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THE CAMBODIAN NGO
COMMITTEE ON CEDAW

SHADOW REPORT 2013

Assessing the Government of Cambodia's Progess in Implementing the United Nations Convention on the Elimination of All Forms of Discrimination Against Women

The Cambodian NGO Committee on CEDAW (NGO-CEDAW)

NGO-CEDAW is a coalition of 90 NGOs, and networks dedicated to the advancement of women.

The Cambodian NGO committee on CEDAW (NGO-CEDAW) was established in 1995 with the support of the Cambodian Office of UN High Commissioner for Human Rights (COHCHR). It was originally composed of nine Cambodian NGOs. The membership is now 90 members NGOs. Its principal mission is to monitor and provide an independent report on the progress implementation of CEDAW in Cambodia. As a coalition of women oriented organization, activities of NGO-CEDAW members cover most sectors of activity and of society. NGO-CEDAW members are directly interested in the electoral process and have been instrumental in providing their support to send election observers.

OBJECTIVES OF NGO-CEDAW

To **monitor,** analyze trends and report on the implementation of CEDAW, the Optional Protocol, the UN Concluding Observations

To **publish** a corresponding **shadow report** every time the Government reports to the UN CEDAW Committee

To **participate** in all activities concerning women, leading advocacy for changes and progress

To **coordinate awareness raising** initiatives on women's rights through popular and media campaigns and special events

To **coordinate the exchange of information a**nd services among member of NGO-CEDAW and other NGOs at the local level, regional (ASEAN) and international

To **facilitate capacity building** of NGO-CEDAW members, civil society and officials

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We hope this report will lead the way for changes leading to equality between women and men, a necessary condition for stable and harmonious social development.

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EXECUTIVE SUMMARY

NGO-CEDAW prepared this Shadow Report with the support of international consultants and lawyers. The 72 constituent non-governmental organizations of NGO-CEDAW formed NGO-CEDAW in 1995 to evaluate and respond to state party reports prepared by the Royal Government of Cambodia (RGC) pursuant to the provisions and requirements of the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

The authors of this report conducted numerous meetings and interviews with members of NGO-CEDAW, as well as with other experts in Cambodia on the status of Cambodian women and girls, and met with other community groups and Cambodian residents. In addition, they made several field visits to support their research and claims made within this report. The authors studied available books and research reports prepared by Cambodia experts and non-governmental organizations based within and outside of Cambodia.

The authors encountered countless challenges and shortcomings during the process of preparing this Report. Cambodia faces a genuine deficit of legal infrastructure and capacity necessary to provide a thorough, comprehensive legal response to the State Party report.

Official government record keeping is sharply limited to non-existent. The absence of rigorous, quantifiable governmental data makes it exceptionally difficult to evaluate the RGC's progress pursuant to CEDAW. Accordingly, this report relies largely on the authors' research, empiric observations, NGO-CEDAW's members and sub-committee's reports and anecdotal evidence.

In addition to the practical challenges associated with assembling a report of this kind, participants faced several obstacles. Threats of violence, harassment, arrest and all forms of corruption rampant throughout Cambodia have, at times, threatened the ability of participants and personnel to research, draft and prepare a thorough, comprehensive response. Such threats, which increased during the periods before and following the Cambodia's July 28th National Election, also compromised the willingness of interview subjects to speak honestly and freely, for fear of retribution or worse.

Although the RGC officially recognizes and is a party to CEDAW and though the RGC claims to adhere to the definition of discrimination promulgated under CEDAW, there remains throughout Cambodia systemic discrimination, both legally and as a matter of fact, against women and girls on an economic, cultural, social and political basis. We believe this is partly due to the absence of a clear definition of discrimination, as promulgated by CEDAW, in any of the laws, rules and regulations of Cambodia. Furthermore, it is also due to the reluctance on the part of Cambodian government officials to effectively communicate the values, rights and opportunities expressed by CEDAW to all levels of Cambodian civil society. As a result, it is not suprising that where the Government has legislated certain anti-discriminatory practices there is little to no implementation or enforcement of such laws, rules and policies.

The RGC has made some efforts to address all forms of discrimination against women and girls, as well as the persistent inequality of women and girls throughout Cambodian society. Minimal efforts have been made in its rules, regulations, policies, laws and various programs initiated by different branches of Cambodia's government. However, due to an endemic degree of corruption in the government and legal system, these laws designed to decrease discrimination and increase equality of women and girls are rarely implemented or if implemented, are not enforced. Cambodians are unaware of most of their rights, freedoms and obligations under these laws, specifically in rural areas, where 80 per cent of the population resides. Local authorities, normally responsible for enforcing such laws, lack both awareness and training concerning laws and protocol. Even when knowledgeable, such authorities are often vulnerable to different forms of corruption and are therefore less likely to enforce those laws and policies of which they are actually aware.

Women and girls in Cambodia are typically less educated than men. The ratio of girls to boys is fairly equal at the lower education levels, but becomes wider in higher grades.

Women do not have the same employment opportunities as men in Cambodia in part because of their relatively lower levels of education, but also because other systemic challenges and practices. This pattern continues to form the beliefs and perceptions about women by both genders in Cambodia. For example women are less likely to participate in leadership positions in public and political life. The largest percentage of women working in the formal labor-force works in the garment industry, where they are routinely subject to numerous discriminatory practices. The conditions in the garment industry are poor – with low wages, unsafe working conditions and sexual harassment among other serious labor and human rights violations.

Women are more vulnerable and are discriminated against in the form of human trafficking, sex trafficking and prostitution, which are all enormously lucrative industries in Cambodia. Workers in the entertainment and sex industries are also subjected to other forms of pernicious exploitation and discrimination. Laws against these practices are not enforced, which is often attributed to the

55,000 to 75,000

Indigenous women throughout Cambodia experience diverse forms of discrimination, poverty, violence due to marginalization within their own communities and in society at large

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fact that authorities allegedly participate as customers in the industry, receive kickbacks, or otherwise profit from the sex industries. Women are also discriminated against in marriage, with arranged marriages and child brides an existing problem. Women face difficulties dissolving a marriage, partly due to the discriminatory language included in the laws regulating divorce.

Indigenous women throughout Cambodia experience diverse forms of discrimination, poverty, violence due to marginalization within their own communities and in society at large. It is estimated that there are between 55,000 and 75,000 indigenous women in Cambodia.

Older women face economic, social and health challenges in Cambodia and are significantly disadvantaged because of gender norms regulating their education, their caretaker duties, and their participation in the public space. In addition, the absence of formal social protection and the decline of traditional family support have resulted in increased livelihood pressures on older women.

The report released by the National Institute of Statistics of the Cambodian Ministry of Planning "Demographics of Population, Ageing in Cambodia 2012", indicated a steady increase of population ageing and acknowledged that the shift to an older age structure has important implications for Cambodia as the need for socio-economic support increases. The report indicated a growing number of older women as compared to men. The sex ratio shows an increasing trend from 69.1 men per 100 women to 67.0 in 2018 and a projected 76.3 by 2030.

The paper added that about 42 per cent of older women are widowed against 10 per cent of older men. For 80 years and above, widowhood dominates the status for women. Widowhood has been equated with a high level of poverty among older women in Cambodia across a number of reports.

Older members of society have traditionally been supported by their children or by other relatives in the wider family network. With increasing economic migration of young people, older women faced the absence of care traditionally given by young family members and often are left as the primary caretakers for their grandchildren – these households are known as ' skip' generations.

INTRODUCTION

Cambodia occupies 181,035 square kilometers in Southeast Asia between Thailand, Vietnam and Laos. The capital of Cambodia is Phnom Penh and there are 24 provinces. The population is 15,205,539. The infant mortality rate in Cambodia is 52.7 deaths/1000 births, which ranks the country at 37th in the world. Health expenditures consist of 5.6% of Cambodia's GDP. Education expenditures consist of 2.6% of Cambodia's GDP. Based on available information, a total of 77.6% of Cambodia's population is believed to be literate (85.1% male and 70.9% female).

The Royal Government of Cambodia is organized as a multi-party democracy under a constitutional monarchy, and permits all Cambodian citizens over the age of 18 to vote in national elections.

Cambodia gained independence from France on 9 November 1953. Supreme powers of the State are separated between legislative, executive and judicial powers. The United Nations Transitional Authority in Cambodia (UNTAC) organized Cambodia's first universal, free and fair, democratic national elections in May 1993. The first National Assembly consisted of 120 members representing four different elected political parties, of whom 58 came from Funcinpec, 51 from the Cambodian People's Party (CPP), 10 from the Buddhist Liberal Democratic Party and 1 from Molinaka Party.

The National Assembly of the second legislative term began in 1998 and ended in 2003 and was similarly formed through the universal election process. During the second legislative term, the National Assembly consisted of 122 members, of whom 14 were women. In early March 1999, the National Assembly amended the Constitution of the Kingdom of Cambodia to form another legislative body, the Senate. The amended Constitution established the Senate with 61 members, including 8 women.

Since the 1993 national election, democratic institutions and the rule of law have been sharply eroded by government corruption and other coercive tactics. During the most recent national election, held on July 28th, 2013 the results were close between the ruling CPP party and the newly formed Cambodian National Rescue Party (CNRP), which merged the Human Rights Party and the Sam Rainsy Party. The CPP won 68 seats, having previously held 90 seats and losing its 2/3 legislative control. The CNRP won 55 seats and believes it would have won the majority had it not been for fraud during the election. The CNRP and its supporters have questioned the veracity of the election results; pointing to election irregularities, vote tampering and widespread voter disenfranchisement. Independent organizations found that the number of registered voters in some election districts exceeded the number of people eligible to vote. There remain widespread accusations of voter ID cards being given to non-citizens to enable them to vote. The CNRP lost its challenge, however the situation in Cambodia remains volatile, with threatened protests and rallies, as well as the prospect of minor election related violence.

[1] See generally, the CIA World Factbook on Cambodia.

ACRONYMS

CCHR	Cambodian Center for Human Rights
CEDAW	International Convention on the Elimination of All Forms of Discrimination Against Women
CNCW	Cambodian National Council for Women
CNRP	Cambodian National Rescue Party
CPP	Cambodian People's Party
GMA	Garment Manufacturers Association
GMAG	Gender Mainstreaming Action Group
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
MoH	Ministry of Health
MoI	Ministry of Information
MoL	Ministry of Labor
MoLVT	Ministry of Labor and Vocational Training
MoWA	Ministry of Women's Affairs
NGO	Non-Government Organization
NGO-CEDAW	The Cambodian NGO Committee on CEDAW
NSSF	National Social Security Fund
PLHIV	People Living with HIV/AIDs
PSI	Population Services International
RCG	Royal Government of Cambodia
STI	Sexually Transmitted Infections
TBA	Traditional Birthing Attendant
UNTAC	United Nations Transitional Authority in Cambodia
USAID	United States Agency for International Development
WFP	World Food Programme

GENERAL COMMENTS

The Royal Government of Cambodia (RGC) in its combined May 2010 Fourth and Fifth National Report on the Implementation of the International Convention on the Elimination of All Forms of Discrimination Against Women in Cambodia makes specific reference to provisions in each of the Constitution of the Kingdom of Cambodia[2] and the Cambodian Penal Code[3], claiming that the existence of these provisions in and of themselves, alongside plans to pass additional laws, guarantees full equality of women with men in the protection and enjoyment of human rights, as well as protection of women from all forms of discrimination.

The passage of laws guaranteeing equal protection of women and non-discrimination should not be mistaken for the actual delivery of equal rights and non-discriminatory practices and therefore satisfaction with the spirit and intent of the Convention. In this case, as with so many of RGCs laws, rules, regulations, policies (and plans to pass laws), the law is not implemented or enforced, with the result that women in Cambodia continue to face countless injustices, instances of unequal treatment and discrimination and the deprivation of their human rights and fundamental freedoms.

[2] Article 31 of the Cambodian Constitution
[3] Articles 265-270 of the Penal Code

ARTICLE 1:
DEFINITION OF DISCRIMINATION AGAINST WOMEN

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Notwithstanding the language of Article 31 of the Constitution, which states that "the Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights and the Covenants and Conventions related to human rights, women's and children's rights," the RGC Report includes no information on the enforcement of this constitutional decree, suggesting that the law has not been enforced, and therefore has very little effect on the lives of Cambodian women.

The RGC states that it relies upon a "practical definition of the term 'discrimination against women', as defined in CEDAW." However, there is no working definition of "discrimination" included in the Constitution itself, and we have not found specific legal reference to a definition of discrimination in any of the laws intended to eliminate discrimination against women. To date, while the RGC has passed general laws prohibiting discrimination against women on the basis of their sex, in no law, rule or policy that NGO-CEDAW has evaluated, have we found any specific or explicit reference to Article I of the CEDAW Convention, which defines "discrimination against women" as any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or other field.

Though the RGC has included anti-discrimination provisions in its Constitution and Penal Code, those provisions are not effective since they do not specifically incorporate the definition of discrimination as given in Article I of the CEDAW and since neither effectively prevents direct and unintended discrimination against women. There is no data on how or how often the Articles of the Penal Code are violated. Complaints are not and have not been filed with the courts or other legal authorities, partly due to government corruption and weariness among Cambodians in dealing with the legal system.

Due to a lack of reporting, it is unclear what percentage of women in Cambodia face discrimination on the basis of gender.

Recommendations:

- Amend all laws, rules, regulations, policies to include the precise definition of "discrimination" promulgated by CEDAW.
- Communicate the amended definition, as well as the RCG's commitment to CEDAW to all government personnel and ensure they are aware of and understand their responsibility to enforce the definition, as well as all antidiscrimination laws and policies.
- Create sharp penalties for legal authorities who fail to enforce antidiscrimination laws, rules, regulations and policies.
- Educate the public on how to file complaints when their rights have been violated and create mechanisms to ensure the safety of reporting citizens when they do file complaints.
- Create effective programs that specifically work to eliminate discrimination against women.

