in employment between women and men,<sup>34</sup> and discrimination against women is explicitly forbidden.<sup>35</sup> Cambodia is also a signatory to Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value.<sup>36</sup> The Labor Law, adopted in 1997, also guarantees equality in employment, but includes several discriminatory provisions against women. An example is Art. 200, in the section on agriculture workers, which states that 'plantation workers are entitled to a daily allocation of rice ... for their wives and dependent children.' Another example is Art. 207, in the section on housing, which states 'Workers are prohibited from housing anyone other than wife and legitimate or illegitimate children...'

There is currently no adequate mechanism allowing women to bring legal action in the case of wrongful dismissal or discrimination in terms of promotion.<sup>37</sup> The Law on Co-Statute for Civil Servants of the Kingdom of Cambodia also includes a provision discriminatory against women, regarding women as 'dependent on their husbands'.<sup>38</sup>

### Policy

The Rectangular Strategy does not explicitly mention advancement of women's status in the economy. Neary Rattanak II addresses the importance of the enhancement of women in economic activities (MoWA, 2004a: 8) and sets a goal for poverty reduction through the economic

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34. Art. 36 of the Constitution states 'Khmer citizens of either sex shall enjoy the right to choose any employment according their ability and to the needs of the society. Khmer citizens of either sex shall receive equal pay for equal work.'

35. Art. 45 of the Constitution states 'All forms of discrimination against women shall be abolished.' Art. 12 of the Labor Law also prohibits any discrimination based on sex.

36. Convention No.100 was ratified by Preah Reach Kram No. NS/RKM/0799/02, 23 June 1999.

37. There has been no case of a woman making a complaint against her employer on the basis of gender discrimination.

38. Art. 10 of the Law states 'Salaries and other accessory of the salary, such as additional allowances, allowance for assuming function, zone allowance, dependent allowance, rent allowance and allowances for the costs of furniture, water, and electricity etc ... of the civil servants shall be determined by separate law.'

empowerment of women, especially poor and disabled women and young women who are unemployed. However, neither goals nor policy mention the advancement of women from ethnic minority groups, the majority of whom have less access to employment opportunities.

### **Stereotype of appropriate jobs for women**

The traditional division of labor has given women the prime responsibility for domestic work, such as childcare, care of the elderly, cooking and cleaning. Job segregation in the paid workforce, with women disproportionately occupying low-skilled and low-paid jobs, remains a major concern in women's employment.<sup>39</sup> Women's unequal access to employment opportunities is also a serious barrier. Women who are engaged in paid work occupy only 12% of the total female workforce; 26% of female paid workers are working at garment factories.<sup>40</sup>

### **Income disparities**

The gender disparity in income is 33% (UNIFEM et al, 2004: 46), a problem the RGC's report fails to mention. No specific policy, no adequate measure and no affirmative action have been taken to reduce this gap. There has been no complaint to challenge gender-based discrimination in income disparities, and no mechanism exists for a woman to challenge such discrimination.<sup>41</sup> Currently, there is no specific policy or law to ensure equal promotions, job security and benefits for women.

### **Female-owned enterprise**

According to a survey, 59% of women in non-agricultural employment are engaged in trade (UNIFEM et al, 2004: 42). Nevertheless, there is no explicit policy aimed at promoting female entrepreneurship.<sup>42</sup> Business associations and employer associations remain an exclusively male domain.<sup>43</sup>

More than 89% of rural women depend on substantive agriculture, partly because they lack access to other employment opportunities. The RGC does not provide sufficient low interest loans or credit facilities for women, and does not establish favorable conditions for rural women to embark on commercial activities.<sup>44</sup>

### **Impact of WTO entry**

Cambodia joined the World Trade Organization (WTO) on 13 October 2004 as part of its program of trade liberalization. NGOs raised a number of concerns regarding the negative impact

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39. For example, almost all transport systems in both the public and the private sector are completely dominated by men. There are no female bus or taxi drivers, and no female pilots. All midwives are female.

40. More than 95% of garment factory workers are women, mostly young women from rural areas. Salaries are US\$40-80 per month.

41. Art. 46 of the Constitution prohibits any discrimination against women in employment. However, there is no mechanism for punishment of those who violate the provision.

42. Art. 70 of the Law on Banking and Financial Institutions fails to mention that there should be no discrimination in credit between women and men.

43. The full membership of the Phnom Penh Chamber of Commerce consists of 40 people; only five are female.

44. There is an extension program in the agricultural sector; however, it is faced with severe financial constraints and is mainly ineffective (MoWA, 2004).



of WTO entry on women. However, the government did not conduct an adequate feasibility study or public consultation with NGOs to discuss the impact of WTO entry on the lives of women.<sup>45</sup> No surveys have been conducted and no data has been collected to examine the effect that entry into the WTO will have on women's lives.

### **Sexual harassment**

Sexual harassment in the workplace is unreported in Cambodia and the concept itself is not yet widely known to the public.<sup>46</sup> No adequate education on sexual harassment has been conducted for either employers or workers, nor has any preventive measure been taken by the government.

There have been no legal complaints regarding sexual harassment, partly because of a lack of understanding of the problem. Currently, there are no provisions in the Criminal Law and the Labor Law that explicitly prohibit sexual harassment in the workplace or stipulate punishment for offenders.<sup>47</sup>

### **Migration**

Migration is another major issue that has a huge impact on women's lives. 17% of Cambodian women aged 20-24 migrate internally in Cambodia.<sup>48</sup> Young unmarried women are most likely to migrate to work: in the garment industry, as domestic workers, in the sex industry, or in the tourism industry (GMS Labor Migration Program, 2005). Source provinces have high populations and the population greatly depends on rice cultivation and fishing.<sup>49</sup> Migration of young girls sometimes ends up with trafficking or labor exploitation, which has serious social impacts. The RGC's report to the CEDAW Committee fails to detail this problem.

## **6.2 Obstacles**

- The Labor Law includes several discriminatory provisions which prevent women from enjoying the same benefits as men.
- Unemployment remains a serious problem. No mechanism or affirmative action program for women has been created to ensure that women have equal access to employment opportunities and to promotion in employment.
- Women have limited understanding of business or management, especially in rural areas. As a result, they dare not initiate or challenge wider-scale business.
- Rural women find it difficult to secure loans because they do not have the real estate to provide as security. Interest rates as high as 15% per month also act as a disincentive for borrowing.
- There is no statistical data clearly indicating the impact of WTO entry on the lives of rural women. No safety net has been prepared for rural women.

