



NGO-CEDAW

# The Cambodian NGO Committee on CEDAW (NGO-CEDAW)

# CEDAW Monitoring Report 2017

Assessing the Government of Cambodia's Progress in  
Implementing the United Nations Convention on the  
Elimination of all forms of Discrimination Against Women

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## The Cambodian NGO Committee on CEDAW (NGO-CEDAW)

NGO-CEDAW was founded in 1995 after several Cambodian women activists returned from the Beijing World Conference on Women with a vision of achieving gender equality in Cambodia. NGO-CEDAW's core mission is to monitor and promote the implementation of the

UN Convention on Elimination of All forms of Discrimination Against Women (CEDAW) in Cambodia. As a coalition, we have 37 local organizational members operating in every province of the country on key issues posing a challenge to women's rights.

### Monitoring

We address gaps in the Cambodian government's implementation of international human rights treaties and the Cambodian constitution by:

- Publishing regular shadow reports to UN CEDAW Committee.
- Submitting information to the UPR Process
- Conducting research on effects on women and children of gender-based violence, land grabs, and legislation that threatens human rights defenders and democracy.

### Advocacy

NGO-CEDAW advocates for better laws to protect women's rights, with full inclusion of the LGBT, disabled, HIV positive, rural, and indigenous communities. Recent advocacy:

- Leading the call to amend key legislation including the law on domestic violence.
- Initiating joint advocacy statements on freedom of expression, ending violence against women.
- Sponsoring consultations among civil society and government on drafting Access to Information law.

### Awareness-Raising

Achieving equality requires changing attitudes of all members of society. We conduct public education and radio programming on women's rights. Every year, we conduct public activities on International Women's Day in March and during the 16 Days Campaign against gender based violence in December. Our Dignity Project uses art exhibitions, books and social media to show solutions to gender-based violence.

### Capacity-Building

NGO-CEDAW's team of experts works with our members to provide training and technical assistance on CEDAW, other human rights laws and using monitoring tools. We also:

- Build women's networks of volunteers in Phnom Penh and the provinces
- Teach government officials about implementing CEDAW and laws to protect women's rights

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## List of abbreviations and glossary

Bangkok Rules	United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders
CEDAW	UN Convention on Elimination of all forms of Discrimination Against Women
CHRC	Cambodia Human Rights Committee
CMDG	Cambodia Millennium Development Goals
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
GBV	Gender-based violence
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labour Organisation
LANGO	Law on Associations and Non-Governmental Organizations
LEMNA	Law on the Election of Members of the National Assembly
LGBTQI	Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex persons collectively
MoWA	Ministry of Women's Affairs
NAPPVAW2	National Action Plan to Prevent Violence Against Women (2014-2018)
Nearly Rattanak IV	The 4th National Plan for Achieving Gender Equality
NEC	National Election Committee
NGO	Non-governmental organization (non-profit)
NGO-CEDAW	The Cambodian NGO Committee on CEDAW
OHCHR	UN Office of the High Commissioner for Human Rights
Prakas	Regulation issued by one or more government ministries
RGC	Royal Government of Cambodia
SDG	Sustainable Development Goals
STD	Sexually Transmitted Disease(s)
VAW	Violence against women

## Executive Summary

**2017** was the 25th anniversary of Cambodia's ratification of CEDAW, but there are still fundamental challenges to achieving substantive equality between men and women. The one consistent pattern across all sectors and segments of society is the endurance of negative gender stereotypes. Persistent beliefs that women are less capable than men and expected to conform to traditional roles in the family serve as an obstacle to progress in the implementation of every article of CEDAW. These attitudes are held by men and women, private and public employers, educators, health professionals, law enforcement officers, and NGO workers. Another pattern is the Royal Government of Cambodia's understanding of equality as a general goal of formal equality, rather than an obligation to achieve substantial

equality in all sectors as soon as possible through temporary special measures, including quotas. NGO-CEDAW's members appreciate the RGC's adoption of SDGs, development of new national action plans promoting gender equality, and cooperation in considering amending the law on domestic violence to ensure compliance with CEDAW. However, there is concern that the budget and resources for implementing these plans rely far too heavily on donations from NGOs and international aid. While the Cambodian economy is strong and has continued to grow at 7% per year<sup>1</sup>, foreign aid has been decreasing. An additional \$700,000 is needed from NGOs to develop programs aimed at achieving the SDGs<sup>2</sup>. RGC will need to increase its own role significantly if progress is to be achieved in an environment where NGOs' influence is ever shrinking.

## Overview of current legal context

The Cambodian Constitution Article 31 directly references Cambodia's respect for universal human rights, including the treaties on women's and children's rights<sup>3</sup>. The government operates the Cambodia Human Rights Committee (CHRC) to promote these rights. However, at a 2017 conference on human rights, the head of the CHRC clarified that all rights in the Constitution are subject to law<sup>4</sup>, and the ruling party may pass whatever laws it wishes until they are voted out of office<sup>5</sup>. New laws restricting Article 31 have been enacted over the past two years.

In 2015, the Royal Government of Cambodia (RGC) adopted the Law on Associations and Non-Governmental Organizations (LANGO) which created new restrictions on non-profit organizations and made registration (with an

official office address and written by-laws) mandatory for any group of people who wished to meet<sup>6</sup>. From 2015 to 2017, all of the key election laws were amended, some multiple times. Specifically, Cambodia amended the National Election Committee law (NEC Law), the law on the election of members of the National Assembly (LEMNA), the law on the election of commune and sangkat (district) officials, and the Political Party Law. In June 2017, elections were held for all local commune council positions, and nearly 50% of voters voted for parties other than the ruling party, including 43% for the main opposition party. After the elections, the main opposition party's leader was imprisoned and the government declared the party to be a terrorist organization due to alleged collusion with the United States

<sup>1</sup> GDP growth summary for 2016 from Ministry of Economy and Finance website: [mef.gov.kh](http://mef.gov.kh).

<sup>2</sup> Information provided at International Forum of National NGO Platforms 2017

<sup>3</sup> For the full text in English of many of the laws cited in this report, see [www.ngocedaw.org/library/cambodian-law](http://www.ngocedaw.org/library/cambodian-law).

<sup>4</sup> For example, the first paragraph of Article 42 of the Constitution states: "Khmer citizens shall have the right to create associations and political parties. This right shall be determined by law."

<sup>5</sup> 10th March 2017 conference entitled "Human Rights in Cambodia Today" at the Sunway Hotel, organized by OHCHR, in collaboration with the Cambodian Human Rights Committee with the support of the Canadian Embassy in Bangkok. The statement was made by Keo Remy in Khmer language, and heard via simultaneous translation into English by authors of this report.

<sup>6</sup> LANGO, Articles 5, 6, and 7 list requirements for registration. Previous registrations were covered by the Civil Code and were not mandatory; LANGO Article 9 prohibits unregistered associations and NGOs from operating any activity.

to promote democracy in Cambodia, which the RGC characterized as “color revolution.”<sup>7</sup> A court petition was filed to dissolve the party and the election laws were amended to permit the reallocation of all of the opposition party’s newly won local seats, most to the ruling party. The LEMNA was amended to allocate the opposition party’s national-level seats to minor parties which had not received significant numbers of votes in either the national or local elections. On 16 November 2017, the day the court ruled on the dissolution of the main opposition party, the government banned all demonstrations by groups or individuals and barred individuals from traveling from the provinces to the capital if the authorities suspected they might protest the court decision. Roads were blocked throughout the city to prevent any demonstrations. The judge issuing

the decision to dissolve the opposition is the 15th most senior member of the ruling party.

The voter registration period for the national elections in 2018 occurred from September through early November 2017. Just before and during this period, several independent radio stations and a US-based pro-democracy NGO were shut down. A major bilingual newspaper was closed after the government alleged that they owed millions in back taxes. Many associations and NGOs reported that they were stopped from holding meetings or voter information activities in 2017.

The above legal context demonstrates that the Convention is not fully incorporated into the domestic legal system.