ARTICLE 2:
OBLIGATIONS TO ELIMINATE DISCRIMINATION

Article 2 of CEDAW requires State Parties to "condemn discrimination against women in all of its forms," to "agree to pursue by all appropriate means and without delay, a policy of eliminating discrimination against women". It states the obligation to undertake specific actions, such as embodying the principle of equality in the national constitution and other appropriate legislation. It also calls for adopting appropriate measures prohibiting discrimination against women, establishing the legal protection of women's rights on an equal basis with men while ensuring the protection of women from discrimination through effective tribunals and public institutions. It also asks to refrain from engaging in any discriminatory practices against women, to take measures to eliminate discrimination in private enterprise to modify or abolish discriminatory laws, regulations, customs and practices and to repeal all national penal provisions that constitute discrimination against women.

While the RGC has banned discrimination against women in the Constitution, the RGC has not specifically and explicitly included the definition of discrimination as given in Article I of the CEDAW, therefore, the prohibition against discrimination in Article 45 of the Constitution is without meaning or legal weight.

The RGC lists other regulations and measures it has adopted to prohibit discrimination against women, however the actual language of many of these provisions is inherently discriminatory and does not provide women with equal protection or rights under the law. In fact, the language in several of the provisions of the cited measures is itself discriminatory.

Furthermore, the laws themselves have had little to no impact on ending discrimination against women. Corruption within the legal system and lack of awareness in rural areas are two major factors that hinder constitutional

Recommendations:

- Conduct a thorough review of all laws, rules, regulations and policies and modify such laws, rules and regulations to remove any language that is either discriminatory against women on its face, or in effect.
- Increase public awareness of antidiscrimination laws and policies by relying on social media, mobile telephony, radio and billboards to regularly educate the public as to their rights and obligations under the law. Cooperate with NGOs and other local organizations to educate and train legal authorities and citizens regarding their rights and how they may seek relief when they have been discriminated against or their rights have otherwise been violated.
- Include the principles of justice, equality and nondiscrimination in education curricula.

provisions from being effectively implemented, or having any real effect on ending discrimination against women.

In rural areas, it is common for these laws to be overlooked and they are often not communicated to the rural population or authorities responsible for implementing and enforcing them. In some cases, the authorities are aware of the laws, but for lack of political will and because of poor governance, they do not enforce the laws when women attempt to assert their rights. In many reported cases, the authorities responsible for enforcement of anti-discrimination provisions regularly accept bribes by those accused of discriminatory practices, and as a result there is virtually no enforcement of anti-discrimination provisions. In addition, it is not uncommon for judges to favor men over women in judicial hearings, either on the basis of gender itself, or because the male has more money and can therefore bribe the court personnel.

The RGC states in its Report that it has mandated the Ministry of Women's Affairs (MoWA) and the Cambodian National Council for Women (CNCW) to monitor the activities of the authorities and public institutions in relation to non-discrimination against women. The RGC writes further that it has taken measures to introduce gender mainstreaming into curricula as stated by the National Strategic Plan.

In practice however, Article 45 of the Constitution is neither implemented nor enforced, and policy measures described in state in its Report have little to no effect in eliminating all forms of discrimination against women in Cambodia. Furthermore, there is little evidence that MoWA is in fact monitoring the activities of authorities and public institutions as relates to efforts to reduce discrimination against women. Even if MoWA could be shown to actually monitor efforts to reduce discrimination against women, this would be a policy without any real effect, as the simple monitoring of activity, without expressly articulating and implementing policy measures to end such discrimination, is meaningless.

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Although CEDAW does not require separate treatment or discussion of indigenous women in State Party reports, it should be noted that the obligation to eliminate discrimination against women specifically asks for a discussion of rural populations of women and women in rural areas, but fails to directly acknowledge indigenous women. It is estimated that approximately 1 per cent of the overall population are indigenous peoples (between 55,000 and 75,000 are women). The collective rights, the needs and interests of indigenous women and the growing discrimination they specifically face should be acknowledged and noted as a matter of urgent concern.

- Strengthen and enforce the 2010 Anti-Corruption Law, including by providing protection to whistleblowers and increasing the penalties for corrupt practices, especially as concerns efforts to eliminate discrimination against women and girls.
- Empower MoWA to monitor the activities of legal authorities and public institutions in relation to non-discrimination against women by using appropriate tools, such as the NGO-CEDAW Monitoring Tool.

ARTICLE 3:
THE DEVELOPMENT AND ADVANCEMENT OF WOMEN

Article 3 of CEDAW requires State Parties to the Convention to take "all appropriate measures…to include the full development and advancement of women, for the purposes of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men."

The RGC established Gender Mainstreaming Action Groups in response to this. At the local level, the Seila Program—initiated in 1996 to implement policies for poverty alleviation and good governance at the local levels—implements gender mainstreaming practices.

One gender mainstreaming mechanism is to increase women's participation in leadership positions. The Ministry of Justice reviewed several laws to determine their consistency with CEDAW. One of these laws is the Marriage and Family Law, which contains several provisions that render women less equal to men. The government is also currently preparing draft laws to improve the status of women.

The RGC states that local authorities have conducted trainings on the Domestic Violence Law. It is not clear whether or how often these trainings have actually occurred, and we have not found data quantifying the effect of any such trainings. Unchecked, domestic violence not only continues to be pervasive in Cambodia, but findings indicate it is increasing, suggesting that these trainings, if and when they occur have had little effect. Furthermore, the traditional cultural view of women has not changed at the local level.

ARTICLE 4: ACCELERATION OF EQUALITY BETWEEN MEN & WOMEN

Article 4 of CEDAW allows State Parties to the Convention to put into place temporary affirmative action measures and other policies and practices to accelerate equality as a matter of fact between women in men in all aspects of life. The RGC states that it continually assesses necessary measures to accelerate equality among men and women, citing the following policy as evidence of its affirmative steps to accelerate such equality: "The Royal Government will take action to maximize the proportion of women participating in national institutions at all levels from the central level down to the sub-national levels."

The RGC cites numerous other steps it has taken to accelerate women's equality in government, including setting various quotas of female candidates for various ministries. The RGC appointed 24 women as municipal and provincial deputy-governors in 2009 and 187 women as municipal and provincial deputy governors and deputy governors of districts/khans also in 2009.

It is necessary to increase the number of female deputy governors because they are much more open to discuss women and children issues than their male counterparts. Female deputy governors are more accessible in general and are responsive to NGO staff. They are usually willing to help, within their limited powers, and accordingly represent an opportunity to push for greater equality in Cambodia.

Approximately 20 per cent of Cambodia's civil servants are female. The RCG states it would like to increase the proportion of female civil servants to 50 per cent, but claims this goal has been difficult to achieve due to the lack of sufficiently educated women. This underscores the need for more education for women.

There are currently several women in the RGC, including:

1

deputy prime minister (There are 9 deputy prime ministers. Deputy prime ministers in the RGC typically lack any real power or authority)

2

Ministers (Minister of Women's Affairs and Minister of National Assembly, Senate Relation and Inspection)

14

Secretaries of State

29

Undersecretaries of State

Following the July 28, 2013 elections, there remain 25 female Members of Parliament, which represents a decrease from the previous legislature.

It is noteworthy that in its National Report the RGC focuses only on maternity leave and government service and not affirmative action measures in the areas of education, professional training and advancement, employment and/or cultural areas of life.

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Recommendations:

- Improve the civil education of women and create specific training programs designed to prepare women with less education for public/government leadership.
- Sponsor and promote programs to prepare and encourage women to run for elected office.
- Set a quota to increase the number of women governors, and provide them with tools to ensure their appointment. Change the selection of governors from an appointment process to an election process.
- Set a quota to increase the number of women ministers. While it is important that women be appointed as ministers in roles of special interest to women, it should not preclude appointing women in ministries that are not gender specific.
- Set quotas to increase the number of women admitted into higher education programs.
- Set a quota for the number of women Members of Parliament.
- Review other areas of life where women are not equal with men and implement programs and measures to accelerate women's equality with men in those areas.

ARTICLE 5:
SEX ROLES & STEREOTYPES

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Article 5 of the Convention requires State Parties to take measures appropriate to eliminate prejudices and customary practices based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for women and men, and to ensure that family education includes an understanding of the social function of maternity, and the common responsibility of men and women in the upbringing and development of their children (of both genders).

The RGC claims to be giving high priority to promoting the status and position of Cambodian women by attempting to decrease discrimination and build capacity for women sustainably.[4] The RGC claims that "women must have equal access to health care, education and vocational training and economic resources," and these are the measures that the RGC suggests for the decrease of discrimination and increased capacity of women. However, in practice women do not have equal access to the aforementioned resources; consequently, according to the logic of the RGC itself, it follows that with a lack of these services available to women, discrimination and the relative inequality of women will persist as a vicious cycle, and capacity building for women will be insufficient.

The RGC suggests that "women may have independence and control, and that women should be owners and managers of land and finance, and have full decision making capabilities within the family."[5] Currently, women generally have less power concerning matters of spending, employment, and family decisions, than men do.[6] Cambodian culture demonstrates a confidence in men's abilities to handle family finances and decision-making, while women are not perceived as fully competent in these arenas, even though 30% of households are headed by women.[7]

Examples of domestic violence as a consequence of women overstepping the bounds of their stereotypical gender role are common in Cambodia, such as a case in in Prey Veng province where a husband would consistently fail to provide for his family, and his wife encouraged him to work and take care of the family financially.[6] Her husband believed that it was not her role to make decisions such as occupational selection for the family, and he resorted to domestic violence to punish her for overstepping her role.[8]

[4] Cambodia. The Royal Government of Cambodia. Fourth and Fifth National Report on Implementation of the International Convention on the Elimination of all Forms of Discrimination Against Women in Cambodia. 45. Phnom Penh, Cambodia: May 2010.
[5] Cambodia. The Royal Government of Cambodia. Fourth and Fifth National Report on Implementation of the International Convention on the Elimination of all Forms of Discrimination Against Women in Cambodia. 18. Phnom Penh, Cambodia: May 2010.

In addition to women's lack of decision-making power in the family and notwithstanding Cambodian law, which requires that "all persons, individually or collectively, shall have the right to ownership,"[9] women are still prevented from owning land in their own names, freely and clearly. Women can typically own land only with the approval of their husbands, allowing their husbands to have an effective veto over land ownership and undermining Cambodian law. Further, women are perceived by society as incapable of running businesses or managing money in any large capacity.[10] It is no surprise therefore, that in addition to being relegated to menial roles; women are also prevented from owning land as a matter of fact.

According to the Constitution, women are entitled to maternity leave with full pay and no risk of losing seniority in employment and other social benefits.[11] However, article 183 of Cambodia's Labor Law states that "during maternity leave… women are entitled to half of their wage."[12] The Cambodian constitution does not specify the duration of maternity leave; however, the RGC Report states "women are entitled to 90 days of maternity leave and receive half their working wage."[13] In practice women are often employed using short-term contracts allowing employers to deprive women of the professional benefits to which they would otherwise be entitled to under the law. As a result, while there is no direct violation of the maternity leave laws, the ability to use short term contracts to avoid paying women full wages, constitutes a considerable loophole that allows employers to discriminate against new mothers in Cambodia.[14]

Recommendations:

- The RGC should adopt the CEDAW definition of discrimination in the Constitution, Penal Code and all other laws and regulations affecting the lives of women and girls.
- Increased representation of women in political positions will lead to a change in gender stereotyping and the perception of Cambodian women. The government should incentivize women to run for office, and mandate a minimum number of women to be elected. If women are perceived as leaders and decision makers, this can indirectly change the harmful stereotypes that affect women.
- The national television and radio broadcasts should regularly disseminate issues pertaining to CEDAW in an effort to raise awareness about negative gender stereotypes. Social networking media can also be used as effective tools for education on gender stereotyping and prejudice. The RGC and Cambodian NGOs should work with mobile phone companies to regularly disseminate over mobile telephony clear, concise, easy to understand updates regarding CEDAW and government anti-discrimination efforts, in addition to condemning Chbab Srey and otherwise asserting the value of women and girls.
- Educate parliament and law enforcement officials about CEDAW to encourage effective implementation of existing legislation. Incentivize parliament and law enforcement officials to implement and implement strict, enforceable penalties for accepting bribes.

[6] "Politics in the Kingdom: Increasing Female Representation." 30. Cambodian Center for Human Rights. March 2013.
[7] NGO CEDAW. Group Interview. June 7, 2013.
[8] NGO CEDAW. Personal Interview. June 12, 2013.
[9] Constitution of Cambodia. Article 44.
[10] NGO CEDAW. Personal Interview. June 10, 2013.
[11] Cambodian Constitution. Article 46.
[12] Cambodia. The Royal Government of Cambodia. Fourth and Fifth National Report on Implementation of the International Convention on the Elimination of all Forms of Discrimination Against Women in Cambodia. 37. Phnom Penh, Cambodia: May 2010.
[13] The Constitution of Cambodia. 63.
[14] NGO CEDAW. Personal Interview. July 11, 2013.

Even where short term contracts are not used to circumvent maternity laws, the protections under those laws are insufficient since many women earn such meager wages that they are forced to return to work earlier than the 90-day maternity period just in order to survive. The cost of feeding children and providing for basic living needs far exceeds half of the regular compensation normally received, so even though a law on maternity leave does exist in Cambodian legislation, in practice it is difficult for most women to rely upon. When the minimum wage for factory workers in Cambodia is $80 USD, and schoolteachers make an average of $66 USD, half of the regular salary is insufficient for meeting basic needs.

The Chbab Srey, Cambodia's traditional "Code of Women" is a written, customary law originating in the 19th Century. Previously part of the primary school curriculum, the law, which is deeply rooted in Cambodia's culture, specifies the duties and expectations for women's behavior. Though no longer a legally mandated requirement of school curricula, the ideology created by the Chbab Srey is still prevalent throughout Cambodian culture, especially in the rural areas where 80% of the population resides. This ideology encourages women to be submissive and obedient to the wishes of their husbands, and not to contest decisions that the husband makes. This cultural practice does not encourage women to be equal participants in family life, and helps to prolong the existence of harmful stereotypes of women's subordination to men.[15] One such example from the Chbab Srey itself reads, "If you are not afraid of your husband, conflict will ensue, your reputation will suffer, and cause disruption." It is clear that with texts like this being embedded into Cambodian culture, blatant and longstanding inequality between men and women result.