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45. Women's groups were not consulted on policy, which resulted in a lack of preparation of safeguards.

46. There is no Khmer word which precisely explains the concept of sexual harassment.

47. The draft penal code, which is supposed to be adopted in the near future, also lacks explicit provision criminalizing sexual harassment as a criminal offence.

48. Women's migration is largely connected to movement of the whole family (NIC, 2005: 11).

49. Prey Veng and Kampong Cham provinces have the highest percentage of outside migration.

- Women are not well aware of the concept of sexual harassment. No preventive measures for protection of victims exist.
- The widespread stereotyped image of women staying at home and taking care of children prevents women from engaging in economic activities, and means women lack the support of family members if they want to engage in economic activity outside the home.
- There is no security at night, especially in the cities, for female workers on the way home.

### 6.3 Recommendations

*The RGC should immediately implement the following recommendations:*

- 1- Amend discriminatory provisions against women in the Labor Law, such as Art. 200 and Art. 207, in accordance with Art. 11 of CEDAW, and ensure that female workers have working conditions and social security benefits equal to those enjoyed by men.
- 2- Take effective measures to ensure women's equal access to paid employment and to accelerate *de facto* equal opportunities for women and men in the labor market by taking temporary special measures in accordance with Art. 4 of CEDAW.
- 3- Implement gender-sensitive structural adjustment in the economy for women to be able to access employment as do men, especially in rural areas.
- 4- Establish, within the Ministry of Finance, a package budget for special loan or credit facilities that do not require security, to support rural women.
- 5- Take adequate measures to promote equal responsibility between women and men in domestic tasks by accelerating the elimination of stereotypical expectations of women's roles in family and the labor market.
- 6- Consider adopting a law on sexual harassment in the workplace (and possibly in educational institutions), which includes mechanisms to demand sanctions and a uniform procedure for making complaints.
- 7- Prepare a human rights-based framework to assess the impact on women of WTO entry and address the differential distribution among women and men of the benefits and adjustments resulting from WTO entry, in terms of livelihood system, income, employment opportunities and quality of employment.
- 8- Provide vocational training to help women become economically independent, especially in rural areas, according to the demands of the labor market in the place of training. For women hoping to start a business, suitable loans must be provided.
- 9- Guarantee favorable conditions for foreign investors to invest in rural areas so that employment opportunities for rural women increase.
- 10- Provide security at night in cities and towns where a large number of young women are working till late at night.



## 7. WOMEN IN DECISION MAKING

*Art. 1, Art. 3, Art. 7 and Art. 8 of CEDAW; General Recommendation No 23*

### 7.1 Situation

Some progress has been made in promoting female participation in public life. However, the lack of an institutional mechanism under executive power contributes to ineffectiveness in promoting women's political participation. The traditional and cultural attitudes that confine women to the roles of mother and housewife present a great obstacle to the advancement of women in political participation at any level. Women are still marginalized in the political sphere and can not fully contribute to influencing development and implementing policies.

### Legislation

The Constitution guarantees that both women and men are eligible to vote and guarantees the right to stand for election.<sup>50</sup> The right of women to actively participate in politics is also guaranteed.<sup>51</sup> A quota system to increase female elected representatives has been discussed but no law has been adopted which increases *de facto* female participation in politics.<sup>52</sup> The Law on Political Parties, adopted in 1997, also guarantees that any Khmer citizen is entitled to enjoy the right to form a political party (Art. 9). The Law on Administration of Communes (Khum-Sangkat) also guarantees that Khmer citizens of both sexes are eligible to stand as candidates for election (Art. 14).

### Policy

The Rectangular Strategy stresses the government's commitment to increasing substantive participation of women at all levels in institutions of governance (RGC, 2004: 43). Neary Rattanak II also mentions political participation of women but fails to detail a clear strategy (MoWA, 2004a: 10). The current situation suggests that these strategies have not led to a meaningful change in the advancement of women's participation in political life.

### Female Representative in Politics

Women make up 52% of the population but female representation remains extremely low. In the constitutional institutions, women hold only 17.2% of the seats in the National Assembly and only 13% in the Senate (as of 2003, UNIFEM et al, 2004: 123). Within the current government's 24 ministries, there are only two female ministers. None of the 24 provincial governors are female.<sup>53</sup> In the judiciary, only 7% of all judges are women and there are no female justices sitting at the Supreme Court.

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50. Art. 34 of the Constitution states 'Khmer citizens of either sex shall enjoy the right to vote and to stand as candidates for the election.'

51. Art. 35 of the Constitution states 'Khmer citizens of either sex shall have the right to participate actively in the political, economic, social and cultural life of the nation.'

52. This improvement brought female representation in the National Assembly from 7% in 1993 up to 12% in 2003.

53. It should be noted that in Cambodia, provincial governors have considerable power over local governance.

## Decentralization

The RGC has been accelerating decentralization, and women are encouraged to participate in the commune councils.<sup>54</sup> However, female representation has turned out to be extremely low,<sup>55</sup> because few women stood as candidates for the election.<sup>56</sup> No temporary special measure to increase female participation in local governance has been introduced.<sup>57</sup> Commune councils often prioritize infrastructure and ignore women's issues.

## Education

Owing to social pressure and poverty, most girls can not receive the same level of education as men.<sup>58</sup> Lack of education prevents women from participating in political life because women themselves lack the confidence to work in public.

## Gender stereotypes

Deeply entrenched gender stereotypes prevail and hold that the main responsibility of women is to the family, in their role as mother and caretaker. Women themselves often perpetuate this stereotype, failing to recognize the negative consequences of such discrimination. The rigid stereotype is a major factor contributing to the exclusion of women from politics.