## Collection of data for this report:

Much of the data upon which this report is based was obtained through application of NGO-CEDAW’s monitoring tool. This tool consists of guidance on the collection of evidence and extensive questions designed to gather information linked both to specific articles of CEDAW and to 15 key topics related to women’s rights. NGO-CEDAW conducted multiple trainings on use of this tool to its staff and members over a period of several years. The tool was refined based on members’ experience and suggestions. The final tool was applied in 2017 by NGO-CEDAW, its 37 member NGOs, and related networks to conduct a detailed survey of challenges faced by Cambodian women and potential means of alleviating those challenges. INGOs, non-member Cambodian NGOs, and government entities were interviewed for this report.

Additional data was obtained through:

- a) original research by NGO-CEDAW and its members;
- b) a review of published research from

other organizations;

c) government statistics, laws and action plans; and

d) a review of independent media coverage of key issues affecting women in Cambodia.

e) statistics and other information provided by the RGC at a presentation of the RGC’s draft report to the UN CEDAW Committee on October 13, 2017.

Finally, NGO-CEDAW held a consultation meeting for civil society members in November 2017, which was attended by students, individuals with disabilities, LGBTQI persons, and volunteers/staff of NGOs. These participants worked in focus groups to evaluate the draft report and suggest additional issues for inclusion in this report.

<sup>7</sup> Cambodian National Police training materials obtained by media in 2017 listed a large number of INGOs, Cambodian organizations/associations, banks, and private businesses as potential members of a “color revolution.” Mech Dara and Ananth Baliga, “Banks, businesses and MFIs latest suspects in ‘colour revolution’” 24 October 2017, Phnom Penh Post. <http://m.phnompenhpost.com/national/banks-businesses-and-mfis-latest-suspects-colour-revolution>

## Organization of this report:

The body of the following report is organized by CEDAW article. Some cross-cutting issues, including gender-based violence, access to justice, land rights, and environment apply to more than one article. These issues are

included in the section most relevant to the topic discussed. For example, since the primary obstacle to progress in reducing GBV are deeply entrenched cultural attitudes about gender, this topic is primarily addressed under Article 5.

### Article 1

**Definition of discrimination as any distinction, exclusion or restriction made on the basis of sex which has the effector purpose of impairing or nullifying the recognition, enjoyment or exercise by women of human rights in any field.**

**I**t is good that the Cambodian government has voluntarily accepted its obligation under SDG 5: “End all forms of discrimination against all women and girls everywhere” by the year 2030. Moreover, the Constitution and several laws bar discrimination based on sex. However, no Cambodian law includes a definition of discrimination consistent with the goal of substantive equality embodied in CEDAW. The majority of these laws follow a formal equality format intended to treat men and women equally without any detailed definition or strategy for preventing such discrimination and without recognizing that women are the most common target of such discrimination. For example, Criminal Code Articles 265-273 ban refusing to sell goods or making or refusing offers employment based on sex and other arbitrary reasons. Other laws take a protectionist approach toward women, such as restrictions on marriage applied to women, but not men.

For example, Civil Code Article 950 bars only women from remarriage within 120 days of divorce. The law appears antiquated, relying on a gender stereotype that women only engage in sex within the confines of marriage and that other methods of determining paternity do not exist.<sup>8</sup> Additionally, the Ministry of Foreign Affairs issued a diplomatic note in 2011 which discriminates against women in an effort to be protective. It bans marriages to Cambodian women to foreign men who are over age 50 or to foreign men earning under \$2500 per month (much higher than a comfortable income in Cambodia). The rules do not apply to foreign women wishing to marry Cambodian men. There are no exemptions if there is evidence of a real relationship or if the woman has a high income, or if the woman is 50 years of age or over.

<sup>8</sup> The law does not attempt to protect men, who may want to delay remarriage if they discover they have fathered a child, further suggesting that the law relies on gender stereotypes about men and women’s roles in the family.

Access to justice

The RGC has engaged in training for all levels of the judiciary and made policies that recognize the importance of access to justice. However, there are still very few legal mechanisms available to women facing discrimination. The court system is distrusted by many people, and often inaccessible to most women, particularly rural women for several reasons. 1) most local authorities continue to discourage formal complaints, favoring informal mediation or resolutions in which the local authority or even family members craft a settlement on behalf of the parties. 2) there are few lawyers in the nation and very little legal aid available. Despite a slight increase in the legal aid budget and the number of lawyers, there is only 1 lawyer per 15,000 people in Cambodia.<sup>9</sup> There is a similar shortage of psychiatrists and psychologists for the country, which is particularly important to survivors of violence who often require treatment for anxiety or post-traumatic distress. Court records and statistics are still not readily available. While the Ministry of Justice has begun the process of computerizing the court record system, communication among courts and departments is not good, and there is little transparency in the numbers and results of court cases, particularly in regard to domestic violence. Most records are not disclosed for such cases, even after redaction of names and other identifying information. Moreover, because domestic violence is not a

separate criminal offense, it would be difficult to use statistics based on criminal charge alone to distinguish between domestic violence and stranger versus stranger violence.

In general, reforms to the legal system to bring Cambodia into compliance with General Recommendation 33 have not yet been implemented. A 2017 report by the International Commission of Jurists summarized research revealing gross inadequacies at every stage of the legal system in Cambodia. From the lack of legal aid, corruption (including bribery, police taking a share of money settlements, and biased judges and prosecutors), to a lack of meaningful remedies in the court system, Cambodia continues to lack actual rule of law.<sup>10</sup> In fact, in 2016, Cambodia ranked 112 out of 113 on the World Justice Project’s Rule of Law Index.<sup>11</sup> One example of corruption in the legal system is the failure to waive fees and incorporation of bribery in the system.<sup>12</sup> A woman seeking justice for rape will first seek help from authorities or hospital staff, who will ridicule her for her predicament. She will need a rape test kit, which should be free and readily available, but for which some jurisdictions will charge her \$25 and others will not supply at all.<sup>13</sup> The authorities may then refuse to press charges, instead encouraging her to marry the perpetrator or accept a money payment, with a portion going to the police. With the help of an NGO

<sup>9</sup> RGC draft state party report to CEDAW, September 2017, indicating a total population of 15.5 million in 2016 and 1011 total lawyers registered with the Bar Association in 2017.

<sup>10</sup> International Commission of Jurists, “Achieving Justice for Gross Human Rights Violations in Cambodia Baseline Study,” October 2017

<sup>11</sup> <http://data.worldjusticeproject.org/>. The study did not rank several countries, including those in Africa and the Mideast which were experiencing civil war.

<sup>12</sup> Monitoring tool research from organizations providing legal and social services to women survivors of gender-based violence.

<sup>13</sup> Catherine Burns and Kathleen Daly, “Responding to everyday rape in Cambodia: rhetorics, realities and somroh somruei” revised version dated 18 December 2013. [https://www.griffith.edu.au/\\_data/assets/pdf\\_file/0016/650230/Burns-and-Daly-Pre-print-18-Dec-2013-Everyday-rape,-Cambodia,-somroh-somruei.pdf](https://www.griffith.edu.au/_data/assets/pdf_file/0016/650230/Burns-and-Daly-Pre-print-18-Dec-2013-Everyday-rape,-Cambodia,-somroh-somruei.pdf)

she may have a court case filed, but the fees will not be waived. The judge will likely encourage a settlement in order to drop criminal charges. The settlement would likely take the form of a money payment by the alleged perpetrator, and a portion of that money would be paid to the judge and lawyers assigned to the case. The perpetrator might simply pay a bribe in order for police to refuse to serve him with a warrant. In the event

of a conviction, the perpetrator will likely have the sentence reduced and/or postponed entirely.<sup>14</sup> Additionally, in statutory rape cases (where the victim is underage) some authorities have been known to encourage settlements by altering the victim's birth certificate to make them appear older.