The RGC claims that the stereotyping and perception of women as an inferior gender is an issue that is "gradually changing," and "it will take a long time and further effort, especially in rural areas, to fully change attitudes with regard to gender equality."[16] There are no specific goals, benchmarks, or measures included within the RGC's National Report to ensure this process takes place in a meaningful manner. As a result, this is a statement with no teeth, and therefore will not likely reduce discrimination against women and girls.

Under Article 36 of Cambodia's Constitution, "Khmer citizens of either sex shall enjoy the right to choose any employment according to their ability and to the needs of society." According to this provision, men and women should be allowed and encouraged to pursue any employment they desire; there should be no discrimination by gender. However, in practice professions that are male dominated (specifically professions that involve manual labor) pay women less for the same amount of work. This practice is largely due to the widespread belief that men are able to do more heavy lifting and physical labor than women in the same amount of time, and therefore men should be compensated at a higher rate than women.[17]

In sum, the RGC does have specific laws dedicated to equality between men and women in society; however, the legislation that has been passed almost always lacks information specific enough to make the implementation of the law possible. Without a working definition of "discrimination" or specific examples of "harmful cultural practices," the law has not and cannot be effectively enforced.[18]

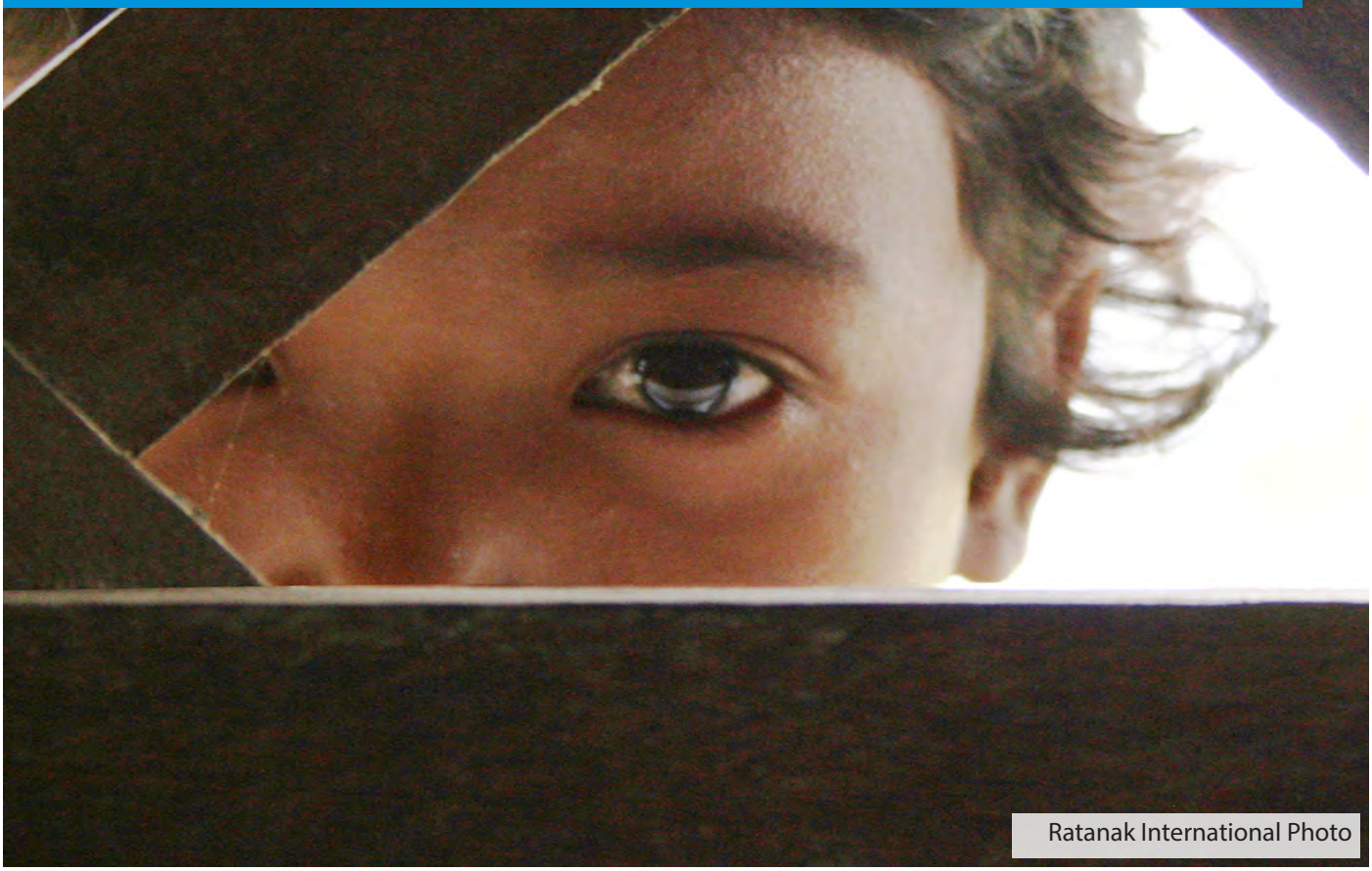
[15] "Politics in the Kingdom: Increasing Female Representation." 30. Cambodian Center for Human Rights. March 2013.

[16] Cambodia. The Royal Government of Cambodia. Fourth and Fifth National Report on Implementation of the International Convention on the Elimination of all Forms of Discrimination Against Women in Cambodia. 20. Phnom Penh, Cambodia: May 2010.

[17] NGO CEDAW Personal Interview. July 10, 2013.

[18] "Concluding comments of the Committee on the Elimination of Discrimination against Women: Cambodia." 2. Convention on the Elimination of Discrimination against Women. January 2006.

ARTICLE 6:
EXPLOITATION OF WOMEN



Ratanak International Photo

Article 6 of the Convention requires State Parties to "take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."

Article 46 of the Constitution prohibits human trafficking and prostitution stating that "Human trafficking, exploitation of prostitution and obscenities which affect the dignity of women shall be prohibited." It is, however, unclear to whom it applies, how it is to be enforced, or whether there are sanctions to prevent human trafficking, sex trafficking, prostitution and other practices exploitive of women and girls. The 2008 Law on the Suppression of Human Trafficking and Commercial Sexual Exploitation (TIP Law) further perpetuates the confusion.

Notwithstanding the establishment of special sex crimes units, monitoring bodies, committees, task forces, secretariats and policies, etc., the problem of human and sex trafficking, and the peripheral problems related to sex trafficking, i.e. rape, violence against women, disease, alcoholism, etc., remain pervasive.

Trafficking in women and girls for the purposes of prostitution remains a serious problem in Cambodia. Despite increased crackdowns on brothel operators in Phnom Penh, for example, prostitution and sex trafficking persists.

Estimates of the number of working prostitutes range from 14,725 to 18,250.[19] Sex tourism is a problem, fueled by pervasive poverty and corruption and perception of impunity.

[19] "2008 Human Rights Report: Cambodia." U.S. Department of State. U.S. Department of State, 25 Feb. 2009. Web. 09 Aug. 2013.

Recommendations:

- Affordable condoms should be available to the populations at risk
- The RGC should develop a sub decree to further interpret and clarify Article 46 of Cambodia's Constitution in order to eliminate any ambiguity for those responsible for its enforcement.
- The RGC should adopt a victim protection law to protect sex workers and train law enforcement to enforce such laws.
- The RGC should provide gender sensitivity training on victim identification, investigation and conducting victim interviews.
- Revoke licenses from all short-duration guesthouses in order to discourage prostitution.

Some reports state that compared to 2011, the number of cases of sex trafficking, rape, and attempted rape in Cambodia increased in 2012.[20] This is reflected in Cambodia's recent demotion from Tier 2 to Tier 2 Watch List in the U.S. State Department's 2013 Trafficking in Persons Report, as efforts to combat trafficking are said to have slowed from the previous year.[21] The US State Department report cites lack of identification and low rates of prosecution as two of the reasons for the demotion.

Ms. Leav Serey Roth was approached by Chheang Many, a woman from her village in Kandal province, and offered a factory job in China, paid between USD800 and 1000/month; she was also offered a Chinese husband, which she accepted. The broker gave Leav Srey Roth's family USD500. Upon her arrival in China, another broker met Ms. Leave at the airport and brought her directly to a house that was in fact a brothel where she was forced to work as a prostitute until her future husband came to get her. She then started living at her husband family's house where she was treated as a slave and continuously abused by her husband and in-laws. She managed to phone her family in Cambodia and asked her family to lodge a complaint with a human rights NGO. LICADHO staff accompanied the victim's mother to lodge a complaint to the Department of Anti Human Trafficking and Protection of Juveniles of the Ministry of Interior in Phnom Penh. Consequently, the Ministry of Interior ordered Kandal police high commissioner to issue a warrant and file a complaint to the court. With collaboration of the Cambodian Embassy in China, Ms. Leave was eventually rescued and has been able to return home. The Cambodian recruiter is still being investigated and remains at large.

Two female victims, P.S.M, aged 32 and N.S.N aged 30, were persuaded by a woman nicknamed Mae Aknang (real name unknown) to work in a Karaoke parlor in Koh Kong province. They were promised between Riel 500,000 and 600,000 per month depending on their performance. In November 2012, the two women decided to go with Mae Aknang, accompanied by another woman. Once in Koh Kong, they were taken to a brothel, whose owner's name was Rum (surname unknown) and his wife Chae Srey. The next day Mae Aknang and the accompanying woman came to collect money from the brothel owner. Only then the two women realized they had been sold to the brothel, where they were forced to service clients in order to repay their debt. On average a client paid Riels 30,000, of which they could either keep half or they settle for a 500,000/month salary. They had to work until 3:00am and were guarded wherever they went.

- Enforce laws that prevent discrimination against women with HIV/AIDS as well as sex workers. Provide sensitivity training to police on these issues.
- Increase awareness of sex trafficking, and its negative consequences, and increase enforcement of current trafficking laws through regular government sponsored media campaigns.
- The RGC should establish a special fund to provide legal aid and appropriate resources to victims of sex trafficking, human trafficking, rape and prostitution.
- Increase the government's efforts and spending on reintegration programs for those leaving the sex industry.

LICADHO Photo

[20] Politics in the Kingdom: Increasing Female Representation. Rep. N.p.: n.p., 2013. Politics in the Kingdom: Increasing Female Representation. Cambodian Center for Human Rights, Mar. 2013. Web. 9 Feb. 2013.
[21] Trafficking in Persons Report 2013. Rep. N.p.: n.p., 2013. Trafficking in Persons Report 2013. U.S. Department of State, 2013. Web. 09 Aug. 2013.

They managed to escape quietly, as they did not want to work there. The victims later filed complaints at a Human Rights NGO office for intervention with the courts.[22]

Cases like these are commonplace in Cambodia, where women or young girls are promised jobs in urban areas, then sold to nightclubs, hotels, or massage parlors. Sometimes they are convinced by brokers into marriage in order to migrate and are smuggled via the Koh Kong corridor.

This increase in sex trafficking in Cambodia is linked to a variety of factors including poverty, socio-economic inequality between rural and urban areas, land grabbing, landlessness due to climate change or "development" programs, unemployment, poor education system, and a lack of information on migration safety issues.

Since prostitution has been deemed illegal in Cambodia, many sex workers have gone underground, making outreach by NGOs difficult. The government crackdown on brothels and organized prostitution led to a shift towards the entertainment industry.

There have also been many reports of corrupt police who often either permit sex trafficking to take place under their watch, or are directly involved with the transactions. While the law does not discriminate against sex workers, in practice they do not enjoy many of the rights awarded to the rest of the Cambodian population.

Sex workers are also often the victims of physical abuse from the police. Human Rights Watch interviewed over 90 sex workers who reported being beaten by police with their fists, sticks, and electric batons. Some reported that the police demanded sex while several sex workers were actually raped in detention. All of the sex workers interviewed said that the police either asked for bribes or stole money from them.[23]

According to The Suppression of Human Trafficking and Sexual Exploitation Law, passed in 2008, pimps face harsher punishment than prostitutes. However, in practice, perpetrators of sex trafficking often use nepotism, power and money to avoid prosecution.3 Sometimes the family of the perpetrator will pay off the family of the victim and pressure them to drop charges. Often the victims and their families will accept these monetary reparations because of poverty. In 2012, only 23% of those accused of sex trafficking crimes were arrested. When a case of sex trafficking is brought to court, the pimps have sufficient funds to hire their own private lawyers but the victims must rely on help from NGOs because of the cost. There is a lack of lawyers even in the private sector therefore it is difficult to find affordable lawyers or ones who do pro bono work. The entire lawyer population in Cambodia is 800 individuals, public and private sectors combined. By comparison, that is less than ½ of the size of the legal workforce at individual global law firms. In theory, The Bar Association of the Kingdom of Cambodia should provide lawyers free of charge to people who are poor and being tried for a criminal case. However, this does not occur in practice as most of these lawyers have their own private practices and are too busy to be available to defendants in need.

Cambodia's multi-faceted role in the trafficking of its people compounds the risk for indigenous women, as their isolation from mainstream society often makes them easy targets. The risk is accentuated by the fact that while all Khmer women are vulnerable to trafficking outside Cambodia, it is likely to be women who are geographically isolated from mainstream society, the dominant language and access to education, who are trafficked within Cambodia.

Cambodia's demoted status in the US 2013 Trafficking in Persons Report is a very public reflection on Cambodia's efforts to reduce the exploitation of women. The new status not only demonstrates flaws in Cambodia's current attempts to combat trafficking, but it also indicates a time sensitive nature as unless their status of efforts are significantly changed within the next year, they will be downgraded to Tier 3. Such identification of Cambodia as being on the Tier 2 Watch List ensures that the subject of combating trafficking within Cambodia will likely be a critical point of discussion surrounding policy in over the next year. It is very important to acknowledge the risk of trafficking and worsening situation, specifically as regards indigenous women.