### 7.2 Obstacles

- No strategic promotional initiative or affirmative measure has been taken to encourage women to take public roles. Budget allocation aimed at capacity building of women in joining decision making and public life has been limited, which limits women's power.
- There is no social mechanism to encourage and support women to join politics. Traditional division of labor persists in rural areas and women are encouraged not to go outside of the house to join in with political activities.
- Gender stereotypes assign responsibility for household work to women, a heavy burden which prevents women from participating in life outside the household.
- Women themselves lack the confidence to participate in politics.
- Art. 19 of the Law on Administration of Communes (Khum-Sangkat) orders commune councils to appoint a female councilor to take care of women and children's affairs. In reality, however, women have a great deal of work at home and husbands do not allow opportunities for their wives to join politics, resulting in less female participation in public life.

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54. There is no explicit provision to encourage women to join commune councils in the Law on Administration of Communes (Khum-Sangkat). However, Art. 19 of Sub-Decree 22 obliges each commune council to appoint a women from the commune to undertake women's and children's affairs in case no female councilor is elected.

55. Only 8.67% of commune council positions are occupied by female representatives (UNIFEM et al, 2004).

56. Cambodia adopts a proportional system in commune elections and many names of female candidates were listed at the bottom of political party lists.

57. A discussion was actively held to introduce a 30% quota system, but this was finally rejected.

58. Please refer to the Section 4, Education.

- Lack of adequate financial support discourages women from participating in political life. There is no special fund for women to run for office.

### **7.3 Recommendations**

*The RGC should immediately implement the following recommendations:*

- 1- Implement the temporary special measures, in accordance with Art. 4 of CEDAW and General Recommendation No. 23, to strengthen and accelerate political participation of women in all areas of public life, including at high levels of policy and decision-making, in public administration, and in the diplomatic service.
- 2- Consider adopting a 30% quota for women in decision-making bodies as a first step. The RGC must prepare an effective mechanism to encourage women to obtain capacity to work.
- 3- Increase the series of awareness-raising campaigns for the public, especially in rural areas, to transform social attitudes that discriminate against women.
- 4- Offer effective support, both technically and financially, and provide leadership training programs for women in both the public and private sectors, including foreign services, judiciary and academia, to promote women's active participation.
- 5- Take full consideration of women with disabilities and enable them to join the decision-making process.

## 8. VIOLENCE AGAINST WOMEN: DOMESTIC VIOLENCE

*Art. 5 and General Recommendation  
19 (Comments on Art. 2(f), Art. 5, Art. 10(c), Art. 16 and Art. 5)*

### 8.1 Situation

As in many countries, domestic violence is an insidious problem impacting negatively on the lives of its victims. Unlike other countries, however, Cambodia has a traditional moral code of behavior, the *Chbab Srey*, which states that women must serve and respect their husbands at all times. This code is still taught in schools to young girls and influences attitudes relating to women's rights. Advice includes 'never tattle anything to your parents about your husband or this will cause the village to erupt'; 'never turn your back to your husband when he sleeps and never touch his head without first bowing in honor'; and 'have patience, prove your patience, never respond to his excessive anger'. Culture and tradition dictates that women striving to attain this conduct will be rewarded. As a consequence of this moral code, Cambodian women suffering from domestic violence will not discuss their problems with outside parties, believing that problems within the marriage should stay private.

In keeping with the traditions of Cambodia's silence on domestic violence, the RGC's report to the CEDAW Committee (RGC, 2003) contains limited information on violence against women and, in particular, on domestic violence. However, domestic violence is one of the major factors contributing to gender inequality in Cambodia. Although there are no accurate figures on victims of domestic violence, the forthcoming domestic violence report, prepared by the Ministry of Women's Affairs (MoWA), surveyed 3,000 people in 13 provinces on attitudes relating to domestic violence (MoWA, 2005). Of those women surveyed, 80% said they knew a husband who used physical violence with his wife, and one in four women said they had experienced domestic violence.

### Legislation

On 16 September 2005 and 29 September 2005, the National Assembly and the Senate, respectively, passed the Law on the Prevention of Domestic Violence and the Protection of Victims (Law on Domestic Violence). However, at the time of writing, this law had yet to be implemented within Cambodia, as it had not yet been signed by the King of Cambodia. The passing of this law is a positive sign that the RGC is willing to protect domestic violence victims. Nevertheless, it must be noted that the RGC has taken 13 years since the ratification of CEDAW in 1992 to pass a basic human rights law that protects the rights of women.

The Constitution also provides some protection for victims of domestic violence, with provisions such as the 'right to life, personal freedom and security' (Art. 32) and the 'right to life, honor and dignity' (Art. 38). The UNTAC Criminal Code (UNTAC, 1992) sets out rape (Art. 33), indecent assault (Art. 42) and battery as crimes. The Law on Aggravating Circumstances of the Felonies also criminalizes rape (Art. 5).

These laws combined are more than sufficient to provide protection to domestic violence victims and to prevent domestic violence. The reality is that the strength of these laws is undermined by the lack of implementation within the domestic context. It will take time to assess the benefits of the passing of the new Law on Domestic Violence.

## Policy

Neary Rattanak II addresses domestic violence (MoWA, 2004a: 10) and highlights the need for ‘further legal and policy efforts to reduce domestic violence’ (MoWA, 2005: 20). The RGC’s report to the CEDAW Committee notes the creation of a Cambodian National Council for Women (CNCW)<sup>59</sup> in 2001, which aims to reduce and abolish all forms of discrimination and violence against women. So far, these policy efforts by the RGC have been insufficient in assisting and protecting victims of domestic violence.

## Underreporting of domestic violence

During the period 2000-2005, there have been thousands of reported cases of domestic violence abuse.<sup>60</sup> However, these figures do not accurately convey the reality of domestic violence in Cambodia, owing to underreporting by victims (MoWA, 2005: 15). Women face shame and dishonor in seeking outside help, and victims suffer in silence rather than exposing their family to shame. Problems such as lack of trust in the legal and judicial authorities in Cambodia may influence women in not reporting domestic violence abuse.

## Lack of awareness and education on domestic violence

To date, civil society has largely remained responsible for education and advocacy on the subject.<sup>61</sup> Domestic violence victims often feel like they have nowhere to turn for assistance and NGOs are often a victim’s only source of support.<sup>62</sup> It should be the responsibility of the RGC and not civil society to provide assistance, protection and education to domestic violence victims. The RGC has not managed to educate all levels of the community on the problem of domestic violence.

