

Oral submission to CEDAW Committee

1. Ms. Chairperson and Committee Members, we would like to thank you for giving us the opportunity to speak today. I speak on behalf of a wide range of Cambodian NGOs and human rights institutions working for women's human rights and who continue to monitor the implementation of CEDAW in Cambodia. I speak also for my colleagues who have been silenced, whether imprisoned or deceased.
2. Although there are many issues to raise, we would like to focus on the following: access to justice, forced evictions and rural women, politics and public life, access to health for women living with HIV/AIDS, violence against women and protection for women at work.

ACCESS TO JUSTICE

3. In Cambodia, gender sensitivity in the judiciary is simply lacking. For women, seeking judicial remedy involves challenging prevailing social, cultural, traditional or community-based prejudices. Many women lack the confidence to claim their rights or initiate legal proceedings. Corruption, incompetence and the lack of independence further compound the perception of the irrelevance of the justice system. For these reasons, women feel reluctant to go through the intimidating and expensive process of a trial.
4. CEDAW is rarely if ever referred to in courtrooms. We continue to be concerned about the lack of application of CEDAW in the domestic legal system; there has been very limited action in response to concluding comments concerning the definition of discrimination and ensuring that CEDAW is fully applicable in the domestic legal system (para. 10, 11 and 12 from the thirty-fourth session of the Committee¹).

Recommendations

¹ 10. The Committee urges the State party to take immediate measures to ensure that the Convention becomes fully applicable in the domestic legal system, including through publication in the Official Gazette, and that its provisions are fully incorporated into national legislation, including through the introduction of sanctions, where appropriate. It also recommends that the State party implement measures to create awareness about the Convention among judges, prosecutors and lawyers and include the Convention in relevant curricula courses on human rights, including on women's human rights, so as to ensure that the spirit, objectives and provisions of the Convention are well known and used in judicial processes.

11. The Committee is concerned that there is no specific definition of the nature and forms of discrimination against women in accordance with article 1 of the Convention, which prohibits both direct and indirect discrimination, in Cambodian law. It is also concerned that there is no legal provision for special temporary measures.
12. The Committee urges the State party to include in domestic law a definition of discrimination against women that encompasses both direct and indirect discrimination in line with article 1 of the Convention. It encourages the State party to take advantage of the ongoing legal reform process to achieve the full compatibility and compliance of all laws with the provisions of the Convention. It also recommends that the State party include adequate sanctions in the civil and criminal codes for acts of discrimination against women and ensure that effective remedies are available to women whose rights have been violated. The Committee further recommends that legal provisions be made for temporary special measures to accelerate de facto equality in line with article 4.1 of the Convention.

5. We urge the Committee to consider recommending:

- i. **Taking action for legal and institutional reform in order to guarantee women's access to justice at all levels of the system;**
- ii. **Adopting the law on status of judges, the functioning of the courts and reform of the Supreme Council of the Magistracy;**
- iii. **Ensuring gender sensitive approaches in the implementation of existing legal frameworks, including provisions on legal aid**

FORCED EVICTIONS AND RURAL WOMEN

6. Forced evictions and land grabbing continue to be widespread, affecting over 700,000 Cambodians in the last decade alone, creating a sizeable destitute underclass of landless people with no means of subsistence. Forced evictions impact most strongly on women, who are often left in primitive resettlement camps to fend for themselves and their children while the men commute, migrate or simply leave. An estimated 22% of Cambodia's land area has been granted to private firms as concessions, generating little or no revenue for the State, but benefitting the ruling elite. The impacts of the current biodiversity and ecosystem devastation have on rural and especially indigenous women is ignored. As a result, traditionally matriarchal indigenous communities are on the brink of cultural extinction.

Recommendations

7. We urge the Committee to consider recommending:

- i. **Reversing the trends of land grabbing, environmental devastation and forced evictions, giving residents stronger land tenure and increasing direct support and basic services in existing resettlement communities.]**

POLITICS AND PUBLIC LIFE

8. Women are under-represented in public life. In the most recent national elections the number of women lawmakers fell to 20%. In the last commune elections only 18% of elected candidates were women. Although the government has set some quotas for women's participation in local government, in reality these women often are given limited power and influence.
9. While discriminatory customary law (Chbab Srey) has been officially removed from school curricula, discriminatory sexist attitudes remain deeply rooted in culture and are widely imposed on women, particularly in rural areas, where the majority of Cambodia's population lives.
10. Only once access to education is effectively addressed can an increased role in public life and ending discriminatory attitudes be notable. We are concerned that there continue to be higher drop-out rates for girls; particularly older girls who face pressures to enter the workforce or marry.
11. The use of media and new technologies raised by the Committee and list of issues faces a continued lack of active programmes and policies; either to promote a non-stereotyped portrayal of women or to

tackle women's under-representation in media roles. Media has yet to be used effectively as a strategy to combat gender discrimination.