We are not aware of any laws in Cambodia that exist to protect sex workers from becoming infected with communicable diseases such as HIV/AIDS. A woman cannot require a man to wear a condom. Sometimes a woman can negotiate with the man to do so, but the man has the final decision and usually refuses to wear a condom, especially when drunk.

As a result of the Clean City Policy and Trafficking Law, sex workers face difficulty in protecting themselves against HIV/AIDs because if seen by a police officer while in possession of condoms, they are likely to be arrested just because they have condoms, according to several of our sources. This threat of arrest operates as a deterrent from purchasing and using condoms and operates as a de facto form of discrimination of sex workers in the prevention of the spread of HIV/AIDs.

[22] Issues of Women's Rights, Child Rights and Migrant Workers' Rights in Cambodia. Rep. N.p.: n.p., 2012. Issues of Women's Rights, Child Rights and Migrant Workers' Rights in Cambodia. Cambodian Human Rights and Development Association, 2012. Web. 09 Aug. 2013.

[23] Pearson, Elaine. "Violence Against Cambodia's Sex Workers." Violence Against Cambodia's Sex Workers. Human Rights Watch, 01 Dec. 2010. Web. 09 Aug. 2013.

Sex workers are not required to undergo screening for communicable diseases. Due to the recent growth in the privatization of hospitals, many sex workers can no longer afford to pay for health care. In addition to financial issues, sex workers also face much discrimination in hospitals and health centers. When sex workers seek treatment, they feel looked down upon by the medical staff.

Violence against sex workers is another widespread issue. One particular trend of violence is that of gang rape. A customer will take a sex worker to a guesthouse or hotel and then force the woman to have sex with many different men.

In the past, condoms were fairly accessible to sex workers. This is now changing because of the increase in prices. As a result, sex workers no longer have access to sufficient condoms for their daily use.

Those who want to leave the sex industry find it difficult since the RGC provides few reintegration programs and NGOs do not have adequate resources to assist them. Often former prostitutes face social stigma, particularly from other women in the community. This lack of acceptance and support from family and friends sometimes leads women to return to the brothels.

The government inadvertently supports the sex industry by providing licenses to short-duration guesthouses. These modern-day brothels rent rooms for by the hour. One such guesthouse charges $3 for one hour and $5 for three hours. The room itself did not have sheets, blankets, or pillows. The only thing other than a bed was a large mirror hung on the opposite wall at the level of the bed. This room was clearly not for overnight guests, but rather short-term transactions of prostitution.

Cambodia has also garnered a reputation as a haven for sex predators and pedophiles. One famous and recent example is the case of Alexander Trofimov, a wealthy Russian businessman convicted of sexually abusing nineteen underage Cambodian girls. His seventeen-year sentence was reduced on appeal to eight years. In December of 2011, Trofimov received a royal pardon from HRM King Norodom Sihamoni.[24] While the government has made efforts to arrest and deport Trofimov, there are still many cases of foreign sex predators and pedophiles moving to Cambodia because of the ambiguity in laws and lack of enforcement. When caught participating in the sex industry, foreigners can easily act with impunity by paying bribes.

Phnom Penh Post Photo

[24] Finney, Richard. "Cambodia Expels Russian Pedophile." Cambodia Expels Russian Pedophile. Radio Free Asia, 21 June 2012. Web. 09 Aug. 2013.

ARTICLE 7:
POLITICAL AND PUBLIC LIFE

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Article 7 of the Convention requires State Parties to take "all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (a) to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; (b) to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; and (c) to participate in non-government organizations and associations concerned with the public and political life of the country."

The RGC has taken some affirmative steps to increase the number of women in public leadership positions, for example requiring at least one woman as deputy-governor in every municipality, province, city, district and khan. However, in the past 2013 election, only 18.96% of the candidates were women.[25]

The RGC cites additional provisions of the Constitution, which it says facilitates the ability of women to participate equally in Cambodia's political life, for example, provisions stipulating that Khmer citizens of either sex have the right to vote once they are 18 years old, or to stand as candidates for election to the National Assembly if they are at least 25 years old, or to stand as candidates for election to the Senate if they are at least 40 years old. Notwithstanding these provisions, however, many women who are eligible to vote are disenfranchised. A striking example concerns women who have been subjected to forced evictions. Many of these women are not registered to vote as a result of forced evictions and homelessness, and in the most recent election were actively kept from voting.

Recommendations:

- Increase women in leadership positions in order to challenge stereotypes of women being submissive as stated in the Chbab Srey.
- Set and implement quotas for women in the National Assembly and Parliament, and implement quotas for women as Governors, not simply Deputy-Governors.
- Make public funds available for women to compete more effectively in political campaigns against men.
- List women candidates at the top of the ballots to encourage voters to select their names for several election cycles. Once Cambodia achieves 30 per cent quotas, list candidate's names in alphabetical order, without respect to gender.

[25] Kaing, Menghun, and Colin Meyn. "Voters Question Candidates on Women's Rights in Cambodia." Cambodia Daily. N.p., 13 June 2013.

Though Cambodian NGO leaders are encouraged by such efforts, many contend that those steps are still insufficient, with the result that women continue to be a minority voice in public leadership, notwithstanding that women are a majority of the population.

The Constitution allows women to establish and participate freely in associations and private organizations, including labor unions. Notwithstanding this constitutional right, our research shows that many women are fired from their jobs, particularly in the garment industry, as soon as they join a labor union. There was a recent incident in late May/June of 2013, when garment workers at the Nike factory went on strike for higher pay. Approximately 300 garment workers were fired. Free Trade Union President, Chea Mony, said that this strike was completely legal.[26] These laws for women's participation in associations and private organizations are often not followed by employers, meaning the Constitutional provisions have no real teeth, no weight, and are not successful at eliminating this form of discrimination against women.

Even when women are elected to government, they lack the same respect given to men. There is no training for women in politics. As described previously in this Shadow Report, women do not have access to the same quality or level of education as most men because of the cultural practices that result in women leaving school early, and therefore not being adequately prepared for the opportunity to lead, as explored further under the education article. Often, women are elected in order to fill the government quota, however in practice, they are only figureheads and lack power. Also, men fund their own campaigns, but women are often unable to do this. It is common, during elections, for political parties to list female candidates towards the bottom of the ballot to ensure that they are not elected to positions with power.[27] In the last local government elections for Commune/Sangkat, there were 25.64% women candidates and 17.78% elected.

Some members of the National Assembly and Senate are unaware that CEDAW exists. During a meeting several years ago, some Senators were observed stating that they were not aware of what CEDAW is, while it is possible that sense that meeting awareness has spread, based on the lack of energy behind implementing CEDAW related laws, rules and regulations, we believe that awareness is still relatively low. If these members, along with authority figures were aware of the laws and convention, some subcommittee members feel that it would be better implemented. In some instances, representatives from the government attend meetings on gender mainstreaming and CEDAW, but typically have very few comments and lack the capacity to bring these issues back to the attention of the relevant Ministry. Even if they were to bring these issues to the attention of the Ministry, most of the Ministries do not feel concerned about gender or women's issues. They also lack financial support to make changes. The RGC only allocates approximately 0.66% of the overall budget to women's affairs.[28]

- Increase women in leadership positions in order to challenge stereotypes of women being submissive as stated in the Chbab Srey.
- Implement leadership-training programs for women (and men) who would like to enter politics.

[26] Thul, Prak Chan. "Nearly 300 Nike Clothing Makers Fired After Strikes in Cambodia." Ed. Alan Raybould. Reuters. Huffington Post Business, 11 June 2013. Web.
[27] Politics in the Kingdom: Increasing Female Representation, March 2013, vii.
[28] Politics in the Kingdom: Increasing Female Representation, March 2013, 44.

ARTICLE 8:
INTERNATIONAL REPRESENTATION AND PARTICIPATION

Article 8 of the Convention requires State Parties to "take all appropriate measures to ensure to women, on equal terms with men and, without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations."

21.8% of people working in embassies, permanent missions, and general consulates are women according to the RGC.[29] More specific data is required on the positions that women occupy internationally and the types of leadership these women exercise. If women representatives of Cambodia are in menial roles with limited power and authority, then the fact that 21.8% of representatives are women is certainly much less meaningful.

21.8%

people working in embassies, permanent missions, and general consulates are women according to the RGC

Recommendations:

- A quota should be introduced to appoint more female ambassadors and encourage the participation of women in international organizations

[29] Cambodia. The Royal Government of Cambodia. Fourth and Fifth National Report on Implementation of the International Convention on the Elimination of all Forms of Discrimination Against Women in Cambodia. 28. Phnom Penh, Cambodia: May 2010.

ARTICLE 9: NATIONALITY

LICADHO Photo

Article 9 of the Convention requires State Parties to "grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband…. State Parties shall grant women equal rights with men with respect to the nationality of their children."

Article 33 of the Constitution of the Kingdom of Cambodia states that "Khmer citizens shall not be deprived of their nationality, exiled or arrested and deported to any foreign country unless there is a mutual agreement on extradition, and Khmer nationality shall be determined by law. Khmer citizens residing abroad enjoy the protection of the State."

The RGC fails to address the difficulties that many minority women face in obtaining nationality. Women from the Kampuchea Krom group are particularly vulnerable in this respect.[30] There are also severe restrictions on voting for Cambodian citizens residing abroad. In order to vote, those living abroad must return to Cambodia two times, once to register and once to vote. These restrictions affect well over one million people.

According to the law, women, married or not, have equal rights with men to acquire, change, or retain nationality. However, in practice, due to corruption, there is gender-based discrimination in this regard. It is often easier for a man who is not Khmer to obtain citizenship in Cambodia than it is for a woman who is not Khmer.

[30] NGO-CEDAW wishes to clarify the following regarding the women of Kampuchea Krom. Kampuchea Krom was part of Cambodia historically, but is now considered part of Viet Nam. Originally, persons born in Kampuchea Krom were considered ethnic Khmer. Legally, however, they are Viet Namese because they are now considered born in a part of Viet Nam. Kampuchea Krom people are considered Khmer only if they come to live in Cambodia and obtain a Cambodia ID card. People from Kampuchea Krom living in Viet Nam are not considered Cambodian people living abroad. They are considered Viet Namese.

Recommendations:

- Create an education campaign on the importance of having a civil marriage in addition to a traditional marriage.
- Implement and enforce relevant laws so that Cambodian women will have a greater enjoyment of her nationality preference.
- Eliminate the discriminatory marriage laws concerning marriages to foreigners and explore other options to reduce sex trafficking.
- Eliminate restrictions on Khmer citizens living abroad related to voting; allow Khmer citizens voting abroad to vote at the Cambodian consulate or embassy based in the country of their residence.

A foreign woman who marries a Cambodian man faces many difficulties. In Cambodia, a foreigner cannot buy a house or own land. A foreign woman, who wants to start a business, for example, cannot do this independently due to her citizenship status. This also poses a great risk to foreign women because in the case of divorce, everything is given to the husband, as she has no right to own anything. This policy puts great pressure on a foreign woman who lives in Cambodia and is married to a Cambodian to become a Cambodian citizen.

In the past, certain RGC directives and policies had the effect of indirectly discriminating against Cambodian women who married foreign men. Cambodian women were precluded from marrying Korean men. Koreans protested this policy on terms of discrimination and it was revoked. However, Cambodians are still not allowed to marry Taiwanese people in Cambodia. On March 7th, 2011, the Ministry of Foreign Affairs issued a third directive that in order to marry a Cambodian woman in Cambodia, a foreigner cannot be over fifty years old or have an income of less than $2,500 a month. This directive was intended to serve as a preventative measure for trafficking, but instead is discriminatory against both Cambodian women and foreigners.

Oftentimes Cambodian women will only have a traditional marriage with a foreign man. There are many cases where the foreign man will take his Cambodian bride back to his country. Without proof of a civil marriage, the Cambodian woman is afforded no rights in her new domicile. There have been many cases of abuse or neglect and the woman is left in the foreign country with no way of obtaining nationality, nor the financial means to return to her family in Cambodia.

LICADHO Photo

ARTICLE 10: EDUCATION

Article 10 of the Convention states, in part, that State Parties are obligated to "take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education" and then lists at least eight different areas where State Parties must ensure equality in education, including conditions for career guidance, access to education, with respect to curricula and examinations, with respect to the elimination of stereotyped roles of men and women, with respect to equal opportunity to scholarships, access to education, the reduction of female drop out rates (as well as programs to aid women and girls who left school early), with respect to sports and athletic endeavor and with respect to health and family education (See Article 10 of the Convention).

The RGC states it has taken all possible measures to promote education at all levels, in addition to vocational training, but other than mentioning a special education program for children, it does not explicitly describe any affirmative measures to either promote education, or more specifically to the requirements of Article 10 of the Convention, affirmatively eliminate all forms of educational inequality or to eliminate the various subtle barriers women and girls face in pursuing an education or vocational training in Cambodia. Cultural, social and economic practices and barriers in Cambodia lead to significant disparities in educational opportunity and attainment for women and girls, placing women and girls at a significant disadvantage as compared to men and boys. According to the ILO, 1.14 million women report never having attended school.[31]

> According to the ILO, 1.14 million women report never having attended school.

During the pre-school education years, males and females have roughly equal ratios of school attendance. This decreases at the primary school level, where the ratio is about 9:10. At the secondary and upper secondary school levels, there are still fewer females compared to males; the ratio of women to men has improved over the last ten years, there is still a gap in primary and secondary education between males and females. At the upper-secondary schools in 2008, the ratio was 7:10. The government has designed a scholarship program for outstanding students who desire to pursue their education but do not have the necessary funding.[32]

[31] ILO, 2012 Labor Force Report.

[32] Cambodia. The Royal Government of Cambodia. Fourth and Fifth National Report on Implementation of the International Convention on the Elimination of all Forms of Discrimination Against Women in Cambodia. 31-32. Phnom Penh, Cambodia: May 2010.