## 8.2 Case study (reported by LICADHO)

The perpetrator was a husband and the father to two girls. He usually used knives and axes to threaten his daughters and wife into not leaving the house or going to school. In May 2003, the husband tied the two daughters and wife together and kept them in the house. When the victims were thirsty, the husband forced them to drink urine and also washed their faces with his urine. When the victims were hungry, the husband forced them to eat rice with ashes.

The husband forbade his family from talking with their neighbors or asking their neighbors for help. The husband eventually raped his wife in front of their daughters. If the daughters turned away during the rape, the father would beat them. After he raped his wife, the husband would urinate on his daughters’ and wife’s head.

One day, the daughters and wife escaped. The perpetrator caught and tortured them. The case was eventually reported to LICADHO.

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59. This was established in 2001, comprising the secretaries of state from 14 ministries, and was mandated to deal with advocacy, monitoring and evaluation of laws, regulations and policies of the RGC from a gender perspective.

60. LICADHO statistics 2000-2005; ADHOC statistics 2000-2005; and CWCC statistics 1997-2005 (obtained through a questionnaire).

61. For example, see CDP Community Sentinels Against Domestic Violence: Women’s Resource Centre Progress Report (2005) or the CAMBOW Radio Awareness Program on Domestic Violence 2005.

62. Information supplied from the Project Against Domestic Violence, September 2005. This NGO has provided counseling services to 531 clients from 1996-2005.

### 8.3 Obstacles

- **Implementation of legislation.** Officials are reluctant to interfere with ‘domestic’ problems and will often refuse to investigate domestic violence claims (LICADHO, 2004a: 8), often owing to corruption (victims may have to pay officials to investigate their claim), rendering current domestic violence legislation ineffective.
- **Lack of government attempts in combating domestic violence.** The RGC has not made substantial efforts to educate and train police, lawyers, judges and the general public to raise awareness regarding the serious problem of domestic violence. It is unclear whether the government is serious about combating domestic violence, considering that the report to CEDAW was silent on the topic. However, the fact that the domestic violence law has recently been passed may be a sign that the government is taking the issue seriously.
- **Cultural inferiority.** Cambodian traditions and moral codes together with its dominant male hierarchy often make it difficult for women to speak out against domestic violence and to seek help (MoWA, 2005: 15). Women are often warned not to share domestic problems outside their homes and proverbs warn women to be careful about talking to outsiders<sup>63</sup> as this will lead to further conflict.<sup>64</sup> Finally, ‘men are viewed as the final decision makers in their households, and other family members are expected to give them deference, respect and obedience’.<sup>65</sup>
- Cambodian women’s inherent cultural inferiority makes it especially difficult for them to reach out for assistance when dealing with domestic violence.

### 8.4 Recommendations

*The RGC should immediately implement the following recommendations:*

- 1- Conduct a nationwide educational and awareness campaign targeting police, lawyers, judges and, in particular, the general public on the new Law on Domestic Violence. Particular emphasis should be given to males and those living in rural areas.
- 2- Provide training aimed at police, lawyers and the judiciary in recognizing and combating domestic violence in Cambodia.
- 3- Conduct educational campaigns, particularly in rural areas, to counter traditional thinking that women are inferior to men and to inform them of their rights within a domestic context.
- 4- Increase the number of trained female law enforcement officers and legal officials dealing with domestic violence victims.
- 5- Provide counseling services, shelters and vocational training for domestic violence victims.

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63. ‘Do not bring the outside fire into your home; leave it to smoulder’, MoWA, 2005: 12, citing Luco (2002): 22, footnote 50.

64. ‘If you are not careful, you will use the fire inside to fan the flames of the fire outside’, *ibid.*

65. *Ibid.*, citing Derks, 2005: 60.



## 9. VIOLENCE AGAINST WOMEN: RAPE

### 9.1 Situation

Rape is one of the most serious crimes committed against Cambodian women and is also one of the least recognized owing to social and cultural attitudes towards women and sexuality. There are no clear statistics on the number of women raped every year in Cambodia. However, in recent years, the *reporting* of various rape crimes has significantly increased.<sup>66</sup> This includes violent rapes (LICADHO, 2003), gang rapes (LICADHO, 2004b: 65) and rapes of children (CWCC, 2005a: 49) and younger women (ADHOC, 2003: 7).

This increase in reporting may be attributed to greater awareness of women's rights owing to significant efforts by civil society to advocate and educate, and also to increased reporting in the media of rape crimes (LICADHO, 2004c: 5).

Rape is not mentioned within the RGC's report to the CEDAW Committee. The report fails to acknowledge rape as a serious crime affecting Cambodian women.

### Legislation and policy

Rape is a crime under the UNTAC Criminal Code (Art. 33) and also under the Law on Aggravating Circumstances of the Felonies (Art. 5). There is no specific RGC policy on rape in Cambodia.

### Underreporting

From 1997-2005, over 1,000 rape cases have been reported to investigating NGOs.<sup>67</sup> However, this figure grossly underestimates the true extent of rape in Cambodia. The factors that may contribute to victims not reporting rape crimes and pursuing legal action include (LICADHO, 2004c: 6):

- Unofficial 'compensation' settlements between perpetrators and victims.
- Distrust of the justice system (owing to corruption).
- Costs of pursuing prosecution (no official court fees for criminal proceedings exist, but there are hidden fees demanded by corrupt officials).
- Victims fear retaliation from the perpetrator (especially when the perpetrator is in a position of authority over the victim).
- Social and cultural myths (the victim may often believe they are responsible).
- Loss of virginity (victims may be overcome by the shame of losing their virginity and saving face may seem more important than punishing the perpetrator).

### Cambodian cultural and social attitudes

Rape in Cambodia must be viewed within the context of Cambodian cultural and social attitudes towards male and female sexuality. Men are perceived to have more value in Cambodian society

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66. LICADHO statistics 2000-2005; ADHOC statistics 2000-2005; and CWCC statistics 1997-2005.