## Women in prisons

RGC in late 2016 and throughout 2017 has engaged in a high-profile campaign against illegal drug sales and use in the Kingdom, which it credits with making the society safer. However, the methods used have resulted in the significant increase in the number of women in prisons.<sup>15</sup> Instead of providing treatment options for Cambodian women using drugs, the government often sends them directly to prison. The already overcrowded prisons have had an influx of 20% more inmates. Capacity of many prisons is more than 200%.<sup>16</sup> Of particular concern is the high number of pre-trial detainees held in prison (one third of the total population for both men and women<sup>17</sup>) despite written procedures intended to reduce this number, including Article 203 of the Cambodian Code of Criminal Procedure which states that in general “the charged person shall remain at liberty,” and Article 204 which restricts pre-trial detention to charges with a minimum sentence of one year.

While the law suggests that pre-trial detention should be used sparingly when specific circumstances warrant it<sup>18</sup>, the actual practice is to detain most people before trial. In 2017, these included persons accused of using but not selling drugs, and persons who allegedly made Facebook posts that insulted the government. Also of concern is the increase of pregnant women in prison and children living with their mothers in prison.<sup>19</sup> The Prison Law of Cambodia<sup>20</sup> allows mothers of children under age 3 to live with their child in prison. Article 41 of the Prison Law, the Convention on the Rights of the Child and the Bangkok Rules requires these children's care to be paid for by the State; yet, in reality, the government only allots 35 cents per day per child, and the mothers are forced to pay themselves for basic necessities.

<sup>14</sup> LICADHO report “Getting Away with It: The Treatment of Rape in Cambodia's Justice System” (November 2015) has more detail on this topic. LICADHO's report “No Punishment, No Protection: Cambodia's Response to Domestic Violence” (December 2017) has more detail on the how the justice system treats domestic violence.

<sup>15</sup> Mech Dara, “Prison Numbers Jump 20 Percent” 23 February 2017, Phnom Penh Post. <http://www.phnompenhpost.com/national/prison-numbers-jump-20-percent>

<sup>16</sup> Mech Dara, “Prey Sar still overcrowded despite two new prisons” 31 October 2017, Phnom Penh Post <http://www.phnompenhpost.com/national/prey-sar-still-overcrowded-despite-two-new-prisons>

<sup>17</sup> <http://www.prisonstudies.org/country/cambodia> 70.6 percent of prisoners are either in pretrial detention (31-34.1%) or are awaiting final judgment (36.5%).

<sup>18</sup> Cambodia Code of Criminal Procedure Article 205 lists the reasons.

<sup>19</sup> Although the government released many women in prison with young children two years ago, the numbers have risen again, surpassing previous numbers. General Department of Prisons figures showed 61 pregnant females residing inside the 29 prisons as of April 2017. In just the 18 prisons monitored by NGO-CEDAW member LICADHO, there were 108 children and 41 pregnant women as of October 2017. This increased to 181 children and 77 pregnant women by the end of December 2017. These numbers do not include juveniles charged or convicted of crimes.

<sup>20</sup> The Prison Law may be downloaded in English and Khmer at: <http://cambodia.ohchr.org/en/prison-reform/laws-pertaining-prisons>

Inmates and children at times must sleep on the floor and go without enough food, clean drinking water or consistent medical care. Mothers of newborns do not receive after-birth care. Pregnant and breast-feeding women do

not receive nutritional supplements. Basic hygiene needs like soap, menstrual pads and clean living spaces are lacking. Children are often forced to forego exercise and remain in cramped cells without sunlight or activity<sup>21</sup>.

### Suggested Solutions to Challenges:

Change the laws and policies related to pre-trial detention, particularly with regard to pregnant women and women with young children. The State could implement supervised, pretrial release programs and alternate noncustodial sentencing, including community service. These will improve prison conditions for those convicted of crimes and treat women with dignity. Special effort must be made to keep pregnant women and mothers of young children out of prison so that their children will not be harmed by being raised behind bars.

Cambodia needs to pilot a program for a one-stop service center in Phnom Penh for girls and women facing gender-based violence.

## Article 3

### Equality of women in all fields should be achieved through all appropriate measures.

Cambodia's government has enacted numerous national action plans and policies which are a strong step toward recognizing women's right to equality with men in all fields. However, there is a major problem in fully implementing these plans. A major reason for this is that the RGC does not dedicate a large enough budget to spend on the training, technology and staff needed to fully implement plans such as Neary Rattanak (the overall gender equality plan) and the National Action Plan to Prevent Violence against Women. A second key reason is that the RGC places most of the responsibility for managing these plans upon MoWA, which is a relatively small ministry without the substantial influence and clout of other ministries. The Ministry's budget is relatively small considering its responsibilities, and its funding should be reviewed and increased on an annual basis. Finally, most of

the actual programs related to these plans and to achieving the Sustainable Development Goals are actually funded and carried out by NGOs and a few western governments<sup>22</sup>. This overreliance on NGOs to provide basic services and implement programming to achieve national goals of gender equality leads to inconsistent, incomplete implementation of action plans that is also unfortunately temporary in duration as NGOs often receive funding only for short-term projects and pilot programs. These projects, even if very successful, are not continued in successive years by the NGO or taken on by the government due to a lack of funding. For example, there is a national hotline for gender-based violence issues, but no one is available to answer the phones since the program's funding period ended. Additionally, as noted in the State Party report, there are no safe houses or domestic violence shelters operated by RGC,

<sup>21</sup> Monitoring data from organizations working with women and children in prisons.

<sup>22</sup> NAPPVAW programs were implemented in cooperation with Germany and Australia, while most legal, reproductive health and social services are provided by national and international NGOs. These findings are supported by interviews with numerous NGO-CEDAW members and INGOs providing direct services to GBV victims and/or working with local authorities

only a few run by NGOs which are primarily in or near cities. One program which could alleviate the shortage of services for victims of trafficking and gender-based violence is a one-stop service center. A feasibility study from

2011 suggested that Cambodia was not yet ready for such centers but should begin a pilot program in a few years after building capacity and enacting a national structure for addressing GBV. Cambodia is ready now.

### Suggested Solutions to Challenges:

The government needs to budget resources to continue successful pilot programs begun with foreign aid. The State is the only actor with the capability of sustainably and fully integrating any program nationwide at the ground level in the fields of labor, education, health, environmental protection, and combatting gender stereotypes that pervade Cambodian society.

## Article 4

### Temporary Special Measures to promote women are encouraged under CEDAW and are not considered discrimination

RGC should be credited with repeatedly taking on voluntary goals announced in press conferences, action plans and policies to increase the number of women in elected and appointed political offices and in civil service. Such measures are necessary to fully implement CEDAW and show RGC's good intentions toward achieving its treaty obligations. However, there is no legal mandate or budgetary support for women's representation in political governance at local or national level in Cambodia. Therefore, these voluntary goals are often unmet and there are no consequences for failing to meet such goals.

Political leaders often claim that women are underrepresented in politics because women are not qualified.<sup>23</sup> However, this argument has been rejected by the CEDAW Committee in General Recommendation 25.<sup>24</sup>

Negative gender stereotypes and norms have contributed to the creation of discriminatory selection criteria by political party leaders of all major parties. Male-dominated power structures within the political parties make it difficult for a woman candidate to be certain of her nomination on the top of the list. The criteria used by political parties and government officials empowered to make appointments have the practical effect of excluding most women from the political process regardless of the intention of the leaders not to deliberately discriminate against women. To counter such implicit bias, mandatory but temporary special measures must be taken to put women into leadership positions in the legislative, administrative, and judicial branches of government. The sooner women are placed into positions of power, the sooner their presence will be able to change gender norms and encourage new generations of women leaders.

<sup>23</sup> Cambodia does not have clear written qualifications for many government positions, and many inexperienced men have traditionally been selected for such roles.

<sup>24</sup> General Recommendation No. 25, Paragraph 23 by the UN CEDAW Committee states: "As temporary special measures aim at accelerating achievement of de facto or substantive equality, questions of qualification and merit... need to be reviewed carefully for gender bias as they are normatively and culturally determined. For appointment, selection or election to public and political office, factors other than qualification and merit, including the application of the principles of democratic fairness and electoral choice, may also have to play a role."

## State Parties to CEDAW must modify gender stereotypes and promote the equal role of men and women in raising children.

Gender stereotypes about women persist in society and serve to prevent women from taking on more decision-making roles, in accessing reproductive health care, and in escaping sexual and physical violence.