According to a report entitled "Promoting rights in schools," enrollment rates have increased from 2005/06 to 2011/12 from 91.3% to 96.4%.[33] However, nothing is mentioned about actual school attendance; enrollment is not a sufficient measure of education because it does address whether girls are actively gaining an education each day. Unfortunately, reliable data on school attendance has not been gathered from members of NGO-CEDAW; however,when qualitative interviews suggest that rates of attendance are much lower than rates of enrollment.

The female dropout rate is higher than that of males in Cambodia for social, cultural and economic reasons. First, educating females is perceived as less important than educating men due to gender role expectations for men and women. Traditional gender roles in Cambodia perceive men to be the primary financial provider for their wife and children, and therefore families emphasize educating their sons over their daughters. This is particularly true in low-income families, where faced with the financial inability to keep each of their children in school parents will typically choose to send the son to school over their daughter. When women become pregnant or get married, they often leave school because of domestic duties.

Additionally, there are only primary schools in villages in rural areas, causing those who wish to pursue higher levels of education to move to cities in order to pursue their studies. Male students can live and eat at low financial cost in pagodas. Females do not have this same option; they must find places to live, and this can be costly. In addition, parents have expressed concern for the safety of their daughters going alone to cities, concerned worrying that they will lose their virginity or become victims of rape, sexual abuse or other crimes. As a result, few rural girls continue on with their education. For some prospective students in Cambodia, distance from schools can be a hindrance to regular school attendance. Though they have the desire to attend school, the commute to school is too far and too expensive to travel on a regular basis. As previously mentioned, these practices are especially discriminatory against female students, because when a family is poor and can only afford to send one child to school, they typically select the male over the female child.

The National Report RGC does not include information regarding the effectiveness of the schooling in Cambodia, and more data is needed on class sizes and materials available. Nor does it describeThe National Report does not include a description of whether any efforts are being made to keep children in school, specifically girls, and there remainsthere is still a notable gap between males and females in the higher levels of education. Women represent 43% of high school graduates and 32% of university graduates. Based on interviews conducted and other research, we do not believe the RGC's silence on the effectiveness of schooling in Cambodia, as well as efforts to keep children in school, is a consequence of the reality that the RGC is not making any special effort to improve the quality of public, state-sponsored education and that there have been no efforts by the RGC to improve retention and decrease drop-out rates.

Recommendations:

- Include study and understanding of human rights in classroom curricula.
- Stereotyped ideas of male and female roles should also be removed from all education materials and programs, including the stereotyping of indigenous peoples.
- Build more safe places of housing in urban centers for women to enable them to move from home and obtain higher levels of education.
- Invest in public high schools in the provinces and rural areas as 80% of the population lives in rural areas.
- Make schooling compulsory for girls and boys through age 18, with sharp penalties in the short run for families who allow their daughters to leave school early.
- Increase teacher salaries above the cost of living, and tie teacher salaries to regular cost of living adjustments to reduce the need for the informal fees creating barriers for females attending school. With increased teacher salaries, the government must impose strict penalties on teachers, principals and education authorities that require or accept informal payments related to teaching.
- To reverse the effect of two centuries of teaching Chbab Srey in schools, the RGC should launch a campaign elevating the value of women in society, in their true capacity and potential; in addition, Chbab Srey should be affirmatively outlawed in rural areas where it is still taught.
- The RGC should ensure that there is provision of equally accessible education within the indigenous populations, and specifically address the difference in indigenous population school enrollments.

[33] "Politics in the Kingdom: Increasing Female Representation." 13. Cambodian Center for Human Rights. March 2013.

The quality of education available is a significant problem in Cambodia. Most teachers have completed only upper secondary school, if that, and are not well trained for their positions as educators. Additionally, the average teacher salary is roughly $66 USD per month, which does not cover the cost of living.[34] As a consequence of being grossly underpaid, many teachers ask for informal payments and/or take on second jobs to supplement their income and cover their cost of living. Through interviews, stories from multiple sources have been relayed of teachers who are not willing to teach in the classroom, but tell parents that if they pay an additional fee, the child will be invited to learn in "schools" set up in the homes of teachers. Other teachers have been known to leave the classroom early in order to get to their other jobs, depriving children of valuable classroom time and instruction. In Cambodia, all children have a Constitutional right to free and compulsory education until they reach the 9th grade. However, in practice schooling is not free at all due to many informal fees that families must pay to send their children to school; some fees include teacher's daily fees, examination fees, gifts for teachers, and extra tuition.[35]

The scholarship program available to poor students has helped increase the number of women and girls pursuing higher education; yet, even with the scholarship program and related improvements, females are still dramatically underrepresented in the higher education student population. The scholarship programs offered by the RGC are not sufficient to support female school attendance in its entirety; they often only pay for small amounts of food and clothing. Even with government assistance, females from poor families still lack the funding necessary to attend school, to purchase school related materials, or to deter their parents from making them leave school to earn money for their families. The number of females represented in higher education is rising, but is still disproportionately low.

Finally, according to CEDAW Article 10 and United Nations Declaration of the Rights of Indigenous Peoples Articles 13 and 14, indigenous women have rights to all levels and forms of state education without discrimination. They have the right to education in their own languages and culture. Factors affecting the access of education for indigenous women and girls, include competing interests between going to school and looking after family needs, cost of books and other materials, distance to schools, language of instruction used in the schools, lack of culturally appropriate education, and lack of teachers among other challenges. [36]

[34] "Promoting rights in schools: The state of children's rights in Cambodian primary schools." NGO Education Partnership, Action Aid. 2012.
[35] "Promoting rights in schools: The state of children's rights in Cambodian primary schools." NGO Education Partnership, Action Aid. 2012.
[36] Asia Indigenous Peoples Pact 2006, Indigenous Peoples and Human Rights in Cambodia, <http://www.aippnet.org/home/images/stories/final_women_info.pdf>

ARTICLE 11: EMPLOYMENT

Article 11 of the Convention guarantees to women of CEDAW Convention countries the same employment rights, opportunities, choices and benefits as men as obligates State Parties to take all appropriate measures to eliminate discrimination against women in employment.[37]

The RGC cites Article 36 of the Constitution, which entitles Khmer citizens of either gender to "choose employment according to their ability and to the needs of society," and then further cites Article 3 of the Cambodian Labor Law of 1997 (the law and related regulations, "Labor Law"), which defines a laborer as a person of any sex or nationality who has signed an employment contract in return for remuneration…." The RGC states that these two measures alone are appropriate legal measures to ensure women's equality in employment, and does not assess whether the legislative guarantees are actually effective to reduce employment discrimination, or, as with so many of Cambodia's rules and regulations, are mere words.

By virtue of the extreme educational inequality between genders, women and girls do not have equal employment rights. Without adequate academic or educational preparation "their ability" is already grossly unequal, making this Constitutional decree illusory at best. Women typically lack the skills necessary for employment, and that women tend to be less equal to men and therefore less frequently hired.

Recommendations:

- Improve education and leadership training for women. Better education and leadership training for women will lead to better employment opportunities.
- Increase the national minimum wage, particularly for garment factory workers.
- Improve working conditions in the garment factories by offering various incentives towards humane behavior to garment factory owners.
- Take action to eliminate migrant labor violations.

[37] "Assessing the Status of Women: A guide to Reporting Under the Convention on the Elimination of All Forms of Discrimination Against Women," Updated by the Division for the Advancement of Women Department of Economic and Social Affairs, United Nations, 2000, pg. 29

The minimum wage was set at $45/month, which is not a living wage, but was recently raised by the government to $80/month.

The subcommittees did offer, however, that in situations where women have had higher education and skills than their male counterparts, women have been hired over the men—pointing to the importance of investing in better education and training for women, which would appear to be a potent equalizer between men and women in the workforce.

In addition, the mere existence of a law, in a country with high practical rates of illiteracy and poor education, does not mean the population is aware of the law, or any rights they might have under such laws. The rural populations are mostly unaware of the nation's labor laws, or any rights they might have under those laws. This allows employers of rural populations to ignore labor laws, but it also means that rural populations are less likely to seek enforcement of their rights, in the absence of some understanding of the rights afforded to them.

That women constitute the majority of workers in the 1,273 establishments surveyed by the RGC, does not mean they are equal in employment if they do not have the opportunity to become superiors or managers, if they experience de facto discrimination with respect to maternity leave, and/or when working they are not permitted breaks, are exposed to toxic environmental working conditions, are forced to travel long distances for work, and must board in unsafe living conditions in order to remain employed. There is nothing "equal" or dignified in such working conditions, which are widespread.

The RGC states it has taken several additional measures to ensure that women receive equality in the labor force. Women are often barred from doing traditionally "male dominant jobs," on the basis of cultural beliefs and practices such as the Chbab Srey. Still, the percentage of women in the workforce is almost equal to men, at 49.4% according to the United National Development Program in Cambodia. Under Article 106 of the Labor Law, women are guaranteed equal pay for equal work. However, as described earlier in this report, the salary scale is different for men and women. The RGC created a special fund for the Ministry of Labor and Vocational Training to conduct short-term vocational training in response to the global economic recession, however, there have been no studies conducted to assess effectiveness.

In addition to providing additional training to help Cambodian male and female workers during the economic crisis, this program also issued a minimum wage and wages based on products produced. The minimum wage was set at $45/month, which is not a living wage, but was recently raised by the government to $80/month.

The Law on Social Security Schemes for Persons Defined by the Labor Law also protects the equal right to social security benefits between men and women in Cambodia. According to the RGC, the National Security Fund ensures the implementation of the social security provision under the Labor Law. The National Social Security fund has not been effective in Cambodia and does not seem to be a real safety net. According to the International Labor Organization, widows have continued access to social security benefits. However, the amounts are not enough to live on $1.50/month for widows and $1.25/month for each child under the age of 16.[38]

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[38] Cambodia: Social Protection Expenditure and Performance Review, International Labor Organization, 2012, p. 67.

In addition to social security benefits, the Labor Law provides women with the right to take 90 days maternity leave (Article 169). However, according to the Labor and Economy Subcommittee of NGO-CEDAW, in many of Cambodia's industries, women are fired when they are 5-6 months pregnant in order to avoid maternity payments. Under Article 169 of the Labor Law, employees are also entitled to paid sick leave and holidays.

Though the RGC does cite the garment industry as a leading employer of women in Cambodia, it does not address the significant human rights violations and regular degradations occurring in its many garment factories. There are at least 558 garment factories in Cambodia.[39] There are over 400,000 garment factory workers in Cambodia and 90% of them are women. Among other issues, women garment workers are not paid minimum wages. The Cambodia National Rescue Party (the "CNRP"), Cambodia's leading opposition party, has called for an increase in the minimum wage for garment workers from $80/month to $160/month. Currently women are unable to live on their wages. They are forced to work overtime in order to survive. The working conditions in the factories are poor and often unsafe. In May 2013, two factories collapsed, calling attention to this problem. There were two people killed and a dozen more injured.[40] Women are given short contracts so that the factories are able to fire them on short notice if they join a labor union or become pregnant. Although 90% of the garment workers are women, all of the positions of authority, for example the garment factory owners and supervisors are all men.[41] Although Chapter VIII of the Labor Law protects the health and safety of workers and provides regulations and monitoring, there is a lack of implementation.

One woman noted, "When I have to work overtime at night, I often feel afraid of robbery, rape, and harassment because it's very dark on the way home." Another woman said, "When we [are] leaving the factory, there are crowd[s] and gangsters often come to touch women's bottoms and they laugh and feel it's normal."[42] Nearly all garment workers reported that after one year working in the factories, they noticed changes in their bodies, including problems with menstruation and discharge.[43] Although many garment workers experience health problems, it is very difficult to receive proper healthcare due to distance and price (p. 29).

Cambodia's Secretary of State of the Ministry of Labor, Oum Mean said, "the country doesn't have problems with garment factories because it has appropriate legislation in place to police them."[44] However, international research conducted in 2012 and 2013 by the Netherlands-based Clean Clothes Campaign and Stanford Law School and the U.S.-based Worker Rights Consortium identified low wages, a lack of independent unions and abuse of workers' rights to participate in unions and claim benefits as the major barriers to equal rights within the garment industry.

There are also extreme labor violations that occur with migrant workers. Nearly 400,000 Cambodians have migrated to Thailand to work. However, many more have been sent illegally to other countries and to work on fishing boats. Cambodia permits recruiting agencies to send workers to Thailand, Malaysia, Korea, Japan, Kuwait and Qatar. It has been reported that sometimes these agencies secretly send workers to other countries as well. Migrant workers often face low wages, long hours, inadequate food, verbal and physical abuse, torture and no health care. A local NGO reports that on December 4, 2010, a 23-year old female worker named Mao Sreymom went to work as a housemaid in Malaysia. On January 11, 2012, she phoned her mother and told her that she had been tied up and left in a rice field overnight. She was left without food, and when she was caught taking some rice with soy sauce, she was kicked and beaten unconscious.

Sex workers are held responsible and are subject to arrest if caught by the authorities. Because of this, most sex workers go into hiding and it is very difficult for NGOs to reach them. Women in the sex industry lack both rights under the law and support. There is also discrimination of women working as beer girls and in karaoke bars. They are often forced by their employers to do whatever their client asks of them. Women often end up in the sex industry or garment industry because they lack skills that would allow them to work in other jobs.

Many women in Cambodia are employed informally, mostly in agriculture, fishing, forestry and small micro-enterprises, and therefore are not protected under the Labor Law. Informal employment makes up 85% of the workforce according to the International Labor Organization.

[39] Garment Factory Map of Cambodia, Global Voices, July 2013.
[40] Fuller, Thomas, and Keith Bradsher. "Deadly Collapse in Cambodia Renews Safety Concerns." New York Times. N.p., 16 May 2013.
[41] Women and the City: Examining the Gender Impact of Violence and Urbanization, Actionaid
[42] Women and the City: Examining the Gender Impact of Violence and Urbanization, 27
[43] Women and the City: Examining the Gender Impact of Violence and Urbanization, 29
[44] Cambodia Falls Short of Garment Industry Model, Wall Street Journal.