67. LICADHO statistics 2000-2005; ADHOC statistics 2000-2005; and CWCC statistics 1997-2005.

than women (LICADHO, 2001: 10, citing Beijing 5 Working Group, 2000: 21). A common saying in Cambodia says that ‘men are gold and women are cloth’. This expresses the double standard in Cambodia where men can be promiscuous and never tarnish but women, once they lose their virginity, can never be clean again (ibid, citing Physicians for Human Rights, 1996). ‘The saying makes it clear that a Cambodian woman must be careful to ensure her purity and her compliance with codes of behavior . . . in Cambodian society, a girl who loses her virginity [even if she is raped] before marriage brings shame to her family’s honor and status’ (ibid: 12, citing CARE International Cambodia, 2001).

It is also difficult for people to understand certain kinds of rape. For example, people may often report the rape of a child,<sup>68</sup> but rape within a marriage or a relationship may not always be considered rape, as a woman should always accede to her partner’s wishes. There is strong support for prison terms for rapists, but less support for prison terms when the perpetrators are boyfriends.<sup>69</sup> Rape of sex workers is also not widely recognized.

## 9.2 Case study (reported by ADHOC)

In 2001, a girl, aged four years old, was raped in her bathroom by the perpetrator. The victim disclosed that the perpetrator came to her house with a half-kilo of long-an fruit for her. When she ate the fruit, the perpetrator invited her to take a bath in her bathroom. She agreed. While she was in the bathroom, the perpetrator raped her and threatened to kill her if she did not stop crying. Despite a testimony from a witness stating that she had seen the victim immediately after the incident, and that the victim had immediately told her about the rape, and medical evidence from a doctor who concluded that the victim had been raped, the courts acquitted the perpetrator.

## 9.3 Obstacles

- **Misinterpretation of the law by judges, prosecutors and defense lawyers.** Misinterpretation of the law can occur when judges use a test of penetration and loss of virginity to determine whether rape has occurred. Judges have actually stated that rape has not occurred if ‘touching was on the outside’ (LICADHO, 2004c: 19, citing Bainbridge and Lon Nara, 2002) or ‘rape was not deep and virginity has not been lost’ (ibid, citing O’Connell and Lon Nara, 2001). However, the rape provisions are very clear in saying that anyone who attempts to rape will also be guilty of rape, and provide adequate direction for the judiciary.<sup>70</sup> Therefore, judges should have no reason to use these tests to determine whether or not a victim was raped.

Lack of physical and medical evidence may lead judges to consider that consent was given during a sexual act. ‘The courts regard medical certificates as the primary method of establishing the lack of consent of the victim’ (LICADHO, 2004c: 13). If there is no

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68. LICADHO statistics 2000-2005; ADHOC statistics 2000-2005; and CWCC statistics 1997-2005.

69. MoWA, 2005: 9 explains ‘In Cambodia, the term “boyfriend” is used to describe a relationship that takes place before marriage, and the term “sweetheart” is used to denote a range of relationships outside an existing marriage (e.g. to describe a “second marriage”) that are not one-time, commercial sex acts.’

70. Art. 33 of the UNTAC Criminal Code and Art. 5 of the Law on Aggravating Circumstances of the Felonies.



physical evidence of rape and no medical certificate confirming this fact, then judges may declare that consent was given (ibid). Incorrect forensic evidence may also be presented. As judges rely on forensic evidence, inaccurate evidence may lead judges mistakenly to conclude that rape did not occur. By the same token, judges may also reject forensic and medical evidence showing that rape occurred.

- **Impunity.** A culture of impunity currently exists towards perpetrators of rape crimes in Cambodia. Many rapists may believe that they are above the law and that if they are caught their only punishment will be to pay money (LICADHO, 2004c: 10<sup>71</sup>). However, impunity is more likely to occur when the perpetrator is wealthy or holds a position of authority, such as a police, military or government employee (LICADHO, 2001: 51). Rape victims may also feel that their perpetrators will not be punished and this may deter them from reporting rape crimes or pursuing legal proceedings.
- **Unlawful compensation payments.** The most serious obstacle to the prosecution of rapists is the unlawful practice of compensation payments. These payments are effectively settlements out of court between the rape victim and the perpetrator. Rapists pay their victims not to pursue legal proceedings against them. These situations are more likely to occur when the perpetrator is wealthy or holds a position of authority, such as a police, military or government employee (ibid).

This practice has been entrenched in Cambodia for many years. Rape victims may choose not to report the rape to the police, but instead directly broker a compensation payment with the perpetrator. In some cases, police may force victims to settle with their perpetrators so that they may receive a fee for assisting with compensation. Often the families of the victim feel they have no alternative because they are in a weak position, and are poor and without connections, and they are threatened or intimidated by the authorities or the accused person's family (ibid).

## 9.4 Recommendations

*The RGC should immediately implement the following recommendations:*

- 1- Embark on a sustained advocacy campaign to educate Cambodians (focusing on women) on the subject of rape. For example, What is rape? What to do if someone has been raped?
- 2- Embark on a sustained advocacy campaign to educate Cambodians (focusing on women) on the rights of rape victims, rape laws and the criminal process.
- 3- Educate legal and judicial officials on the correct interpretation of rape legislation. Prosecute those officials who misinterpret and abuse the law, including those who participate in or facilitate the brokering of compensation settlements.
- 4- Enact rape legislation that clarifies the definition of 'consent' as well as elements of the crime (for example, any penetration or attempted penetration is considered rape).
- 5- Provide counseling and rehabilitative shelters for victims of rape crimes.

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71. This observation is based on interviews with NGO workers.

## 10. VIOLENCE AGAINST WOMEN: TRAFFICKING

### *Art. 6 of CEDAW*

#### 10.1 Situation

Since the early 1990s, increasing numbers of Cambodian women have been trafficked (GAATW, 2001: 2). As with all forms of violence against women, it is impossible to account for specific numbers of trafficked Cambodian women. However, recent reports show that growing numbers of women are being trafficked for sexual exploitation, forced domestic labor and factory work (CWCC, 2005b and MoSVY, 2005).

The RGC's report to the CEDAW Committee notes that 'trafficking of women is the worst form of violence against women' (RGC, 2003: 29, paragraph 156) and provides details on measures taken to identify, prevent and combat trafficking of females both into and out of Cambodia (ibid: 32-3, paragraphs 179-85). However, to date there has been no evaluation on the effectiveness of these measures in decreasing trafficking of females.