Rape remains particularly high in Cambodia, in part due to the attitude that victims are culpable for sexual violence<sup>25</sup> and due to the lack of social or legal consequences for perpetrators.<sup>26</sup>

Violence from intimate partners remains widespread throughout Cambodia. Despite increased efforts on the part of the national government to raise awareness that domestic violence is wrong, government policies at both the local and national level continue to pursue mediation as the most favored resolution of domestic violence problems. While the law on domestic violence has two different types of protective actions (an administrative decision by the local commune council, as well as a court-ordered protection order), these methods of preventing intimate-partner violence are never mandatory by law and therefore are almost never used<sup>27</sup>, even in conjunction with mediation. There are no protections in the law for women who do not live with their partners, including those stalked by partners after they attempt to move away. The RGC is to be commended for including in its new Action Plan to Prevent and Respond to Violence against Children some revisions to the DV Law, criminal code, trafficking law, and civil code and adding regulations to clarify use of administrative decisions.<sup>28</sup> These amendments

should also include provisions to protect women and others at risk of violence.

One of the most persistent causes of ongoing domestic violence (DV) is the attitude that domestic violence is primarily a family matter, rather than a crime that harms all of society, and that under some circumstances, violence is justified.<sup>29</sup> Men's mindset around women contributes to violence, since many men believe that their wives and daughters are possessions.<sup>30</sup> Film and TV entertainment programming tends to reinforce these attitudes through frequent portrayal of images of violence against women in a manner suggesting such behavior is acceptable. Much of the government's efforts regarding women's image in media are led by the National Committee for Upholding Cambodian Social Morality, Women's and Khmer Family Values and have taken the form of blaming women entertainers for appearing immodest.<sup>31</sup> News coverage with respect to VAW has also included disparaging remarks about victims and lack of respect for the confidentiality of victim's names or photos of violence. On July 20, 2017 RGC approved a joint prakas on media code of conduct for reporting on violence against women.<sup>32</sup> This code was a good step toward normalizing the attitude that victims of violence should not be exploited. Unfortunately, almost as soon as the code went into effect, at least one prominent TV personality abused it.<sup>33</sup> Rather than restricting free speech or penalizing women for their behavior, more needs to be done to change attitudes on the ground to encourage respect for women's and girls' right to live free of violence.

<sup>25</sup> ActionAid, "Culpability Study: How much fault is attributed to women for any sexual abuse they suffer," 2016.

<sup>26</sup> LICADHO report "Getting Away with It" 2015.

<sup>27</sup> The RGC draft report from September 2017 notes that from 2014-16 a total of 19 court ordered protection orders were issued in Cambodia. Moreover, only half of Cambodia's provinces had forms and systems in place.

<sup>28</sup> The Action Plan is jointly sponsored by MoWA and the Ministry of Social Affairs, Veterans and Youth Rehabilitation and was launched on 11 December 2017.

<sup>29</sup> National Survey on Women's Health and Life Experiences in Cambodia, 2015. [http://www.wpro.who.int/mediacentre/releas-es/2015/vaw\\_full-en.pdf](http://www.wpro.who.int/mediacentre/releas-es/2015/vaw_full-en.pdf)

<sup>30</sup> Interviews with INGOs and local NGOs working in the area of domestic violence.

<sup>31</sup> One actress was banned in 2017 from appearing in movies for one year for wearing revealing clothes in violation of a code of conduct for artists. Phan Soumy, "Gov't Bans Actress for a Year for Violating 'Code of Conduct,'" Cambodia Daily, 27 April 2017.

<sup>32</sup> The joint prakas was issued by the Ministries of Information and Women's Affairs.

<sup>33</sup> MoWA acted to condemn the violation: [www.cambodiadaily.com/opinion/letter-editor-womens-ministry-condemns-rape-comment-133904/](http://www.cambodiadaily.com/opinion/letter-editor-womens-ministry-condemns-rape-comment-133904/), 22 August 2017.

Authorities who are contacted when survivors of violence seek help often lack interviewing skills and sensitivity in providing counselling. Authorities are often reported to use insulting words, blaming victims for the violence which they endured. While the government has created a counseling guideline book, released in 2017, it is technical, hard to understand, and is all-purpose, with one set of guidelines for medical professionals, law enforcement, NGOs, and government staff alike. Training specifically targeted toward each of these groups is needed at the village level, and will require additional investment by the RGC.

LGBTQI persons face particular mistreatment based on negative gender stereotypes. For example, a popular belief is that LGBTQI persons are being punished for something bad that they did in a past life. Another belief is that

all transgender persons are criminals or drug abusers. They are the reason that lead to anarchy in society. In the past election, some observers noted that transgender persons were harassed for not appearing like the sex listed on their ID, asked to change their appearance before voting or were asked for extra documentation of their identity.<sup>34</sup>

Information about reproductive rights is not consistently available. Recent research shows that many women do not know their rights with respect to contraceptives and testing/treatment for sexually transmitted diseases. They reported for example that they did not believe that married women should use birth control since their family role is to have children. They also reported shame at being thought bad as a motive for not asking their husbands to seek treatment for STDs.<sup>35</sup>

### **Suggested Solutions to Challenges:**

Cambodia's plans to promote gender equality and end violence against women end at the end of 2018. Updated plans must include substantial commitment of government resources and funds to promote positive images of women and combat stereotypes about gender roles. Specifically, positive images must be promoted at the village level explaining women and girls' rights to live without violence in any form, to be educated, to serve as leaders in the community and government, and to make their own decisions about marriage, jobs and having children. Updated plans should look beyond 5 years to ensure fulfillment of SDG Goal 5.

<sup>34</sup> Interviews with associations and organizations working with the LGBTQI community.

<sup>35</sup> Monitoring tool research from organizations providing reproductive health services.

### Trafficking in women and girls

While the government has made strides in taking action against traffickers, there continue to be problems with trafficking in Cambodia, both within the country, and with moving people across the border.

Law enforcement appears very slow in solving problems because some government officials still have limited knowledge on interviewing and respecting victims' rights. The low number of women in law enforcement positions adds to the problem of directly dealing with victims, since many distrust authorities, particularly men.

Cooperation with NGOs is not as strong as it should be. Government officials both in receiving countries and in Cambodia do not cooperate with NGOs to the extent needed.

There remains a severe shortage of social services, financial support and human resources available to victims. In addition to moving women and girls to safety and prosecuting traffickers, attention and resources need to be provided to ensure that survivors of trafficking receive counseling, medical attention, education about reproductive health, legal aid, education, and vocational training that will permit them to move on with their lives and avoid circumstances that would make them susceptible to being trafficked again.

### Exploitation of prostitution

Cambodian criminal and anti-trafficking laws focus on prosecuting and restricting those who exploit women and girls for prostitution; yet, they also penalize women who should be protected. The women engaged in not only sex work, but any part of the entertainment industry could be prosecuted or harassed by authorities. Women suspected of engaging in prostitution are often denied basic services from local authorities, treated as criminals even if they are not violating any specific laws, and placed at risk. In early 2017, one woman drowned to death after a group of district government security guards chased her into the river because they suspected that she was a sex worker.<sup>36</sup> Moreover, due to lack of access to safe reproductive health care, sex workers suffer an unusually high maternal mortality rate, often related to abortion.<sup>37</sup>

In order to ensure access to justice to women working in the entertainment industry from abuse, the Criminal Code Article 298 and the Law on Suppression of Human Trafficking and Sexual Exploitation Articles 23 and 24 should be amended to eliminate punishment for people suspected of being prostitutes. Anti-trafficking efforts should focus on the people engaged in exploitation of women and children, not on those who are exploited in the sex industry.

### Suggested Solutions to Challenges:

Amend the Law on the Prevention of Domestic Violence and the Protection of Victims (DV Law), the criminal code, trafficking law and DV law to fully conform to CEDAW. Eliminate criminal penalties for sex work. Specify that rape is any nonconsensual sex even if the persons involved are married.