ARTICLE 12:
EQUALITY IN ACCESS TO HEALTH CARE

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Article 12 of the Convention requires State Parties to the Convention to take appropriate measures to eliminate discrimination against women in the field of health care and to ensure to women in particular, "appropriate services in connection with pregnancy, confinement and the post natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation."

The RGC cites Article 72 of the Constitution, which states that, "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," which it claims establishes the legal authority for equal access to health care for women in Cambodia, and proves in and of itself, that equal access to healthcare for women in Cambodia is a government priority. The RGC has with the assistance of programs such as USAID, succeeded in improving Cambodia's health care system, and the delivery of health care services throughout Cambodia by building more hospitals at the national, provincial district and health-center levels,[45] it is not clear whether these efforts have also resulted in more equal access to health care for women in Cambodia, and that women throughout Cambodia are provided with access to family planning services, as required by Article 12 of the Convention.[46] In fact, Cambodian observers, in practice, the

Recommendations:

- The RGC should provide a free of charge regular breast and cervical cancer screening.
- The RGC should provide girls with free of charge cervical vaccinations.
- Ministry of Information should encourage the dissemination of health programs with free of charge broadcasting.
- Employers should pay for women to have regular health check-ups.
- Increase midwife staff capacity to provide counsel to women and assist with family planning.
- Issue the regulation of laws for the industrial sectors and small enterprises to allow women employees to attend health education programs for at least two hours once a quarter.

[45] See "Health System Strengthening," http://cambodia.usaid.gov/node/154, last updated 05/21/13

[46] According to USAID, Cambodia's efforts to build more hospitals and health service centers, with the collaboration and cooperation of USAID, the World Bank, the Australian Agency for International Development, the Deutsche Gesellschaft fur Internationale Zusammenarbeit, the Belgian Development Agency, Groupe Agence Francaise de Developpement and multiple UN Agencies has resulted in: (1) Ensuring that over 1.1 million people have access to heath care, (2) increased the number of Cambodians who are likely to seek care from the public sector in areas where Health Equity Funds are present, (3) helped launch an updated National Health Information System in 990 enters, 78 referral hospitals and eight national hospitals and (4) improved the MoH's capacity to detect and eliminate poor-quality medicines, while raising awareness about medicine quality issues among regulators, health care professionals and the public.

health of many Cambodian women is not actually guaranteed and women in Cambodia do not have access to full or free health care services and medical treatment.

In addition to citing the number of hospitals built, and RGC efforts to better distribute the number of qualified health staff to work in referral hospitals[47] the RGC states its concern for family planning, but other than stating that the Ministry of Health (the "MoH") has conducted various education programs, it is not clear how the RGC's concern has translated into ensuring women have access to these services, nor is it at all clear that the education programs have been adequate or effective to distribute necessary information, since based on our research and interviews, our understanding is that there is still very little knowledge or understanding among Cambodian women as to family planning services.

In fact, equal access to adequate health care and family planning services is impeded in part, by the RGCs inability to distribute effectively information regarding health care and family planning services to women. For example, information regarding Sexually Transmitted Infections (STIs) is not adequately or regularly distributed to the population; as a result, Cambodian women have little information, and little education regarding the health risks of certain sexual behaviors, disease symptoms and treatment, or appropriate prophylactics (including where they can be obtained). Cambodian women in particular are generally uninformed about the health services available, particularly concerning family planning. The lack of information regarding family planning means that the RGC is not satisfying its obligation to ensure women have access to these services under Article 12. In addition, Cambodia's medical staff capacity needs much improvement. The combination of low salaries and limited training produces a low-quality medical practices in Cambodia.

Breast and cervical cancers are particularly dangerous to Cambodian women. There is currently no screening program for approximately 1,500 women who are newly sickened with cervical cancer in Cambodia each year. Cambodia offers no treatment besides palliative care for over 900 women who die from cervical cancer each year.[48]

Neither the government nor civil society has shown significant effort in developing a strategy to support female cancer victims. Limited education on reproductive health care greatly contributes to this problem. The growing privatization of health care results in increased costs that many women cannot afford. Even in cases where women are aware of and can afford medical treatment, Cambodia lacks a specialization of doctors and adequate medical equipment, particularly at health centers.

One of perhaps the most disadvantaged subgroups of Cambodia is People Living With HIV/AIDs (PLHIV). While it is true that the RGC has successfully undertaken various initiatives to combat and prevent the further spread of HIV/AIDs as well as combatting discrimination against PLHIV, it also remains true that women are more at risk for contracting HIV/AIDs due to their lack of access to information concerning the disease, how to prevent it, how it is contracted and how to treat it effectively. The awareness-level regarding

- The RGC must reform all policies and laws concerning the treatment of PLHIV and their caretakers to ensure that vulnerable people such as drug abusers, pregnant women and others are not de facto prevented from receiving needed health care services.
- The RGC must retrain police officers and legal authorities to deter them from arresting people carrying condoms since that causes sex workers in particular to avoid condom use and allows for the further spread of HIV/AIDs.
- Increase awareness of HIV/AIDs among policy makers, local authorities, police and people in the community.
- Enforce and strengthen sexual reproductive health rights and laws, particularly among PLHIV persons.
- Provide health services for the most at risk population including homosexual and transgender men and women, drug abusers and entertainment/sex workers, without ostracizing such individuals.
- Increase intervention policy and plans in the national strategy related to orphans and vulnerable children.
- The training of mid-wives and TBAs in basic hygiene issues and in identifying the danger signals during late pregnancy and during the early phases of labor, and provision of inexpensive but vitally important equipment (such as birthing kits provided to mid-wives and TBAs free-of-charge), should become a national program, with technical and financial assistance provided by donor agencies and health-related NGOs, in cooperation with the national Ministry of Health.[50]

[47] Cambodia's referral hospitals are expected to support primary care and have resources and expertise available for the district health services. All eight national hospitals are referral hospitals and 21 of the 24 provincial referral hospitals provide CPA-3 level services, i.e. large-scale surgery (with general anaesthesia), specialized services, emergency room services, including ICU, blood transfusion and ear, nose and throat services. (see "Health Care Deliver Profile Cambodia 2012" http://www.wpro.who.int/health_services/service_delivery_profile_cambodia.pdf). It is not clear what obstetric and other maternal care services are available at these hospitals.

[48] Parry, Jane. "See-and-treat Approach Can Rein in Cambodia's Cervical Cancer Death Toll." Global Development Professionals Network. The Guardian, 14 May 2013. Web. 09 Aug. 2013.

regarding HIV/AIDS is particularly low among housewives, which we believe is a consequence of continued pervasive gender stereotyping and Cambodian cultural norms (see our discussion under Article 5 herein).

The passage of the Law on the Prevention and Control of HIV/AIDS in 2002 has been praised in a recent brief for parliamentarians on HIV and AIDS by the Inter-Parliamentary Union. However, in practice, discrimination against PLHIV remains widespread and prominent in Cambodia.

There have been many cases reported where an individual living with HIV/AIDs is referred to the hospital and made to wait unnecessarily long periods of time before being seen or even turned away. In addition, sex workers are inadvertently discriminated against in the prevention of the spread of HIV/AIDs since certain laws allow police officers to arrest sex workers for possessing condoms. This deters sex workers from purchasing condoms and makes them more vulnerable to becoming infected. The Ministry of Health has provided little to no intervention on behalf of rape victims who have become infected with HIV/AIDs. Pregnant women infected with HIV/AIDs also reportedly face discrimination from health care staff during delivery, endangering the life of the mother, as well as the newborn child. In fact, according the Stigma Index 2010, 14.3 per cent report that they are strongly advised to terminate pregnancy because of their HIV/AIDs status. Community elders charged with the responsibility of raising children orphaned by HIV/AIDs and vulnerable children living with HIV/AIDs receive little to no support from the RGC. Where there was once food support for these individuals, now there is none.

Drug users also face discrimination in the delivery of health services, since if they attempt to access health services, and share information about their history of drug abuse, the Village Commune Safety Policy permits police to arrest them for such disclosure. As a result drug abusers are circumspect in their disclosure and do not receive adequate treatment.

Homosexual men and women also face discrimination in the delivery of health care services. Since homosexual men and women can be arrested for their sexuality in Cambodia, they are less likely to seek health services; and when they do seek health care services, they can expect to be shunned by the medical community and healthcare staff.

In most indigenous communities in Cambodia, traditional birthing attendants (TBAs) fulfill an important social, cultural and health role in maternal and neo-natal care. The extension of training of midwives and TBAs is of crucial importance to reducing maternal and infant mortality in indigenous communities. While in the province of Ratanakiri such training, based on cooperation between NGOs and the provincial Department of Health, has achieved some important achievements in such training, much more needs to be done, both in Ratanakiri and in other provinces in which indigenous communities reside and such training programs have not yet been initiated. It should be noted also that while provision of emergency maternal, birthing, neo-natal and early childhood healthcare based on western scientific medical practices is important, reliance on provision of these services, requiring expensive training of health professionals and equipment puts this beyond the immediate or even medium-term ability of the health service system in Cambodia.[49] Cultural and economic factors are also of major importance in terms of the ability of indigenous women to access these services.

The RGC's recognizes there are continued challenges concerning women's healthcare and specifically reproductive health in Cambodia. Recognizing these shortcomings though, does not decrease Cambodia's obligation under the Convention to remedy these exceptional inequalities. While focused on building hospitals and better distributing health care professionals, Cambodia must also build health care facilities specifically to address women's health care needs and recruit medical professionals sufficiently qualified to treat women in Cambodia, without bias or prejudice.

[49] NGO Forum on Cambodia 2006, Indigenous Peoples in Cambodia, http://www.ngoforum.org.kh/docs/publications/IMRP_INDIGENOUSPEOPLESINCAMBODIAfinal(3).pdf
[50] Ibid.

ARTICLE 13: ECONOMIC AND SOCIAL BENEFITS

Article 13 of the Convention requires State Parties to "take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women the same rights" especially with respect to the right to family benefits, the right to bank loans, mortgages and other forms of financial credit and the right to participate in recreational activities and all aspects of cultural life. To be clear, this Article requires the RGC to not only eliminate discrimination by government, but to take steps to ensure that private actors do not discriminate against women in these ways.

The RGC summarizes Article 29 of the Law on Marriage and Family, which states that "in a family, a husband and wife are equal in all aspects," before going on to cite numerous provisions from Cambodia's Civil Code, that portend to establish the legal authority for equality between men and women in families. Again, as often stated in this Report, the mere existence of laws, rules and regulations, without more, do not on its own serve to eliminate the kind of discrimination the Convention seeks to prevent.

Women in Cambodia will continue to face unequal treatment and various human rights abuses if these laws are not implemented or enforced, so long as the judiciary lacks independence and the informal system of payments allows violators to avoid prosecution or penalty for violations, and if there are not affirmative programs designed to reverse past pernicious cultural practices.

The laws, rules, regulations and policies cited by the RGC are not enforced. Men almost always have a stronger say in the courts. Also cultural practices dictate that women submit to their husbands, as stated in the moral code of conduct described earlier, the Chbab Srey. Women are often influenced by their

Recommendations:

- Adjust the law so that men and women have equal rights in the dissolution of marriage.
- Increase leadership training of women so they take higher roles in society, thus changing social views of women as lesser.
- Conduct a thorough review of all laws, rules, regulations and policies and eliminate the de jure or de facto discrimination against women in those laws.
- Increase the applicable penalties and punishments for corruption in the judiciary and among legal authorities responsible for implementing and enforcing Cambodia's laws.

husbands to agree with them in front of authorities.

Not only are the laws themselves not enforced, but also the actual language of many of Cambodia's laws operates to deprive women of the same rights and opportunities as men. For example, the Marriage and Family Law stipulates that women must wait 300[51] days after dissolution of a marriage before they can marry again, but there is no similar waiting period for men. The law on Marriage and Family also limits who can marry whom, stating that individuals with certain diseases are not permitted to marry, and that same sex marriage is not permissible.

Under the law, women are equal to men economically. They have equal rights to borrow money from banks and access other financial credit. Recreational activities, sports and cultural life in Cambodia are open to all citizens under the law. Although women have equal financial rights as men, men usually take control of the money and property in marriage, leaving women out of decision-making.

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[51] Reduced to 120 days in the civil code

ARTICLE 14:
RURAL WOMEN

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Article 14 of the Convention requires State Parties (1) to take into account the problems faced by rural women and the significant roles they play in the economic survival of their families, (2) to ensure the application of all of the provisions of the Convention to women in rural areas, (3) to take all measures to eliminate discrimination against women in rural areas, ensuring that they are able to participate equally with men in rural development and rural development planning, access adequate health care and information about family planning, counseling and services, benefit from social security, access all types of training and education, organize self-help groups to obtaining equal access to economic opportunity or self-employment, participate in community activities, access lines of credit and marketing facilities, receive equal treatment in land reform and land resettlement schemes, and enjoy adequate living conditions, especially in relation to housing, sanitation, electricity and water supply, transport and communications.

The RGC claims that "a concerted effort" has been made to develop the country, and that progress has been made in all sectors in equalizing the level of living conditions and services in rural areas with those of urban areas. As evidence of this "concerted effort", the RGC provides examples of actions taken to "promote equality between women and men in rural areas" and to improve rural living conditions. Such examples include the construction of new roads connecting the capital city and provinces to rural areas, rehabilitating a railway, the construction of bridges and irrigations schemes, and several other initiatives.

While the authors of this Shadow Report are enthusiastic about Cambodia's desire to modernize its infrastructure, the practical reality is that the initiatives summarized above, as well as others cited in the RGC National Report, have done little to improve actual living conditions for rural people, to end land

Recommendations:

- The RGC should create a financial plan with families before approving loans.
- The government should provide credit as well as a minimum interest rate for rural women.
- The government should increase the number of scholarships for children in rural areas.
- The government should improve access to medical care in rural areas without charge. Reliable transportation services should be offered to rural children who have to travel to school.

grabbing and forced eviction practices or to combat the pernicious effects of those practices on rural (and urban) people, or to genuinely promote equality between women and men. That a new road, or a new bridge exists where no road or bridge existed before is of little help to a family that has been forcibly displaced from its home, or that cannot afford a motorcycle or car to traverse such roads. The initiatives taken, though perhaps ultimately useful, are of little consequence when there are inadequate schools, health and other services or employment opportunities in rural areas.