Recommendations

12. We urge the Committee to consider recommending:

- i. **Increasing programs to strengthen women's capacity and numbers in national and sub-national government**
- ii. **Introducing government supported programs to actively tackle discriminatory attitudes**
- iii. **Strengthen focus and monitoring on girls access to quality education, particularly at secondary and higher levels.**
- iv. **Mainstreaming gender in all pillars of the National ICT policy and integrate gender sensitivity in the training of media professionals**
- v. **Taking action to increase women's access to and participation in positive media roles.]**

ACCESS TO HEALTH FOR WOMEN LIVING WITH HIV/AIDS

13. Women living with HIV/AIDS continue to face discrimination from health workers, including being advised to not have children and undergoing sterilization. Anti-retroviral drugs are often expired and access to treatment is costly. Incarcerated sex workers living with HIV/AIDS are routinely denied access to treatment. Condom use remains alarmingly low, including by sex workers.

VIOLENCE AGAINST WOMEN

14. A 2013 UN Partners for Prevention study in Cambodia shows 32.8% of men reporting sexual or physical violence against a partner, with over 50% reporting emotional or economic violence. A 2009 study by the Ministry of Women's affairs showed that more than 50% of all respondents felt that a wife behaving in an argumentative, disrespectful or disobedient manner warranted a violent response by her husband.
15. The research mentioned confirms that deeply entrenched and unequal gender relations, underpinned by male domination and control, continue to drive attitudes towards the use of violence. Both men and women report that women's attitudes are greatly influenced by the lack of law enforcement. Many issues are dealt with at a local level, with a focus on reconciliation of husband and wife, or brokering financial deals between parties, often disregarding the woman's wishes, opinions or suffering. There are still inadequate statistics available concerning domestic violence.
16. We would like to highlight that currently there are no governmental programs to address the harm suffered by survivors of sexual and gender-based violence during the Khmer Rouge regime even though women were subjected to rape, forced marriage, sexual torture among other crimes.
17. The perpetrators of these crimes have not been punished. The Khmer Rouge Tribunal, because of its limited mandate, cannot and will not punish them. Nevertheless, we feel they have an obligation to

acknowledge the truth about violence against women by the Khmer Rouge, to recognize the victims, and to ensure these crimes are rigorously documented for historical purposes.

Recommendations

18. We urge the Committee to consider recommending:

- i. Drawing up a detailed plan of response following the recommendations of the recent Partners for Prevention report. This should include concrete programs to change social norms related to the acceptability of violence, promote non-violent male role models and end impunity for rapists.**
- ii. Establishing a comprehensive reparations program which includes a specialized package of services for survivors of gender-based violence during conflict, such as health services, counseling services and legal aid**
- iii. Commissioning an official study to document crimes of sexual and gender based violence during the Khmer Rouge period and support on-going awareness raising campaigns on past experiences of survivors in order to break the silence and reveal root causes of violence against women**
- iv. Allocating greater resources, urgency and support to systems for monitoring and reporting domestic violence across all relevant ministries.]**

PROTECTION FOR WOMEN AT WORK

DOMESTIC WORKERS

19. Despite the constitutional protection of equal employment rights (article 36), the 1997 Labour Code (article 1e) has the effect of discriminating against women by excluding domestic workers from nearly all of the labour protections afforded to workers. The weak legislative framework limits access to justice for domestic workers, and renders them particularly vulnerable to abuse, harassment and violence. Uneducated girls recruited from remote areas are particularly vulnerable.
20. Under the Labour Code, women on maternity leave are eligible for wage benefits only when they have one year of uninterrupted service (article 183C). This remains discriminatory against women in terms of employment and restricted to access to rights and benefits, given the widespread abuse of short-term contracts, followed by dismissal.

MIGRANT DOMESTIC WORKERS

21. Women migrant domestic workers are invisible and are therefore particularly vulnerable to abuse and exploitation. Cambodian migrant domestic workers are generally not protected by the labour laws in receiving countries. Many are subjected to indentured servitude due to fees paid to recruitment agencies. Migrant domestic workers are frequently prohibited from having contact with their families; they report psychological suffering, physical and sexual abuse alongside low pay and long working hours.

22. Cambodian women domestic workers who have returned and suffered abuse at the hands of their employers have little recourse in the justice system. There is no monitoring system in place, no implementation of legislation governing migrant domestic workers, and no complaint mechanism available to workers who experience abuse or trafficking. Despite the lack of basic protections, workers continue to migrate in large numbers. Despite the ban on sending domestic workers to Malaysia, there are still large number of domestic workers abroad. The government is currently planning to send 400 Cambodians - possibly at risk - to Singapore.

[Recommendations

23. We urge the Committee to consider recommending:

- i. Urgently ratifying ILO Convention 189**
- ii. Taking immediate steps to amend the 1997 Labor Code to provide protection for women and domestic workers, and to put in place all necessary measures to ensure its implementation**
- iii. Taking all necessary measures to protect the rights of Cambodian migrant workers during all the stages of migration: preparation, transit, arrival and return.]**

24. Thank you for your serious consideration of these points. We are more than happy and prepared to answer questions and provide further details.