<sup>36</sup> Sek Odom, "Sex Worker Missing in River After Fleeing Security Guards," The Cambodia Daily, 3 January 2017

<sup>37</sup> Erin Handley, "Hidden Risk for Sex Workers", Phnom Penh Post, November 28, 2016. Also see "Causes of maternal and child mortality among Cambodian sex workers and their children: a cross sectional study" by Brian Willis, Saki Onda, and Hanni Marie Stoklosa, BMC Public Health, 26 November 2016

## Challenges for female voters

### 1. Loss of civic space

Loss of civic space posed a challenge to women's political participation at all levels. In 2017, the government barred some individuals from traveling from the province, raided NGO offices, and blocked traffic to prevent the possibility of political protests or activism, particularly on November 15 and 16, before the court ruling on the dissolution of the opposition party. This caused women to fear exercising their political rights under the Constitution and ICCPR and placed pressure on them to conform their behavior and speech to meet government requirements.

### 2. Voter registration (particularly migrant workers)

The National Election Committee did a good job of registering equal numbers of men and women in many areas of Cambodia in time for the 2017 local election. One obstacle that female voters encountered in the commune election was the voter registration system implemented by NEC in 2016. Under this framework, no provisions were included to register Cambodian migrant workers living abroad. Moreover, absentee voting is not permitted even within Cambodia. This omission poses problems for Cambodian women as many of them migrate to outside provinces and foreign countries for employment. It is estimated that 1 million Cambodians, half female, are working in other countries as migrant workers. Another 2 million, half female, are permanently living abroad but have Cambodian citizenship and would be eligible to vote if they had a Cambodian address. The expense of traveling back to Cambodia multiple times, to obtain ID, register, then to vote in person is insurmountable for most Cambodians living overseas.

### 3. Access to polling stations

In 2017, unlike in previous elections, where the government mandated that both Election Day and the day before be declared paid work holidays, workers were not guaranteed any time off to vote. Female factory workers, many of whom are internal migrants, had to choose between losing pay or voting in their home province.

### 4. Traditional Gender Norms

Traditional gender norms exclude women from not only participating in politics as candidates, but also as voters. Women are expected to allow the men to lead the family in all major decisions. Consequentially, some women may be inclined to let the men in their household make political decisions for the family including whether a woman should vote, and if so, for which party.

## Barriers to women candidates

The number of women in politics/ positions "at the sub-national level" has decreased in 2017 after the commune elections. Following the June 4, 2017 elections, according to NEC data<sup>38</sup>, women's representation in commune councils decreased by 1% from 2012. However, the total number of female commune chiefs rose to 128 of 1646 total communes in 2017 from 95 out of 1633 communes in 2012. This is an increase to 7.7% from 5.8%.

### 1. Government policy regarding women in office

Cambodia appears to be slowly making gains in women's representation, but 10 years behind schedule according to Neary Rattanak. Shortly before Neary Rattanak IV was approved, women were appointed to the deputy governor position

<sup>38</sup> The National Election Committee publishes Khmer-language documents with some gender-disaggregated data for elections, including voter registration, candidate registration, and election results on its website at <https://www.necselect.org.kh/khmer/>

in all 24 provinces which existed at that time for a total of 20% of the 119 total deputy governor positions. However, not until after the 2017 commune election was a woman appointed as a provincial governor.<sup>39</sup> The goals for women's elected positions were set high, but lack of any

implementing law or regulation made it a mere guideline, which the political parties did not make an effort to meet. The lost opportunity to include quotas in any of the newly amended election laws reflects a lack of political will to actually achieve gender equality in the near term.

	Target <sup>40</sup>		Actual		
	CMDG 2015	Neary Rattanak 2018	2016	2017 post local election	2017 post-redistribution of opposition's seats <sup>41</sup>
Senate	30%	30%	14.75%	14.75%	
National Assembly	30%	30%	20.33%	20.33%	15%
Ministerial Positions	15%		10.70%	10.70%	
Secretaries of State	18% <sup>c</sup>	-	20.54%	20.54%	
Under-Secretaries of State	20%	-	17.60%	17.60%	
Provincial Governors	10%	-	0%	4%	
Provincial Deputy Governor	15%	-	20%	20%	
District Governor		-	1%	1%	
District Deputy Governor		-	29%		

## 2. Party list system

In Cambodia, ballots contain only the names of political parties, rather than the names of candidates. It is up to political parties to select candidates to nominate, but those candidates must meet the requirements of the National Election Committee and national election laws to be approved. Each party maintains a list of candidates for each jurisdiction, ranked by number. Names at the top of the list get positions first, and seats won by each political party go to only to the top-ranked candidates. In Cambodia, there are no official rules or laws implementing the Constitutional requirement to stop discrimination against women in candidate list placement. Although such a rule could be included in the political party law

or the NEC law<sup>42</sup>, these laws have both been amended more than once in the last two years without the inclusion of provisions to eliminate discrimination against women in the candidate lists. Moreover, the parties have no transparency in how candidate ranks are chosen. As a result, the mostly male leadership of political parties are permitted to nominate men over women and to place men's names at the top of the list, and the women's names at the bottom. This practice ensures that the percentage of women in elected office remains low.

## 3. Economic barriers to women's participation in politics

One major obstacle for women candidates is that despite showing party loyalty and qualifications for the job, one cannot get her name on the

<sup>39</sup> Aun Pheap, "Provincial Governor Changes Draw Praise, Disappointment" 19 June 2017, Cambodia Daily. <https://www.cambodiadaily.com/editors-choice/provincial-governor-changes-draw-praise-disappointment-131462/>

<sup>40</sup> Target goals are from the RGC publications of Neary Rattanak IV and from the United Nations. See <https://sustainabledevelopment.un.org/sdgs> for more information about SDGs in Cambodia.

<sup>41</sup> Leonie Kijewski, "Only two women join the National Assembly" Phnom Penh Post, 30 November 2017.

<sup>42</sup> Civil society proposed quotas and changes to candidate list system after the election, but RGC has not agreed. Pich Chamrong, "26 organizations say government failed to increase number of women in leadership roles" VODHotnews.com, 3 July 2017 (Khmer language). Instead, RGC indicated a desire to promote women in civil service. A draft plan from the Ministry of Civil Service does not include quotas or changes in policy about qualifications and therefore does not comply with General Recommendation No. 25, Paragraph 23 on temporary special measures.

candidate list without also raising substantial funds for one's own campaign. Women are at a disadvantage relative to men in fundraising due to their limited mobility and network.<sup>43</sup> Some women, fearing that their husband/family would not support their political campaign, took out loans that they hoped to repay after winning an elected post.<sup>44</sup> While the parties do not have written policies requiring financial contributions, failure to raise funds effectively bars women from promotion on candidate lists. The national government also does not provide a fund to encourage the candidacy of women. Moreover, none of the parties have a policy to encourage women candidates; rather the system promotes nepotism and restricts new people to run at the top of candidate lists.

#### 4. Gender stereotypes

Women and men are often taught that women are weak and not suited to leadership positions. As a result, not only do men show reluctance to support women in politics, but some women lack the confidence to become engaged in political activities.<sup>45</sup> Balancing household responsibilities with politics is also a challenge for female candidates. One NGO which worked with female politicians of different parties noted that women who participated in a multiyear training program, were criticized by family members when there was no one to take care of their household duty/childcare duties. Husbands were not happy that their wives went outside, although with trainings designed for husbands, some learned to support their wives by taking care of some of the household chores and child care.<sup>46</sup>

Once elected, women continue to face discrimination and major obstacles in fulfilling their roles effectively due to attitudes of male duty bearers, who do not respect female officials' authority. Men working with female politicians need to undergo training to understand the importance of women's participation and active decision making.

An additional challenge for female politicians is that if they are elected, they are expected to assume responsibility for addressing all issues which primarily affect women in the community. For example, if only one woman is on a commune counsel, she will normally be assigned the role of women's and children's committee representative. In order for government to be more effective, women should be encouraged to take on broader responsibilities outside of household duties, men should be encouraged to take on broader responsibilities for domestic labor, and men should engage in issues that are often labeled as women's concerns.