Our sources inform us that even where new roads have been built, they have not led to increased economic opportunity for rural women due to their responsibilities at home and a lack of travel resources. Further, while we note the RGC concedes that it has not yet been able to adequately offer needed services to rural women, we would like to underscore that the very point of this Article in the Convention is to provide equal necessary services to rural women. Accordingly, the construction of bridges and roads, without a genuine effort to equalize living conditions for rural women does nothing to satisfy the requirements of this Article. And for what it is worth, even with these improvements, our research shows conclusively that rural areas continue to lag behind urban areas in all of these fields and notable changes have not yet been made.

The RGC claims to recognize the important role of women in the unpaid sector of the economy.[52] While we are chastened by the RGC's recognition of unpaid work, according to observers in Cambodia, means little since economic and social benefits are not offered to these workers. This means that these women in the unpaid sector do not have access to things like medical care, maternity leave, and basic labor laws. The state has promised to "promote economic development in all sectors and remote areas," and yet there are many women living in rural areas who have had little to no opportunity to improve their economic wellbeing due to constraints from home and lack of training, education, and skills.[53]

The RGC further states that it has "expanded the health care system by building health care facilities and supplying health care staff to rural communities in order to enable women to access better health care and treatment."22 While it is true that the RGC has, in cooperation with foreign governments built additional health care facilities reviews of these health care centers by our sources have been negative; women must travel a long way to receive medical care only to find that the health care center does not have the appropriate medication for them, not enough medication, or even that they are given the wrong medication. Though the care is free, medication does cost money and many rural women cannot afford this so going to seek medical advice seems to be of little help. Some of the doctors at these facilities request payment for free services and in the absence of these informal payments will refuse treatment. Finally, it is not clear that the new facilities are built and designed to service women's particular medical and health needs.

The RGC states that it has allocated 65% of the poverty allocation budget to rural areas, and 35% to urban areas in order to focus on the inequality that the rural citizens of Cambodia face.[54] However, this is still a disproportionate share of funding going to urban areas as the rural people of Cambodia make up roughly 80% of the population.[55]

In addition to providing examples of illusory improvements meant to equalize the status of rural women with urban populations, the RGC also cites Article 46 of Cambodia's Constitution, which requires Cambodia's government and society to "provide opportunities to women, especially those living in rural areas without adequate social support, to access employment and medical care, send their children to school, and have decent living conditions."

[52] Cambodia. The Royal Government of Cambodia. Fourth and Fifth National Report on Implementation of the International Convention on the Elimination of all Forms of Discrimination Against Women in Cambodia. 44-45. Phnom Penh, Cambodia: May 2010.
[53] NGO CEDAW Personal Interview. June 10, 2013.
[54] Cambodia. The Royal Government of Cambodia. Fourth and Fifth National Report on Implementation of the International Convention on the Elimination of all Forms of Discrimination Against Women in Cambodia. 45. Phnom Penh, Cambodia: May 2010.
[55] http://www.un.org.kh/undp/what-we-do/poverty-reduction/poverty-reduction

These words are not implemented, enforced and the steps taken are inadequate to the task of realizing this constitutional mandate.

The RGC states that it has allocated 65% of the poverty allocation budget to rural areas, and 35% to urban areas in order to focus on the inequality that the rural citizens of Cambodia face. However, this is still a disproportionate share of funding going to urban areas as the rural people of Cambodia make up roughly 80% of the population. It has been expressed that these allocated funds have not changed the situation for rural women, and it is unclear where this funding has gone.

The RGC stated that each commune/ sangkat should have at least one woman in charge of women's and children's affairs through the Committee for Women and Children. She should advocate for policies for her community. No information is disclosed about whether or not this happens in practice, nor about the effects of having women involved in this aspect of decision-making. However, it is widely acknowledged that rural women are typically uneducated, and it can be difficult to find women who are qualified enough to make decisions such as these. Additionally, rural women are uneducated about their rights, and many do not know that the government has given them this decision making power, making the policy itself difficult to enforce.

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The RGC states that women have the ability, through their elected representatives, to voice their opinions and contribute in decision-making processes. However, these elected leaders are overwhelmingly male, and often issues women express to be of concern go ignored due to the prioritization of other issues and the disconnect between women and decision making positions. As mentioned previously, women in rural areas are uneducated and feel insecure expressing concerns that they have to authoritative political figures.

The RGC has implemented "ID Poor," or "The Poor Household Identification Programme." This program is designed to provide health services to rural poor families previously identified by the RGC. This program is limited in scope and services offered.

The RGC states that it has "expanded the scope, quality, and effectiveness of media" to all citizens, but especially those in rural populations. They believe that this will help with education of human rights and current issues.[56] However, in many rural areas, access to media remains limited due to lack of money to purchase media transmitting devices such as televisions and radios. More data is required about mobile devices as they relate to this issue.[56]

According to the RGC has established 11 women's centers throughout Cambodia to provide women with vocational training and business information. No information is given about effectiveness of this program or women's participation. Additionally, no information is given on the number of women to participate, or how people are chosen for participation.[57]

[56] Cambodia. The Royal Government of Cambodia. Fourth and Fifth National Report on Implementation of the International Convention on the Elimination of all Forms of Discrimination Against Women in Cambodia. 46. Phnom Penh, Cambodia: May 2010.
[57] Cambodia. The Royal Government of Cambodia. Fourth and Fifth National Report on Implementation of the International Convention on the Elimination of all Forms of Discrimination Against Women in Cambodia. 48. Phnom Penh, Cambodia: May 2010.

The RGC National Report fails to address the issue of food security and malnutrition among rural populations. According to the Cambodian National Demographic and Health Survey, rural women are consistently more malnourished than urban women due to lack of food as well as important nutrients.[58]

The RGC introduced a microcredit program specifically designed to assist rural populations with economic development. It has "released credit totaling 5.56 billion riel to 11,661 people, including 8,842 women, in 298 target villages."[59] However, our sources have expressed concern with the manner in which microcredit is handled in Cambodia. Often there is little planning or education on finance, credit, economics and effective spending patterns prior to loan disbursement, and families end up worse off after receiving a loan because they spend it quickly and ineffectively and gather interest driving them further into debt.

The RGC is implementing a "Land Management Reform Programme" which is designed to "strengthen land ownership rights of citizens who need land for housing and for subsistence agriculture."26 The great irony of this is that the RGC frequently takes land from citizens without compensating them for their homes or helping them to find new work, and sends them away to find a new place to live. There is incongruence with the fact that the RGC is seemingly doing work trying to help people get established with land, and the fact that there are frequently forced evictions affecting many people, but especially rural women because of their ties to the land. The life of a rural woman includes caring for the children, land, and home, and if this is taken from her she loses more than just her home, but her livelihood. ,

The shelters forced evictees occupy in RGC relocation centers are extremely rudimentary, and grossly inadequate. The most basic needs (shelter from the elements, clean water and sufficient nutritious food) are not met resulting in high rates of disease and malnourishment.

Current land-grabbing issues have a disproportionately negative effect on women in Cambodia. Often times when a family loses theirthere land, the husband will stay in the city in order to find work while his family is sent to a relocation site. This places a heavy burden on the women because they must take care of everything at the relocation site, hoping for a small piece of land and some assistance from the government and local NGOs. They stay with the children and take care of their health and educational needs, essentially acting as a single parent. The husband initially will visit his wife and children often but after a while many families split due to the pressures of the situation. Women are then victimized twice, losing first their home and land and second their husband and provider. Meanwhile, there is little food and few jobs nearby. Women are left vulnerable to increased rates of alcoholism and the prospect of sexual violence.

The RGC concludes that based on its programs, the situation for rural women will be improved gradually. They include no goals as far as dates to complete this improvement, and no process of evaluation for this gradual improvement. Without a target or monitoring service, it has become clear that little change is happening for rural women in Cambodia. There is legislation addressing issues relating to rural women, but it lacks necessary specificity and reliable enforcement.

For indigenous women, the biggest challenge confronting them stems from forced displacement of indigenous peoples from their lands and territories that include the depletion of their natural environment and resources due to wide-spread development aggression, loss of territories, militarization and displacement that can lead to trafficking and migration, poverty and denial of culturally appropriate social services.

For indigenous peoples, land is the material and spiritual basis that provides food and health security and cultural survival making Millennium Development Goal 7 crucial for their survival. In many indigenous communities women are the main food producers, knowledge holders, healers and keepers and transmitters of culture. Non-timber forest product besides being mainstay of their food, it is an important source of income for indigenous women. They gather, process, sell these independent of their men, which gave them certain level of economic independence and thus a better position and stronger status in the society. When access to lands, sea and forests are denied women become more dependent on their men. With the environmental degradation, they can also tend to lose their traditional teaching roles and their abilities to use and maintain traditional knowledge and their ability to respond to climate-driven changes in their environment.

[58] National Institute of Statistics, Directorate General for Health, and ICF Macro, 2011. Cambodia Demographic and Health Survey 2010. 167. Phnom Penh, Cambodia and Calverton, Maryland, USA: National Institute of Statistics, Directorate General for Health, and ICF Macro.

[59] Cambodia. The Royal Government of Cambodia. Fourth and Fifth National Report on Implementation of the International Convention on the Elimination of all Forms of Discrimination Against Women in Cambodia. 48. Phnom Penh, Cambodia: May 2010.

Massive land concession projects are being implemented in indigenous communities across Asia, including Cambodia. Large-scale rubber and agri-indutriapalm oil plantations and mining concessions are among the destructive projects that are being implemented in these countries which adversely affecting indigenous communities. These projects have led to systematic violations against the individual and collective rights of the affected communities such as forced relocation, threats and harassments against protesting indigenous peoples and loss of livelihood among others. Indigenous women have been working alongside their communities to defend their land and livelihood from destructive projects but have not been spared as they are also subjected to harassments, rape and sexual abuse.

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ARTICLE 15:
EQUALITY BEFORE THE LAW AND IN CIVIL MATTERS

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Article 15 of the Convention requires State Parties to: (1) accord women equality with men before the law, (2) to accord to women in civil matters legal capacity identical to that accorded to men, as well as the same opportunities to exercise that capacity, (3) to give women equal right to contract, administer property and treat them equally at all stages of procedure in courts and tribunals, (4) render null and void any contracts or private instruments with legal effect that would restrict the legal capacity of women, (5) accord men and women the same rights under the law relating to the movement of persons and the freedom to choose their residence and domicile.

The RGC states that it "has provided equal rights for women in all areas of life," and cites Article 45 of the Constitution, which states that, "All forms of discrimination against women shall be abolished. The exploitation of women in employment shall be prohibited. Men and women are equal in all fields, especially with respect to marriage and family matters. Marriage shall be conducted according to conditions determined by law based on the principle of mutual consent between one husband and one wife." The RGC concludes that women do in fact enjoy the same rights as men under the law, and that there is a grievance process women can follow when they believe their rights have been abused, that is protected by Article 39 of the Constitution.[60] The RGC also cites Article 31 of the Constitution of the Kingdom of Cambodia, which states that, "Every Khmer citizen shall be equal before the law, enjoying the same rights, freedoms and fulfilling the same obligations regardless of race, colour, sex, language, religious belief, political tendency, birth origin, social status, wealth or any other status."

[60] Article 39: Khmer citizens shall have the right to denounce, make complaints or file claims against any breach of the law by state and social organs or by members of such organs committed during the course of their duties. The settlement of complaints and claims shall be the competence of the courts.

Recommendations:

- The MoH, MoI and the MoWA must cooperate with local authorities to strengthen the government response and legal mechanisms to Gender Based Violence including rape, domestic violence, trafficking etc.
- The RGC and relevant ministries should disseminate information on the services that are available to Gender Based Violence victims.
- The RGC should produce a regulation that allows women to make a unilateral decision to get divorce without reconciliation.

Based on the foregoing alone, there is ample legal authority for equal protection and non-discrimination of women before the law. But as with so many other areas, the existence of legal rules and regulations promoting equality, do not mean that equality is in fact delivered or even guaranteed.

For example, in practice, a woman's testimony in court is often not equal to the testimony of a man. Women who are victims of domestic violence often express a lack of confidence in the police forces and courts that are responsible for enforcing these laws. They must have extensive documentation of their injuries in order to prove their case. In many cases, victims will not seek justice due to their lack of faith in the judicial system or the high cost of bringing a case to court.[61] These misgivings are not unfounded, as women face a variety of challenges in court. If victims of rape or sexual assault are not brought to court immediately after the incident, they cannot get the medical certificate attesting to their injuries. The inability to collect necessary forensic evidence from rape victims who are discriminated against by referral hospitals also compromises the legal process. The judge will then assume that there was no violence and therefore no rape. If there is no sign of violence, the court will call it harassment rather than rape and charge the perpetrator with the lightest possible offense. In the absence of obvious physical injuries, the court will assume the victim consented, despite the fact that many victims do not put up a fight because they are physically threatened.

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In terms of divorce, women must go to reconciliation a minimum of 2-3 times in front of the judge. Often, the court pressures the woman to go back to her husband, advising her to exercise more patience and kindness. In cases of domestic violence, the court will often assume that there was something at fault with the woman that provoked the husband to violence. The idea of facing this ordeal in court often inhibits a woman from applying for a divorce. In addition, according to Civil Code, Chapter 3, Article 950, women are prohibited from marrying again until 120 days after the judgment of divorce has been issued. Men, on the other hand, have the right to remarry immediately after the judgment of divorce has been issued. This is discriminatory against women as it deprives them of their equal right before the law and confers on men benefits that are not available to women.