#### Legislation and policy

Trafficking of women is illegal under the Law on Suppression of Kidnapping, Trafficking, Exploitation of Human Persons (Art. 2) and the Constitution (Art. 46). The National Assembly is currently reviewing the draft Law on Human Trafficking and Sexual Exploitation and civil society is lobbying for its passing. The draft law will provide law enforcement and judicial officials with more powers to arrest and prosecute traffickers, and provide protection to their victims.

The Phnom Penh Municipal Authority has established a Joint Committee for the Implementation of the Policy Guideline on the Prevention of Sexual Exploitation of Women and Children. The Committee's objective is to find and prosecute traffickers.

#### Poverty and migration

Poverty and migration are fundamental factors facilitating the trafficking of women. Women from poor, uneducated families become vulnerable to trafficking during the migration process as they travel to urban areas and across the Thai border to find work (LSCW, 2005). Women living in border areas such as Koh Kong, Banteay Meanchey and Svay Rieng are particularly susceptible to trafficking during migration periods. During the migration process, women are often deceived into procuring work through a trafficker, who also promises assistance in traveling to a destination for a fee. This process is known as 'recruitment.'

Once they are recruited, women often become completely reliant on the trafficker. Once in a new city or country, they are unable to speak the language, have no support system and become susceptible to manipulation and trafficking (ibid). 'Debt bondage' may also occur at this stage – this is where a woman is indebted to the new employer and she must work off the debt through prostitution or other forms of work (GAATW, 2001: 6).

## Prostitution

Many women are trafficked in and out of Cambodia to work in the sex industry, but most are trafficked within Cambodia itself (LICADHO, 2004c: 18). Research indicates that 64% of prostitutes have been forced into the industry, 53% were tricked by the prospect of a job, 11% were sold by family members and 0.5% were raped (CWCC, 2002: 17). In the case of women who have been trafficked for sexual purposes, the percentage of those claiming they were duped by offers of improved employment has increased (LICADHO, 2004c: 19). Victims trafficked outside Cambodia and forced into prostitution may also face arrest and criminal charges for their involvement in the sex trade, as well as suffer from health problems and disease such as HIV/AIDS (ARCPPT, 2003: 14).

### 10.2 Case study (reported by ADHOC)

In 2003, a 15-year-old girl was rescued from a brothel. She said a woman had promised to provide her with a job but instead had sold her to a brothel owner for 1,500 Baht. She was forced to have sex with men, but when she refused she was sold to another brothel for 4,000 Baht. The police have not arrested any of the perpetrators

### 10.3 Obstacles

- **Violation of immigration laws.** There are indications that ‘trafficked women and girls are dealt with as criminals who have violated immigrations laws and not as victims whose rights were violated’ (Committee on the Elimination of Discrimination against Women, 2005: 6, paragraph 13). To date, the RGC has not drafted any legislation protecting trafficking victims from prosecution on illegal immigration charges.

For example, the CWCC fact-finding mission in Malaysia found that Cambodian women who are trafficked and convicted of illegal immigration are often detained in detention centers (CWCC, 2005b: 28). Frequently, victims will not have access to a translator or lawyer and are at the ‘mercy and compassion of their wardens’ (ibid). The mission also found that those victims who had finished their sentence were kept in the detention camps, since no authorities came to assist their return to Cambodia (ibid: 27). From here they may be re-trafficked (ibid: 28), as when members of the trafficking network visit women in detention centers and ‘rescue’ them.

- **Lack of law enforcement and impunity.** In Cambodia, laws are not strenuously enforced and punishments are weak. Authorities have been known to accept bribes, especially in western currency, and some are even part-owners of brothels and prostitution enterprises (CWCC, 2002: 56). Cases are sometimes solved through intervention of police, where the perpetrator pays monetary compensation to the victim (LSCW, 2005: 77), with police earning a fee from the unlawful settlement. Few traffickers have ever been prosecuted and convicted. Essentially ‘trafficking cases are sad examples where impunity has become the rule to the extent that a sentence of guilt will be regarded as an abnormality’ (LICADHO, 2004c: 40, citing ADHOC, 2004).
- **Insufficient repatriation, reintegration and rehabilitation measures.** Although there have been attempts to repatriate trafficking victims from countries such as Thailand (RGC, 2003: 40, paragraph 40) and Vietnam (MoSVY, 2005), current efforts by the

RGC to assist victims of trafficking are still insufficient. Cambodia also lacks extensive reintegration and rehabilitation measures for victims. In order to help these women integrate successfully back into their homes and villages, the RGC must make a concerted effort to devise and implement specific programs for the assistance of victims of trafficking.

#### **10.4 Recommendations**

*The RGC should immediately implement the following recommendations:*

- 1- Enact and implement the draft Law on Human Trafficking and Sexual Exploitation.
- 2- Evaluate the effectiveness of the RGC's measures to combat the trafficking of women.
- 3- Educate legal and judicial officials in implementing the current anti-trafficking laws.
- 4- Provide continuing and follow-up training and education for police and border officials working in proximity to trafficking and sex trade centers.
- 5- Increase efforts to repatriate victims of trafficking and assist those NGOs actively engaged in repatriation efforts.
- 6- Provide counseling services and rehabilitation and reintegration for victims of trafficking.

## COMCLUSIONS

Despite ratification by the Kingdom of Cambodia of CEDAW in 1992, there are still serious problems with implementation of many of its articles within Cambodia. After accession to CEDAW, the Royal Government of Cambodia (RGC) produced one periodic report in 2003, which combined the initial, second and third periodic reports to the CEDAW Committee. This report has shown how this report has often failed to address issues under the various sections.

In terms of the general situation, there is a lack of knowledge of CEDAW, exacerbated by the fact CEDAW has not been officially published in the Official Gazette of the Kingdom of Cambodia in Khmer. No explicit definition of discrimination against women has been incorporated into domestic legislation and no court decision has cited or drawn upon CEDAW. No effective coordination among policies has been made. As a result, rigid stereotypes have persisted, oppressing women, particularly women from ethnic minority groups and with disabilities.

