

**Joint Submission by Cambodian Civil Society Organizations for the
Pre-sessional Working Group for the 74th session (11-15 March 2019)
of the Committee on the Elimination of Discrimination Against Women
(CEDAW)**

for the formulation of the List of Issues and Questions for the review of
the Royal Government of Cambodia (RGC)'s Compliance with the Convention
on the Elimination of All Forms of Discrimination Against Women

Submitted by The Cambodian NGO Committee on CEDAW (NGO-CEDAW)¹
in response to the combined 6th and 7th periodic report² of the RGC



NGO-CEDAW

¹ The Cambodian NGO Committee on CEDAW was founded in 1995 for the purpose of monitoring and promoting the implementation of CEDAW in Cambodia. It is based solely in Cambodia and is a registered NGO and a coalition of 40 other Cambodia-based NGOs committed to gender equality. This report was made in consultation with NGO-CEDAW's members, and also with civil society organizations and groups focused on target groups including girls and women who are LBT+, indigenous, living with disabilities, migrants, and working in stigmatized sectors such as sex work and beer promotion.

² Note on the reporting schedule for Cambodia:

NGO-CEDAW submits this information in response to the Royal Government of Cambodia's combined 6th and 7th periodic reports submitted in 2018. It is important to note that although RGC titled its report the "6th" report, the last report by the Cambodian government was the combined 4th and 5th report submitted in 2010. Because that report was reviewed close to the end of the sixth reporting period in 2013, the UN CEDAW Committee invited RGC to submit a combined report in 2017 (2013 Concluding Observations Paragraph 51). The reporting periods should not be skipped; therefore, NGO-CEDAW observes that this review is of a combined 6th and 7th State report which was submitted after the initial deadline and is therefore being reviewed during the 8th reporting period. The 8th report would normally be due in October 2021.

Civil society members in Cambodia have identified several priority issues which should be addressed by the Committee. The first, budget for gender-related activities, has the highest importance because it affects every sector and article of CEDAW.

Gender Budgeting

The state's over-reliance on non-state actors (CSOs) to conduct activities to end discrimination leads to:

- a) Lack of accountability for implementation of standards**
- b) Lack of public data; and**
- c) Not enough public budget for services and capacity-building**

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, these plans are not fully implemented. A major reason for this is that the RGC does not dedicate enough of its growing budget toward 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 on the responsibility for managing these plans upon The Ministry of Women's Affairs (MoWA), whose budget is relatively small considering its far-reaching responsibilities. The Ministry's funding should be reviewed and increased on an annual basis. Most government ministries do not collect data on gender, nor do they track progress on gender issues or maintain a budget sufficient to ensure gender improvements. The national budget does not fund gender mainstreaming effectively. There are technical working groups on gender in each ministry, but they are underfunded. There should be a budget line for gender responsive activities for every ministry/agency in the RGC national budget and at least 5 percent of the total national budget should be allocated to these budget lines.

RGC has recently reinforced its commitment to decentralization by issuing a sub-decree requiring a percentage of the national budget to be transferred to local communes' budget over a five-year period. This presents an opportunity to increase dedicated gender-responsive budgeting at the local level. In 2020, the amount transferred will equal 3.1 percent of the 2019 national budget.³ Currently, Cambodia has a system of Commune Committees for Women and Children (CCWCs) to address issues affecting women and children at the local level. The CCWCs have taken on responsibilities for social services, and their role has increased as NGO funding and services has decreased. Yet, commune budgets favor infrastructure over social services.⁴ Each CCWC needs 20 percent of its commune's development budget to more effectively meet the needs of its community.⁵

Finally, most of the actual programs related to action plans and to achieving the Sustainable Development Goals are actually funded and carried out by NGOs and a few western governments.⁶

³ Mech Dara, "Government transfers massive \$129M for local budgets" 10 July 2018, Phnom Penh Post <https://phnompenhpost.com/national/government-transfers-massive-129m-local-budgets>

⁴ M. Jordanwood, "Protecting Cambodia's Children? The Role of Commune Committees for Women and Children and Informal Community-based Child Protection Mechanisms in Cambodia." World Vision Cambodia, March 2016.