[61] Issues of Women's Rights, Child Rights and Migrant Workers' Rights in Cambodia. Rep. N.p.: n.p., 2012. Issues of Women's Rights, Child Rights and Migrant Workers' Rights in Cambodia. Cambodian Human Rights and Development Association, 2012. Web. 09 Aug. 2013.

ARTICLE 16:
EQUALITY IN MARRIAGE AND FAMILY LAW

Article 16 of the Convention requires that States Parties "shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations." The Convention requires that the RGC give women the same rights in marriage, divorce, ownership and family life.

Article 45 of the Constitution prohibits discrimination against women in all fields related to marriage and the family. Our research shows that this is not true in practice. The Cambodian law on Marriage and Family has many discriminatory clauses deeming women unequal to men. Women have unequal property rights in Cambodia. Although Article 70 of the Marriage and Family law, permits women to inherit property after divorce, it is common, however, for there to be joint ownership of land, and sometimes without the woman's knowledge, her husband will be added to the land title, claiming primary ownership to the property after the marriage has been dissolved.[62] Also according to the law, men and women have equal obligations to take care of their children. In cases where a man leaves his wife for another woman or because he is sent to prison, his wife is often left to take care of the children with no financial help. According to research conducted by the World Food Program, 30% of households in Cambodia are female-headed.

Women have limited opportunities to choose whom they marry. Arranged marriage and child brides are still an issue in Cambodia. In many cases, the girls are very young and the parents or husband bribe local authorities to change the girl's birthdate. Article 5 of the Marriage and Family Law states that men aged 20 or older are permitted to marry and women aged 18 or older.

Recommendations:

- Provide vocational training for women to encourage financial independence and reduce the number of victims who are compelled to stay in abusive relationships, particularly for women whose husbands have been imprisoned for domestic violence and must single-handedly support their families.
- Reduce or waive legal fees for those wishing to obtain a divorce due to issues of domestic violence.
- Discuss domestic violence in schools and educate students about their rights and obligations under the law. Encourage victims to speak out and deter potential perpetrators from engaging in such violence.
- The RGC should promote and strengthen the implementation of a code of police conduct through training. The RGC should also improve mechanisms for monitoring and evaluation for Cambodian police officers to increase accountability.

[62] Cambodia: Property Rights and Resource Governance, USAID.

Many girls who have been raped have a difficult time getting married in Cambodia, as they are stigmatized. There is an old Khmer saying, "men are like gold and women are like cloth." When gold gets dirty, it is still gold, yet when cloth is stained, it is stained forever. Additionally, women who enter the sex industry are often isolated from their families and communities. One girl in the documentary, Half the Sky, said that after joining the brothel, her parents saw her as evil and did not welcome her back into their home, even though they were the ones to sell her.

Article 39 of the Marriage and Family Law states that "a husband or wife may file a complaint for divorce if there are enough grounds which indicate that he or she cannot continue conjugal cohabitation." In practice, however, it is much more difficult for women to dissolve a marriage. It is expensive for women to file for divorce. Often, women have to travel far in order to file for divorce. In rural areas, many women were married without a marriage license making divorce impossible. This gives women who are facing domestic violence very few options for escape. They are often forced to stay in their marriage because of legal or economic reasons. They are often incapable of supporting themselves and their children if they were to file for divorce and lack skills to support their families independently from their husbands.

Domestic violence issues are rarely reported in rural areas. This is the case for several reasons and particularly the case for women living in smaller villages. The Chbab Srey, says that women should keep their issues within the home. There is pressure to "save face" in order to avoid stigma within the community. Women are afraid to speak out. This is the case most frequently with poorer families. However, it is also prevalent in wealthy and elite victims. They fear the speaking out will garnish their reputations in society.[63] Even when women report their domestic violence cases, the authorities often side with their husbands and can easily be paid off to drop the case. Many women said that they felt ashamed to report domestic violence to male authorities and that if the authorities had been female, they would have been much more inclined to seek help. Almost all authorities said that they were ill equipped to handle issues of domestic violence because they had not received proper training.[64] Mental or psychological and economic violence is also a problem and is not mentioned addressed by any laws in Cambodia to our knowledge.

In one case, a woman called the president of LICADHO[65] from Korea. She didn't want to be identified but she wanted her story to be told as a warning to young women in Cambodia. Some years ago, she was contacted by an agency and married a Korean man who made her promises of a golden life abroad. It was a traditional Cambodian marriage, thus having no legal value. The couple moved to Korea. Soon enough, she found out that she had been "married" only to serve as a free servant to her husband's family, working from dawn to late at night, receiving only enough food to survive. It didn't take long that her husband found other chores for her. She was forced to have sex with every male member of her husband's family and sometimes with his friends.

- Punishments for domestic violence law violators should be extended; it is hoped that with lengthier punishments, rates of domestic violence will decrease and security for women in the home will increase.
- Hold a training for leaders in government and law enforcement to emphasize the importance of enforcing the law fairly, emphasizing the specific issue of domestic violence as one that must be taken seriously. Teach leaders of the importance of protecting the rights of women.

[63] Women's Rights Report, Cambodian Human Rights and Development Association, 2012
[64] Out of Court Resolutions of Violence Against Women Report

She suspected that money changed hands during these sessions. As she was not legally married, she had no legal recourse. She was not even aware of her legal status in Korea. After months of terror, she found an opportunity to escape and went into hiding. Eventually she was helped by a Korean women rights NGO. She now works for this NGO. She has no intention of returning to Cambodia. If she were to return, it would be a total loss of face for her and her family; furthermore, the agency that arranged the marriage in Cambodia might be able to find her and send her back to her husband. Her advice to Cambodian women interested marrying a foreigner is to get a legal civil marriage in Cambodia and have her marriage officialized as soon as possible in their new country of residence. This is the only way for Cambodian woman to secure some sort of legal protection abroad.

In another case reported by LICADHO, in 2006 a 35 year-old woman mother of four, hacked her husband to death with a meat cleaver. Violence was frequent in the family and had been occurring for many years. The whole village knew about the violent behavior of the husband. Regularly the husband attacked her often when he was drunk. One day, he came home drunk and brandishing a meat cleaver, threatened to kill all his family. In the scuffle that followed in self-defense the wife killed her husband. A witness who knew the family claimed that the local authorities made him sign commitment letters to stop violence several times, yet he was never officially reprimanded. There is no provision for self-defense in Cambodian law. The court sentenced the wife to 10 years in jail for her act. There have been many cases of women being incarcerated for killing their husbands as a result of domestic violence.

Perpetrators often act without consequences, using power and bribes to avoid prosecution. Often when a woman's husband is imprisoned for domestic violence, she is unable to divorce him for economic reasons.

NGO's provide decent shelters for battered women. When possible, they also offer vocational training. The government has so called "rehabilitation centers" that are more like prisons than anything else, with almost no resources to assist women with food or care and no vocational training.

In order to convict a man for domestic violence, there must be documented proof of violence against the woman. Witnesses are often necessary, as well as evidence in the form of pictures of bodily injuries caused by the defendant. This often deters women from seeking the help that they need. Victims do not always have the ability to document their injuries. Judges have been known to accept bribes from the defendant in exchange for less severe punishments. Punishment for domestic violence can range anywhere from 1 to 5 years depending on the severity of the violence. However, 5 years in prison is the most severe punishment for even the severest cases of domestic violence. NGOs that assist women experiencing domestic violence most widely exist in the larger cities, leaving women in the rural areas with limited options.

[65] Dr. Pung Chhiv Kek is the president of LICADHO and chairperson of NGO-CEDAW

GENERAL RECOMMENDATION 19: VIOLENCE AGAINST WOMEN

LICADHO Photo

Article 2 of the Convention defines gender-based violence as "violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty."

It should be noted that the RGC does not address General Recommendation 19 in its report.

Women in Cambodia experience gender-based violence in nearly every aspect of life. Traditional, cultural views of women, articulated in Chbab Srey, encourage women to be submissive. As a result, women do not have much of a presence in political life or other positions of leadership. Domestic violence, sexual harassment, sex trafficking and human trafficking are all prevalent within Cambodia. Women face violence as a result of cultural norms and corruption within the legal system.

Domestic violence is prevalent in both Phnom Penh and the rural areas. There is little retribution for perpetrators of domestic violence partly due to a corrupt legal system as well as a lack of awareness of the laws, particularly in rural areas. Financial instability is a main reason that bars women from filing for divorce.

Sex trafficking is a significant issue in Cambodia. According to research conducted by a local human rights NGO, in 2012, only 23% of perpetrators charged with sex trafficking were arrested. Some girls are sold into sex trafficking, often by their parents or a relative, as minors, some as young as 5 years old.

Recommendations:

- Train authorities to prosecute all forms of violence against women, including sex trafficking, human trafficking and domestic violence. From our interviews, we learned that authorities are often involved in sex trafficking schemes, thus preventing perpetrators from being punished.
- Increase leadership training and opportunities for women to change the cultural views that women are inferior to men.
- Improve the education system and encourage girls to stay in school.

A major obstacle to fighting sex trafficking and forced prostitution in Cambodia is that the sex business is so lucrative, and government officials and police are involved. The RGC acknowledges that human trafficking and sexual exploitation still occur and mention several programs put in place to eradicate this, such as, "enabling courts to hand lawsuits related to human trafficking cases more robustly and effectively" and "promoting the detection and investigation of human trafficking cases and related offenses more actively." Yet, it fails to describe how it will reach these goals.

Gender-based violence also exists in other sectors of life such as education. Many young girls are pulled out of school in order to help raise money for their families. According to our interviews, parents are more likely to pull their girls out of school rather than their boys. Some girls have to travel long distances to get to school, along roads that can be dangerous so that many of their parents choose to keep them at home.

Sex trafficking is a significant issue in Cambodia. According to research conducted by a local human rights NGO, in 2012, only 23% of perpetrators charged with sex trafficking were arrested. Some girls are sold into sex trafficking, often by their parents or a relative, as minors, some as young as 5 years old. A major obstacle to fighting sex trafficking and forced prostitution in Cambodia is that the sex business is so lucrative, and government officials and police are involved.

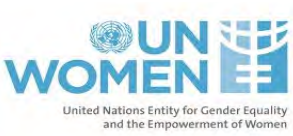
List of 7 Sub-Committees of NGO-CEDAW in 2013

No.	Sub-Committee Members	NGO Acronym	Sub-Committee Coordinator
1	**Sub-Committee 1: Gender Based Violence and Law**		
	1. Community Development Organization 2. Legal Support for Children and Women 3. Cambodian League for the Promotion and Defense of Human Rights 4. Cambodia Committee for Women 5. Legal Aid of Cambodia 6. Coalition of Cambodian Famer Community 7. Indradevi Association 8. Community Legal Education Center 9. Cambodian Human Rights and Development Association 10. Actionaid International in Cambodia 11. Cambodia Center for the Protection of Children's Right 12. Cambodia Food and Service Worker Federation 13. HelpAge International	1. CODO 2. LSCW 3. LICADHO 4. CAMBOW 5. LAC 6. CCFC 7. IDA 8. CLEC 9. ADHOC 10. Actionaid 11. CCPCR 12. CFSWF 13. HelpAge International	GADnet through Gender and Development for Cambodia (GADC)
2	**Sub-Committee 2: Health and Environment**		
	1. Women Service Organization 2. Indradevi Association 3. Cambodia Development Association 4. Khmer HIV/AIDS NGO Alliance 5. Cambodia Movement For Health 6. Cambodian Community of Women living with HIV 7. The Cambodia Women's Development Agency 8. The Membership Organization for NGOs Active in Cambodia's Health Sector 9. Cambodia Virtum Medical Association	1. WOSO 2. IDA 3. CADEA 4. KHANA 5. CMH 6. CCW 7. CWDA 8. MEDiCAM 9. CVMA	Reproductive Health Association of Cambodia (RHAC)
3	**Sub-Committee 3: Education , Information, and Media**		
	1. Indradevi Association 2. **C**ambodian Association for Development of Poor People 3. Khmer Famer Development Association 4. Ms. Chhin Sokha, Volunteer Youth Congress for Democracy 5. Community Development Organization 6. Open Institute	1. IDA 2. CADPP 3. KFDA 4. VYCD 5. CODO 6. OI	NGO Education Partnership (NEP)
4	**Sub-Committee 4: Politics and Decision making**		
	1. Women for Prosperity 2. Indradevi Association 3. Violence Against Women and Children of Cambodia 4. Cambodian Women for Peace and Development	1. WFP 2. IDA 3. VAWCC 4. CWPD 5. NICFEC 6. PYD	Committee to Promote Women in Politic (CPWP)

	5. Neutral and Impartial Committee for Free and Fair Elections in Cambodia 6. Paz Y Desarrollo		
5	**Sub-Committee 5: Labor and Economy**		
	1. Community Legal Education Center 2. Economic Development Community Organization 3. Legal Support for Children and Women 4. Action AID, 5. Cambodia Labor Confederation 6. Coalition to Address Sexual Exploitation of Children in Cambodia	1. CLEC 2. ECCO 3. LSCW 4. Action AID 5. CLC 6. COSECAM	GADnet through Gender and Development for Cambodia (GADC)
6	**Sub-Committee 6: Vulnerable, Disabled, and Indigenous Women**		
	1. Indigenous Community Support Organization 2. Paz Y Desarrollo 3. Asia Indigenous People Pact 4. Cambodia Center for Independent Media 5. Asia Indigenous People Pact	1. ICSO 2. PYD 3. AIPP 4. CCIM 5. AIPP	Cambodia Disable People's Organization (CDPO)
7	**Sub-Committee 7: Young Women and Girl and ASEAN**		
	1. Indradevi Association 2. The Cambodia Women's Development Agency 3. Sunshine Cambodia 4. Cambodian Labour Confederation 5. Fine Art Association 6. Independent Democracy of Informal Economy Association	1. IDA 2. CWDA 3. SC 4. CLC 5. FAA 6. IDEA	Positive Change for Cambodia (PCC)

SUPPORTED BY:

The Cambodian Committee of Women
(CAMBOW)



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