*Brief recommendations here include:*

- Ensure that CEDAW provisions are reflected in all legislation and both are compatible.
- Clarify the status of international conventions within the domestic legal framework.
- Review the draft Criminal Code to bring it into accord with the requirements of CEDAW.
- Actively publicize and disseminate CEDAW nationwide.
- Clarify the responsibilities of the mechanisms set up to ensure gender equality.
- Consider ratifying the Optional Protocol to CEDAW.
- Pay attention to needs of ethnic minority women, women with disabilities and older women.

In land and natural resources, women's rights have limited access which has a significant negative impact on food security. Subordinate status to men in the household means that women have restricted ability to possess land titles. In addition, women have a lack of awareness in these areas, which contributes to their excluded position.

*Brief recommendation include:*

- Ensure that needs of rural women are integrated into land reform strategy.
- Ensure the Land Law is appropriately implemented so that women can have access to land.
- Conduct a survey to reveal the real picture of rural women who are losing their land.
- Clarify the needs of rural women in education, health, and employment.
- Ensure all women know how to access their rights and expand training for women in this area.
- Accelerate the development of infrastructure, such as roads, water and electricity in rural areas.

In terms of education, numbers of girls in rural areas are very low in terms of school attendance. Literacy rates among rural women are at 55.6% whereas that among men is 77.5%. The gendered stereotype that education is unnecessary for girls, along with poverty and other practical obstacles, prevents girls from continuing their schooling. Girls from ethnic minority groups or with disabilities, and older women, find it difficult to access basic education. There is a lack of adequate mechanisms to support women organized by the state, such as daycare or childcare services.

*Brief recommendations here include:*

- Increase awareness raising to overcome attitudes constituting obstacles to girls' education.
- Implement gender-sensitive education to change stereotyped gender roles in society.
- Increase awareness-raising measures on equality, especially targeting parents in rural areas.
- Strengthen implementation of the law against trafficking and the law on drugs.
- Increase teachers' salaries to ensure that children do not have to make any additional payments.
- Take measures to keep girls in school and strengthen re-entry policies.
- Provide informal literacy education to adults and childcare for female workers.
- Provide scholarships for girls in rural areas and build dormitories for girls from the provinces.

In reproductive health rights, maternal and infant mortality rates are still high and the high cost of basic healthcare seriously affects women's lives. Lack of knowledge about reproductive health and a lack of negotiating power about sexual rights contribute to women's vulnerability to STDs and HIV/AIDS. Discrimination against women with HIV/AIDS is also a serious concern.

*Brief recommendations here include:*

- Secure adequate budget for health sector without delay in disbursement.
- Increase awareness of and affordable access to healthcare services with trained personnel.
- Increase broadcasting time on healthcare education, both television and radio.
- Accelerate programs to make family planning information available to girls and women.
- Ensure that women living with HIV/AIDS can receive health services and care for free.
- Ensure that women infected with HIV/AIDS are not discriminated against.
- Assess and review the impact of the Law on Abortion on women's health.
- Provide additional education for healthcare professionals.
- Provide free health service for women with menopausal disorder.
- Set up an effective mechanism for cooperation with NGOs active in the health sector.
- Provide training in maternal care for female doctors and nurses, to improve quality of care.

In economy, the income disparity between women and men is high. There has been no research on the impact of WTO entry on the lives of women and no safety net has been prepared. Discrimination against women in employment is also a serious concern. Insufficient job opportunities for women in rural areas is a significant push factor causing women to migrate from rural areas to urban centers, and even to foreign countries. These girls and women are most vulnerable, situated as they are in completely new living conditions. There are no adequate measures for monitoring and providing support to these women working outside of their homes.

*Brief recommendations here include:*

- Amend discriminatory provisions against women in the Labor Law.
- Take measures to ensure women's equal access to paid employment.
- Implement gender-sensitive structural adjustment in the economy.



- Establish a package budget for special loan or credit facilities that do not require security.
- Promote equal responsibility between women and men in domestic tasks.
- Consider adopting a law on sexual harassment in the workplace.
- Prepare a human rights-based framework to assess the impact on women of WTO entry.
- Provide vocational training and loans to help women become economically independent.
- Guarantee conditions for foreign investors in rural areas to increase opportunities for women.
- Provide security at night in cities and towns.

In decision making, women's representation in political life at all levels remains low, in the legislative, executive and judiciary branches of government. The gender stereotype that women take care of house and children and stay away from politics still widely prevails. Family and community support encouraging women to join politics is extremely low.

*Brief recommendations here include:*

- Implement temporary measures to strengthen and accelerate political participation of women.
- Consider adopting a 30% quota for women in decision-making bodies as a first step.
- Raise awareness, especially in rural areas, to transform attitudes discriminating against women.
- Offer support and provide leadership training for women in public and private sectors.
- Consider of women with disabilities and enable them to join the decision-making process.

In terms of violence against women, it is clear, despite the lack of comprehensive statistics, that some of the worst forms of violence committed against women (such as domestic violence, rape and trafficking of women) occur regularly in Cambodia. 25% of Cambodian women report that they experience domestic violence. Cultural and social attitudes towards violence against women, a culture of impunity, unfair legal and judicial processes, and lack of governmental assistance to victims of this violence all contribute to women in Cambodia continuing to suffer.

*Brief recommendations here include:*

- Conduct nationwide awareness raising and training on domestic violence, rape and trafficking.
- Conduct educational campaigns to counter traditional thinking that women are inferior to men.
- Increase the number of trained female law enforcement officers and legal officials.
- Provide counseling services, shelters and vocational training for victims of violence.
- Educate legal and judicial officials on the correct interpretation of rape legislation.
- Enact rape legislation that clarifies the definition of 'consent' as well as elements of the crime.
- Enact and implement the draft Law on Human Trafficking and Sexual Exploitation.
- Evaluate the effectiveness of the RGC's measures to combat the trafficking of women.
- Increase efforts to repatriate victims of trafficking.

This data in this report has shadowed the RGC's report to the CEDAW Committee, and includes reflections on a number of critical issues of concern. The RGC's report fails to address a number of these issues, and this report makes its reviews and its recommendations for the RGC's urgent attention.