⁵ Taylor O'Connell, "Government Failing Women and Children at Local Level, Report Says" The Cambodia Daily, 2 June 2016.

⁶ 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.

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 several years ago.

❖ **Suggested questions related to gender budgeting:**

How will RGC ensure that the entire national budget process is transparent, so that money spent on gender programs is clearly visible to all Cambodians?

How will RGC ensure that local officials are trained on budgeting so that CWCC are able to request and receive sufficient funding?

Women leaders

Women are employed outside the home at increasing rates, they are not well-represented at the decision-making level, particularly in politics and government.

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.⁷ However, this argument has been rejected by the CEDAW Committee in General Recommendation 25.⁸

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

⁷ Cambodia does not have clear written qualifications for many government positions, and many inexperienced men have traditionally been selected for such roles.

⁸ 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."

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.

NGO-CEDAW suggests that RGC adopt effective legal and practical measures to guarantee that 35 percent of government decision-making positions will be filled by women by 2023, at the national and subnational levels including civil service, elected office, and all parts of the justice system, including police, in line with SDG 5.5. The election laws can be amended to require alternating the names of male and female candidates on the candidate lists (zipper method) to ensure that sufficient numbers of women are promoted to higher level positions.

Finally, it should be noted that merely the title of a position does not guarantee actual decision-making power. All steps need to be made to ensure that women leaders are truly independent and can act on their own authority, rather than merely enacting the decisions of a male leader in a higher position.

❖ **Suggested questions related to women in leadership:**

What mechanisms will be applied to ensure that targets for percentages of women in leadership roles are met?

Will Cambodia enact quotas to increase the representation of women in decision-making positions?

Access to Education:

Cambodia has made noticeable process toward addressing poverty, corruption, lack of schools in rural areas, traditional gender stereotypes, cultural norms, and other factors that cause the gap between boys' and girls' education.⁹ However, one key obstacle is that Cambodia does not require children to attend school. There is no incentive to prevent parents from keeping their girls from going to school.

Some women are forced into marriage at an early age or are encouraged to leave school early to support their families financially. When women leave school early, their lifetime potential for earnings is dramatically reduced. Moreover, because of the pay gap and poor living and working conditions in lower paid positions available to less educated people, women's entire quality of life suffers from a lack of education.

Moreover, the attendance rates are unusually low for indigenous girls, most of whom live in rural communities and risk violence if they travel to a faraway school. In Ratanakiri Province, for example, 75% of the population is indigenous, and the primary school dropout rate is the highest in Cambodia, at 19.7%.¹⁰

Girls with disabilities are often kept at home and are not allowed to go to school, or else the school and its teachers are unable to provide access to disabled students. The lack of education and contact with other members of society makes women with disabilities economically vulnerable. They have limited ability to voice their opinions in society or to obtain employment outside the home.

⁹ Statistics on reasons for not going to school are listed in the National Institute of Statistics Cambodia Socio-Economic Survey 2016.

¹⁰ NEP Cambodia, good practice study on Advocacy Work of the P-ESWG in Ratanakiri, 2018.

They are up to 4.2 times as likely as non-disabled persons to be subject to controlling behavior by partners at home.¹¹

Finally, many ethnically Vietnamese girls are not permitted to attend school because they are viewed as foreigners, even if they were born in Cambodia and do not have Vietnamese citizenship. Recently, pursuant to a sub-decree from August 2017, RGC actively revoked the citizenship papers from more than 10,000 ethnic Vietnamese people.¹² The Ministry of Interior 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 would treat them as immigrants in the future.¹³ Girls in those families have therefore become stateless and have lost the right to attend school.

❖ **Suggested questions on education:**

Will RGC establish free, full-time, high quality education for all children?

Will RGC make education mandatory for all children?

How does RGC plan to ensure that all girls with disabilities are enrolled in schools and that mobility-impaired students are able to access mainstream schools?

What plan does RGC have to ensure that all rural girls and indigenous girls are able to safely travel to and attend school?