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#### Suggested Solutions to Challenges:

Pass a law or amend existing laws to require quotas of women in political party leadership and on candidate lists. Require men and women's names to be alternated on lists to ensure the actual election of sufficient female officials to meet the SDG goal of gender parity by 2030.

<sup>43</sup> GADC report "Financial challenges and opportunities for women candidates in their electoral campaigns: A case research from Cambodia" September 2017

<sup>44</sup> Ibid.

<sup>45</sup> Interviews with organizations working on capacity-building of women candidates from all political parties.

<sup>46</sup> Ibid.

## Article 8

### Ensuring representation of women at the international level

While Cambodia does have some strong female leaders who represent the nation at the international level, the field is still dominated by men. There needs to be a stronger effort to

promote women to ambassador and other high-level positions when dealing with national and regional partners.

## Article 9

### Nationality

While the nationality law officially gives men and women the same ability to pass on nationality to children<sup>47</sup>, the law does not address the problem of statelessness. Because birth within Cambodia does not grant a person citizenship unless the parents can document their legal status<sup>48</sup>, many women and girls who are ethnically Vietnamese, but whose families lost documentation during the war or who have lived undocumented in Cambodia for generations have no right to citizenship nor to any public benefits. Many of the poorest residents, including those in floating fishing villages on the Tonle Sap Lake, are in the position of having neither Vietnamese nor

Cambodian citizenship, further entrenching them in a cycle of poverty.

Moreover, pursuant to a sub-decree from August 2017, RGC has been actively revoking citizenship papers from more than 10,000 ethnic Vietnamese people.<sup>49</sup> The Ministry of Interior has targeted 70,000 people whose citizenship should be removed, and over 90 percent of these are ethnic Vietnamese. The Immigration Department acknowledged that many of these people have no other citizenship but will treat them as immigrants in the future.<sup>50</sup>

<sup>47</sup> Nationality Law Article 4 (1).

<sup>48</sup> Nationality Law Article 4 (2). Naturalization requirements require either payment of a large amount of cash (Article 10-12) or a combination of literacy in Khmer and extensive documentation (Article 8).

<sup>49</sup> Phak Seangly, "More than 1,700 ethnic Vietnamese families' documents taken" Phnom Penh Post, 6 November 2017 <http://phnompenhpost.com/national/more-1700-ethnic-vietnamese-families-documents-taken>

<sup>50</sup> Kong Meta, "Interior Ministry identifies 70,000 'improper' citizens, mostly ethnic Vietnamese," Phnom Penh Post, 5 October 2017. <http://www.phnompenhpost.com/national/interior-ministry-identifies-70000-improper-citizens-mostly-ethnic-vietnamese>

## Article 10

### Education, formal and vocational. Access to health information and sex education.

The RGC has made many efforts to conduct awareness-raising on education for girls and on reducing the drop-out rate for female students.

1. The larger community and family are the main barriers to girls' access to equal education since girls are expected to financially support their families and thus go to work in factories. The government has conducted some public awareness campaigns to encourage families to send girls to school; however, the government does not make attendance mandatory. There are no penalties for families who refuse to send their girls to school.

2. Girls who drop out of school often suffer economically both because they are perceived as unskilled workers and because they often become migrant workers. Between 80 and 90 percent of garment factory workers and 30 percent of construction workers<sup>51</sup> are female, mostly internal migrants from rural Cambodia. As migrants, they continue to face discrimination in the form of being underpaid relative to men due to the preconception that they are less skilled.

3. Girls' safety is not protected when they travel to school. Girls are at risk of being robbed, assaulted, having their pockets picked, or facing violence when they encounter drug users.

#### Suggested Solutions to Challenges:

The State needs to fully subsidize education and mandate children's attendance in school. This will enable poorer families to send all of their children to school. It will lessen the pressure for girls to drop out of school to support their families at low-paying jobs at the expense of their futures.

## Article 11

### Labor rights, including equal opportunities for men and women in all sectors

NGO-CEDAW greatly appreciates the recent outreach efforts by the RGC to inform workers of its intention to implement female-friendly policies in the existing labor law, including child care, benefits to pregnant workers, and ending discriminatory policies on contracts and termination of employment. Yet, much work remains, particularly in the following areas:

#### **1. Restriction of freedom of association**

Restriction of freedom of association and barriers in the trade union law to forming new unions pose a challenge to women who wish to lobby and/or demonstrate for better working conditions. NGO-CEDAW recommends amending the

trade union law to remove restrictions on registering unions, so that the law complies with International Labour Organization Convention 87 and 98, which Cambodia ratified in 1999. Sectors with traditionally female workforces are excluded from forming formal trade unions under the law. These include informal workers, civil servants, teachers, and domestic workers.

#### **2. Minimum wage**

Minimum wage is not set for all sectors only for the garment sectors; while this affects a large number of women, it is insufficient, since women receive lower wages in construction and

<sup>51</sup> Organizations researching the construction industry in Cambodia estimate that between 20-40% of construction workers are female.

other labor sectors.

Moreover, because women often migrate alone to cities to support their families, they need higher wages to cover their extra living expenses from not sharing living space with their families, and to cover the allowance sent to their families in the provinces.

In the construction industry in particular, women often work without any contract at all. They are generally assigned lower paid and less skilled assignments than men who also have little training or experience. To address these issues, NGO-CEDAW recommends adopting a universal minimum wage for all workers in all industries. In addition, Cambodia should ratify ILO 189 on working conditions for domestic workers and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which Cambodia signed in 2004.

### **3. Employers illegation use short-term contract**

Employers illegation use short-term contract<sup>52</sup> to discriminate against women by refusing to renew contracts with pregnant workers.<sup>53</sup> The labor law has many requirements which would be favorable to women but are not enforced. For example, the law requires employers to pay for maternity leave<sup>54</sup>, makes it illegal to fire a woman for being pregnant, and bans the use of short-term contracts with less protection for employees if they have worked for a company for two years or more. In practice, many factories routinely use short-term contracts for all staff regardless of length of employment, and fire pregnant women at some point prior to the birth of their child to prevent providing them with shorter hours, accommodation for pregnancies and maternity leave benefits.<sup>55</sup> Because the garment

sector and some other sectors use arbitration rather than court to resolve complaints, and because the employer can control who is allowed to testify, employers are often able to claim that the pregnant women were really fired after several years of employment because their work quality suddenly worsened. Ratifying ILO Convention 183 on maternity protection, issuing regulations to heighten penalties for failing to provide maternity benefits, and adding an ombudsman mechanism making it easier for workers to challenge working conditions outside of arbitration controlled by the employer would all demonstrate the State's commitment to addressing these issues.

### **4. Access to child care**

Women with children are supposed to have access to child care<sup>56</sup> but do not in reality.<sup>57</sup>

### **5. Unsafe working conditions**

Working condition and safety of women at workplaces are not guaranteed. This is particularly relevant for construction workers, garment factory workers, and disabled women. While the labor law does provide some standards for safety, the government does not have the capacity to inspect worksites and enforce this law. Moreover, while International Labour Organisation (ILO) inspectors sometimes visit factories, employers often know ahead of time when inspectors will arrive and prepare the factory for the visit. For example, employers at a garment factory may ask some staff to stay home that day so that the factory does not appear overcrowded. Toilet facilities are grossly inadequate and unclean (100 women per toilet in some factories and dorms). Women in the garment sector often live in substandard housing, with landlords who increase the rent whenever the minimum wage goes up, charge excess fees for water and electricity, and do

<sup>52</sup> Labor Law Article 67 bans short-term contracts for employees of more than two years.

<sup>53</sup> RGC indicates that this will become a reality for garment workers ahead of the next election, but it is unclear how or whether such measures will be only for 2018 or will extend permanently. Tax breaks for employers are planned to pay for a 6% wage increase (from \$160 to \$170 per month), but this is not a long term solution.

<sup>54</sup> Labor Law Articles 182-183 entitle women to 90 days' maternity leave at half pay, prohibits lay-offs during this period, and requires only light labor for two months after their return.