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## Appendix 1: Members of the NGO Committee on CEDAW

1-	Agir Pour la mission International de Paix de Development au Cambodge	(AFESIP)
2-	AMARA	(AMARA)
3-	Arun Reah Organization	(ARR)
4-	Association for Human Resource Development and Health Education	(AHRDHE)
5-	Cambodian Human Rights and Development Association	(ADHOC)
6-	Crom Sovann Phum	(CSP)
7-	Association of Farmer Development	(AFD)
8-	Banteay Srei Organization	(BSO)
9-	Battambang Women's Aids Project	(BWAP)
10-	Cambodian Association for Development of Poverty People	(CADPP)
11-	Cambodian Development and relief Center for the poor	(CDCP)
12-	Conservation and Development on Cambodia	(CDCam)
13-	Cambodian Disabled People's Organization	(CDPO)
14-	Cambodian Defenders Project	(CDP)
15-	Cambodian Human Rights Development Society	(CHRDS)
16-	Cambodian Rights and Justice Protection Organization	(CARPO)
17-	Cambodian Protection Rights Women and Children Association	(CPRWCA)
18-	Cambodian Women Culture for Development	(CWCD)
19-	Cambodian Women for Peace and Development	(CWPD)
20-	Cambodian Women League of Development	(CWLD)
21-	Cambodian Women's Crises Center	(CWCC)
22-	Cambodian Women's Development Agency	(CWDA)
23-	Cambodian Women's Development Center	(CWDC)
24-	Cambodian Workers' Protection	(CWP)
25-	Center for Social Development	(CSD)
26-	Development Association of Cambodia	(DAC)
27-	Economic Development Community Organization	(EDCO)
28-	Future Light Organization of Women	(FLOW)
29-	Future Light Orphanage	(FLO)
30-	Gender and Development for Cambodia	(GAD/C)
31-	Girl Guides Association of Cambodia	(GGAC)
32-	Victorian Cambodian Development Committee	(VCDC)
33-	Human Rights Vigilance of Cambodia	(VIGILANCE)
34-	Institute of Cambodia Education	(ICE)
35-	Indradevi Association	(IDA)
36-	International Friendship Organization for Development	(IFOD)
37-	KHEMARA	(KHEMARA)
38-	Khmer Kampuchea Krom for Human Rights and Development and Association	(KKKHRDA)
39-	Khmer Women' Voice Center	(KWVC)
40-	Khmer Women's Cooperation for Development	(KWCD)
41-	Khmer Youth Association	(KYA)
42-	Legal Aid of Cambodia	(LAC)

43- LICADHO	(LICADHO)
44- Medecine de l'Espoir Cambodge	(MEC)
45- Meada Khmer Development	(MKD)
46- Mother's Love & Non Violence	(ML & NV)
47- National Prosperity Association	(NAPA)
48- Nea Vea Thmey Center	(NVTC)
49- OXFAM GB	(OXFAM GB)
50- People's Association for Development	(PAD)
51- Project Against Domestic Violence	(PADV)
52- Rachana Handicrafts Battambang	(RHB)
53- Reproductive Health Association of Cambodia	(RHAC)
54- SABORAS	(SABORAS)
55- SILAKA	(SILAKA)
56- Star Kampuchea	(Star Kampuchea)
57- THE OUTREACH	(THE OUTREACH)
58- Urban Sector Group	(USG)
59- Violence Against Women And Children of Cambodia	(VAWCC)
60- Vocation Occupation and Employment Association	(VOEA)
61- Volunteer Youth Congress for Democracy	(VYCD)
62- Women Development Association	(WDA)
63- Women for Prosperity	(WFP)
64- Women Light Association	(WLA)
65- Women Service Organization	(WOSO)
66- Women's Media Center for Cambodia	(WMC)
67- Youth Resource Development Program	(YRDP)

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## Appendix 2: Members of CAMBOW

### Steering Committee Members

<b>1. Dr. Pung Chhiv Kek (LICADHO)</b>	<b>President</b>
<b>2. Mr. Thun Saray (ADHOC)</b>	<b>President</b>
<b>3. Mr. Sok Sam Oeun (CDP)</b>	<b>Secretary</b>
<b>4. Mr. Ouk Vandeth (LAC)</b>	<b>Assistant Secretary</b>
<b>5. Ms. Oung Chanthol(CWCC)</b>	<b>Treasurer</b>
<b>6. Mr. Hang Puthea (NICFEC)</b>	<b>Assistant Treasurer</b>

1- Cambodian Human Rights and Development Association	(ADHOC)
2- Banteay Srei	( Banteay Srei)
3- Cambodian Defenders Project	(CDP)
4- Center for Social Development	(CSD)
5- Organization for Children and Rural Women	(CWARO)
6- Cambodia Women Crisis Center	(CWCC)
7- Cambodian Women League for Development	(CWLD)
8- Cambodian Center for the Protection of Children’s Rights	(CCPCR)
9- Cambodian Women’s Culture Development	(CWCD)
10- Cambodian Women’s Development Agency	(CWDA)
11- Cambodian Development and Relief Center for the Poor	(CDRCP)
12- Cambodian Labor Organization	(CLO)
13- Coordinator of Action Research on AIDS and Mobility	(CARAM Cambodia)
14- Development Association of Cambodia	(DAC)
15- Gender and Development for Cambodia	(GAD/C)
16- Hagar Project	(HAGAR)
17- Human Rights and Community Outreach Projects	(OUTREACH)
18- Indradevi Association	(IDA)
19- Khmer Institute for Democracy	(KID)
20- Khemara	(KHEMARA)
21- Khmer Women’s Voice Center	(KWVC)
22- Khmer Women’s Cooperation for Development	(KWCD)
23- Cambodia League for the Promotion Defend of Human Rights	( LICDHO)
24- Legal Aid of Cambodian	(LAC)
25- Meada Khmer Development	(MKD)
26- Mother’s Love and Non Violence	(MLNV)
27- Neutral and Impartial Committee for Free and Fair Election in Cambodia	(NICFEC)
28- Project Against Domestic Violence	(PADV)

29- STAR Kampuchea	(STAR Kampuchea)
30- The Cambodian Human Rights Task Force (CHRTF)	(TASK FORCE)
31- Urban Sector Group	(USG)
32- Volunteer Youth Congress for Democracy	(VYCD)
33- Violence Against Women and Children of Cambodia	(VAWCC)
34- Neavea Tmey Center	(WVC)
35- Women Service Organization	(WOSO)



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