<sup>55</sup> Yon Sineat and Erin Handley, "How short-term contracts are putting Cambodia's pregnant factory workers in a precarious position" Phnom Penh Post, 8 February 2018. <http://www.phnompenhpost.com/national-post-depth/how-short-term-contracts-are-putting-cambodias-pregnant-factory-workers>

<sup>56</sup> Labor Law Articles 184-185 require time and space for breastfeeding during work hours. Article 186 requires care centers for large employers.

<sup>57</sup> Hannah Hawkins, "French Project to Set Up Day Care Services for Factory Workers," Cambodia Daily, 20 July 2017, <https://www.cambodiadaily.com/news/french-project-to-set-up-day-care-services-for-factory-workers-132702/>

not provide safe lighting and sanitation. For women working in the construction industry a major concern is sexual violence and the lack of privacy as they often have to sleep outside on construction sites.<sup>58</sup> They also have to share toilet facilities with men (if any are provided).

### **6. Discrimination against disabled women**

There has been no standard set at workplace and public places for disabled persons. The vast majority of public and private buildings and workspaces are not wheelchair accessible. Government-sponsored quotas for hiring persons with disabilities are not well enforced.<sup>59</sup>

### **7. Sexual harassment**

Sexual harassment at the workplace is identified as a major and consistent problem by workers. There are few laws in Cambodia that directly address this issue, and it is not defined in Cambodian law, so it is difficult to penalize employers who permit harassment.<sup>60</sup> Moreover, there is a general lack of awareness

among workers of the problem and definition of sexual harassment. Even some persons who have attended training on sexual harassment do not fully understand the difference between sexual assault and harassment. The lack of knowledge about the issue prevents improvements from happening. While RGC can be credited with issuing a prakas on entertainment workers specifically banning “violence and indecent” acts, it does not define these or use the term “sexual harassment.” Moreover, there is no clear mechanism for workers to report abuse or make complaints.

### **8. Child labor**

Use of child labor increasing in Cambodia, partially as a result in a rise in debt bondage. Families first acquire loan from banks in rural areas, then the debts are purchased by owners of brick factories.<sup>61</sup> Workers are often caught in a cycle of working constantly without ever paying off the debt. Attempts to leave the site may result in threats of arrest and imprisonment.

## **Suggested Solutions to Challenges:**

Adopt a universal minimum wage, and enforce the labor law better. Adopt ILO and UN conventions to protect migrant and domestic workers.

## **Article 12**

## **Access to Health Care**

The government has enabled many improvements to the quality and availability of health care in recent years, particularly with the treatment of HIV/AIDS. The majority of persons living with HIV/AIDS know their status and receive medical treatment. However, improvements are still needed in other areas.

### **1. Access to Health Care in General**

Women, especially those that are pregnant, cannot access adequate health care. Lack of

health service in rural areas is a particular concern because hospitals, health centers and clinics are far from women’s homes. Health care facilities do not have the resources to stay open when most needed. Staff work fewer hours, and the health centers may close on weekends and evenings, so that they cannot provide sufficient services to patients, especially women. Moreover, there is no oversight to ensure quality of care that is provided. No protection exists against medical malpractice.

<sup>58</sup> CARE Cambodia, “Labour Rights for Female Construction Workers Project Baseline Assessment” report 2016

<sup>59</sup> David Hutt, “Failure to enforce jobs quota law shortchanges Cambodia’s disabled” Southeast Asia Globe, 26 April 2016. <http://sea-globe.com/lack-enforcement-cambodia-disabled-law/>

<sup>60</sup> Research by organizations working with unions and workers

<sup>61</sup> LICADHO report: “Built on Slavery, Debt Bondage and Child Labour in Cambodia’s Brick Factories,” December 2016

## 2. Reproductive health

Most women do not have access to adequate information about their reproductive health rights. While the State has a new curriculum and training materials on reproductive health, including contraceptives and sexually transmitted diseases (STDs), this subject is not often taught in schools or community centers. Most families shy away from discussing these topics. This puts girls at risk of teenage pregnancy.<sup>62</sup> Girls cannot by law make their own decision about abortion until they become 18, and many women feel that they have no choice but to let other family members make their decision for them. There are illegal providers of abortion, but these are dangerous for girls and women who use them.

## 3. GBV and health

Women who have endured gender-based violence may seek medical care at hospitals or clinics, but the staff do not provide appropriate care or get referrals for specialized services. Some hospital staff criticize their patients for putting up with or even for causing the violence committed against them. Few women are ever asked about their emotional or mental needs when they seek help for GBV. Mental health is often never discussed and women do not get adequate treatment.

## 4. HIV

Cambodia has improved treatment of persons with HIV/AIDS as drugs are generally available. However, many people still do not receive adequate information about prevention of HIV/AIDS.

## 5. Challenges faced by disadvantaged women.

Women street vendors, domestic workers, LGBTQI, disabled and rural women face particular challenges in accessing to health care such as:

- a. Not being able to afford to pay for their health treatment. Many women are turned away by ambulance services or hospitals if they cannot prove that they have insurance or money to pay bills. Others who receive medical care, may go into debt because the cost of care is higher than they can afford.
- b. Discrimination against women occurs at the public hospitals, often by doctors, nurses and other hospital staff who do not display professionalism in providing services. For example, several NGOs report that medical staff often insult women seeking care for injuries caused by gender-based violence. Health care providers may refuse to assist women suspected of being sex workers or women claiming to have been raped.

### Suggested Solutions to Challenges:

Health care must be free to all who cannot pay and must be of high quality. RGC must increase funding for hospitals and clinics.

<sup>62</sup> Monitoring tool results from organizations working in the health care industry.

## Benefits

The RGC has a system of providing “poor cards” to low income persons which has good potential for providing women with equal government benefits. While, the poor card provides holders with access to medical care and social services, the distribution of poor cards is often inefficient. Families who should qualify may not know their rights, may not be able to apply, or may be denied the card when they do apply. There is effectively no social security system other than pensions for some government staff. The Social Security Fund does not cover all sectors and is not widely enforced. Persons with disabilities are theoretically entitled to allowances, but in reality are often forced to beg in the streets to gain any type of income allowing them to support themselves.

## Banking/loans

While there are banks that offer loans, the majority of Cambodians borrow funds from largely unregulated microfinance companies, which charge extremely high interest rates. The RGC is to be commended for introducing new limits on these interest rates in 2017. However, the new cap of 18% interest is still excessive compared to the rate of economic growth. Many families are unable to pay back the loans.

Moreover, access to even these loans is limited because microfinance requirements are very high, and many women cannot qualify for these loans. Applicants need to have a stable income or a good job. This poses a challenge for women since they tend to work in the informal

sector, such as farming, fishing, or working as vendors on the street or at other public places. Sometimes loan applicants need to hold a property title, and often women don’t have their names in the titles. If you have joint names in the property title, you need both names.<sup>63</sup> While a few private organizations sponsor women entrepreneurs with mentorship programs, loans and grants, these are not widely available.

Women have more decision-making power within the household than they did previously. This trend is particularly apparent in the cities, where women are better educated. In rural households, women continue to lack decision-making power because of their dependence of male members of the family.<sup>64</sup>

## Sports

Cambodia has made gains in that a female taekwondo athlete, Sorn Seavmey, was the Cambodian flag bearer at the 2016 Olympic games. Moreover, the state has established a committee to promote women’s participation in sports. Yet, discrimination by society persists for women who are active in sports outside the home, such as women who play soccer. Many men do not see Sorn Seavmey as a “real woman.” Only a few women are members of the RGC’s group to promote women’s participation in sports.<sup>65</sup>

<sup>63</sup> Interviews with NGOs and INGOs working with rural women in Cambodia

<sup>64</sup> Monitoring tool results from organizations working with rural women

<sup>65</sup> Interviews with organizations working on issues of gender stereotypes

The RGC has enacted many programs in the past year, particularly in cooperation with NGOs to improve living conditions for women in rural areas. However, some challenges remain.

Sanitation, while improving in the cities, remains poor in rural areas. Many households have no toilet facilities, and traveling to the fields, particularly at night, to take care of sanitary needs poses a risk to women and girls of violence. Gender-based violence is a particular problem for women and girls in rural areas, particularly due to fewer resources for aid and more traditional gender stereotypes. Agriculture is one of the main sources of income for rural women. However, there is a shortage of vocational programming to teach better agricultural skills and techniques to rural women. Women lack knowledge and skills of how to make marketable cultural products and other how to standardize production of such items. It would be especially beneficial for rural women to have training opportunities to encourage these local industries, improve women's economic independence, and reduce to pressure to migrate. Lack of information and means to establish network between buyers and suppliers it is an additional problem. Buyers have difficulty locating venders when they wish to buy domestic products from Cambodian farmers. Farmers in turn often do not know where they can sell their products. An ongoing issue is that many local farmers have to hire outside help to assist in planting and harvesting crops, and if the crop fails to sell, the farmers go into debt. Too many farmers rely on oral agreements by wholesalers to purchase specific crops only to be told later (after the harvest) that the crop is no longer desirable and the wholesaler refuses to buy it. Land and environmental issues have a particularly powerful impact on rural women and indigenous women. Over the past few years, deforestation and other exports of natural

resources have weakened the environment and endangered the health and safety of people living in rural areas.

There is a proposed law on agriculture and environment but civil society members have noted that it needs to be redrafted to include provisions for villagers to reclaim land allocated to companies on now-cancelled economic land concessions.

Women are often at the front line during assemblies to speak out in favor of land rights, but are at risk of violence by the State, including by private security hired by the State. These security forces may not be trained properly on how to maintain the peace without causing harm to citizens exercising their right to demonstrate. For example, on August 22, 2017, a group of 100 mostly female villagers who travelled from Koh Kong province to Phnom Penh were protesting the State's inaction on a land case. The State security surrounded them and shoved them. When one of the women fainted, the women around her tried to clear space so that she could recover, but security continued to shove the women, putting the injured woman at further risk. The State needs to fully implemented UN Security Council Resolution 1325 by training all security guards, police, military, and other persons acting on behalf of, or in tandem with the government, on non-violent conflict resolution, particularly when dealing with assemblies by civil society members. Training would prevent peaceful protests from becoming violent through the actions of security and would prevent deaths like that of the sex worker referenced in Article 6.

Most laws in Cambodia appear to meet the requirements of CEDAW in that they do not directly discriminate against women. On paper, men and women have equality before the law, but in reality, it is much harder for women to enforce their rights.

In terms of property rights many families do not have a formal land title, making it difficult to assert land rights. Even though many women have filed applications with land registries, they may only receive a certificate indicating that they have an interest in the land. It is a longer, more difficult process to obtain a hard title to land. If there is competition for the title of a certain plot of land, it may grow into a set of

inter-related court cases. Due to corruption in the legal system, one woman has been convicted of trespassing by living in her own home in one criminal case even though the civil court case concerning who actually owns the land has not yet been decided.

One problem in families where there is a combination of domestic violence, gambling, alcohol abuse, or drug abuse is that, a husband with an addiction problem is often able to go to a bank and unilaterally receive a mortgage on a home without the permission of his wife whose name is on the deed. Additionally, some women are unable to open a separate bank account without her husband's permission.

### Suggested Solutions to Challenges:

Cambodia must ensure the independence of the judicial system, as required by Cambodia's constitution and treaties, so that women have full access to justice. Fee waivers and mobile courts and measures to cut down corruption are needed. There needs to be full transparency about case status and results. The income of government officials must be made public, and wages must be high enough so that officials do not rely on second jobs or bribery to support their families.

Cambodia has eliminated many legal provisions that discriminate against women. For example, most of the law on Marriage and Family was superseded by the Civil Code, which contains provisions on who can marry, minimum age for marriage, and rules about divorce and annulment.<sup>66</sup> As mentioned previously under Article 1, Cambodia still has some laws which directly discriminate against women by restricting when and whom they can marry.<sup>67</sup> However, the reality socially is that men often are given more authority than women.

### Child marriage

Most marriages are still informal, with traditional Buddhist ceremonies not being recorded, particularly in rural areas. There are ongoing issues of child marriage. Members of certain indigenous groups and LGBTQI persons are often pressured by family to marry before 18, the legal age of consent. The Civil Code permits marriage to a child aged 16 or 17 if the other spouse is 18 and the child's parent/guardian approves the marriage. Because the marriages are not always recorded with a license, it is difficult to regulate without the assistance of the community.

### Polygamy

One problem facing many women is bigamy. While there is a law banning polygamy, many men who wish to divorce their wives simply walk away, leaving their wife and children to begin a new family elsewhere. The civil code does not allow a court to grant a divorce without a license, but does permit courts to make decisions on property division, child custody, and spousal and child support. There has not been sufficient awareness-raising on the availability of these options, and women without a formal marriage license face extra challenges in making property and support claims.

### LGBTQI Rights

While the law no longer explicitly bans gay marriage<sup>68</sup>, the civil code refers to the husband and wife<sup>69</sup>, and same-sex marriage is not recognized. LGBTQI Cambodians are particularly interested in having equal marital rights and adoption rights as opposite-sex cisgender couples.<sup>70</sup>

<sup>66</sup> The Law on the Implementation of the Civil Code, 2011, Article 78 states that the Law on Marriage and Family is ineffective except for Articles 76-77 regarding alimony and 79-81 related to national law governing marriages between Cambodians and foreigners.

<sup>67</sup> These are: 1) Civil Code Article 950 requiring a 120-day waiting period for newly divorced women to discover a pregnancy before they may remarry; and 2) Regulations barring Cambodian women from marrying foreign men earning less than \$2500 per year or who have reached age 50.

<sup>68</sup> The former Law on Marriage and Family (1989), Article 3 defined marriage as a contract between a man and a woman.

<sup>69</sup> While much of the chapter about marriage of the Civil Code refers to "spouses" Articles 952, 965, 966, and 967 refer to the "husband" and "wife."

<sup>70</sup> Rainbow Community Kampuchea and TNS report on "Opinions, Attitudes and Behavior toward the LGBT Population in Cambodia," December 2015

## Members of NGO-CEDAW:

	<b>Acronym</b>	<b>Full Name</b>
1	ARR	Arun Reah Organization
2	CamAsean	CamASEAN Youth's Future
3	C.CAWDU	Coalition of Cambodian Apparel Workers Democratic Union
4	CATU	Cambodian Alliance of Trade Unions
5	CCFC	Coalition of Cambodian Farmer Community
6	CCIM/VOD	Cambodian Center for Independent Media
7	CCPCR	The Cambodian Center for the Protection of Children's Rights
8	CDPO	Cambodian Disabled People's Organisation
9	CDWA	Cambodian Domestic Worker Association
10	CDWN	Cambodian Domestic Worker Network
11	CFSWF	Cambodian Food and Service Workers' Federation
12	CHEC	Cambodian HIV/AIDS Education and Care
13	CLC	Cambodian Labour Confederation
14	CWCC	Cambodian Women's Crisis Center
15	CWDA	The Cambodia Women's Development Agency
16	CWLHRD	Cambodian Woman League for Human Rights and Development
17	CYN	Cambodia Youth Network
18	FAA	Fine Arts Association
19	GADC	Gender and Development for Cambodia
20	IDA	Indradevi Association
21	IDEA	Independent Democracy of Informal Economy Association
22	IHPP	Increase Health for Poor People
23	KFDA	Khmer Farmer Development Association
24	KWCD	Khmer Women's Cooperation for Development
25	LICADHO	Cambodian League for the Promotion and Defense of Human Rights
26	LSG	Lady Saving Group
27	LSCW	Legal Support for Children and Women
28	NAPA	National Prosperity Association
29	NICFEC	Neutral and Impartial Committee for Free and Fair Elections in Cambodia
30	PCC	Positive Change for Cambodia
31	RHAC	Reproductive Health Association of Cambodia
32	SC	Sunshine Cambodia
33	SKO	Srey Khmer Organization
34	VAWCC	Violence Against Women and Children of Cambodia
35	WfP	Women for Prosperity
36	WHAD	Women Health Agency Development
37	WMC	Women's Media Centre of Cambodia