Access to Justice

1) Laws are inadequate on GBV

- a) Gaps in coverage in DV law leave victims without protection**
- b) There is little to no use of commune council administrative decisions or court protection orders**
- c) Cases are still systematically sent to mediation despite COB 2013 Paragraph 21(b) GBV cases are often handled informally, bypassing court. The result is that violence continues and perpetrators go free. This violates GR-33 Paragraph 61 (plural justice systems must protect all rights) and 62 (women must have a choice of venue) This affects justiciability under GR-33 Paragraph 14.**

A key obstacle to ending violence against women is the weakness of the laws related to GBV. The DV Law, for instance, is gender-neutral and does not actually declare domestic violence illegal.¹⁴ 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

¹¹ "Triple Jeopardy: Gender-based violence and human rights violations experienced by women with disabilities in Cambodia," Jill Astbury and Fareen Walji, AusAID Research Working Paper 1, January 2013

¹² 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>

¹³ 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>

¹⁴ The DV Law gives examples of the types of persons whom DV can happen between and what kind of harm can result, then states that it should be prevented, and if it is severe and also illegal in the criminal code then it should be brought to court.

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. There are still very few legal mechanisms available to women facing violence.

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 (DV Law) 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 rarely used,¹⁵ even in conjunction with mediation. From 2014 to 2016, an average of 6 protection orders were issued per year. There are no protections in the DV 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.¹⁶ These amendments should also include provisions to protect women and others at risk of violence.

❖ **Suggested questions related to laws on gender-based violence:**

How does RGC plan to ensure that all forms of domestic violence and sexual harassment are fully defined and declared illegal in the law?

Will RGC require local authorities to record every report of violence and issue administrative decisions whenever a woman or girl is in danger of future abuse?

What is RGC's plan for ensuring that all duty-bearers are trained and willing to fully implement the laws?

2) The court system is inadequate due to:

- a) Too few courts; there is only 1 appeal court, and little access for rural women.**
- b) The legal process is expensive and there is not enough legal aid.**
- c) Too few women in judiciary**
- d) Corruption**

The court system is distrusted by many people, and is often inaccessible to most women, particularly rural women.

¹⁵ The RGC periodic report to the CEDAW Committee from April 2018 notes that from 2014-16 a 3-year total of only 19 court ordered protection orders were issued in all of Cambodia. Moreover, only half of Cambodia's provinces had forms and systems in place.

¹⁶ 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.

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.¹⁷ Moreover, most lawyers are in urban areas, but most poor Cambodians live in rural areas. Legal aid is only available for defendants of certain types of criminal cases.

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 CEDAW 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, (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.¹⁸ In fact, in 2016, Cambodia ranked 112 out of 113 on the World Justice Project's Rule of Law Index.¹⁹

❖ **Suggested questions related to courts:**

How does RGC plan to ensure that all duty-bearers at the commune level are aware of the administrative decision option and issue them regularly?

How does RGC intend to ensure that all reports of violence are recorded by local government actors, regardless of the action (or inaction) taken?

What plans does RGC have to address the lack of accessibility of courts, such as mobile courts or testifying via phone?

State-Sponsored Gender-Based Violence

Little action has been taken to prevent discrimination by government staff and other duty-bearers. Although the NAPVAW II indicated that laws would be reviewed for compliance with UNSCR 1325, no technical working group was set up to review any laws and policies for such international standards. There is no evidence that duty-bearers, particularly police and security guards, have been trained in methods to avoid inflicting violence or pressure on women. Most GBV awareness-raising is primarily targeted at the public, so duty-bearers may not be aware of their own obligations to reduce violence.

¹⁷ 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.

¹⁸ International Commission of Jurists, "Achieving Justice for Gross Human Rights Violations in Cambodia Baseline Study," October 2017

¹⁹ <http://data.worldjusticeproject.org/>. The study did not rank several countries, including those in Africa and the Mideast which were experiencing civil war.

State-sponsored violence is common in Cambodia, particularly against disadvantaged groups. In particular, there is frequent harassment of LBT+ individuals and sex workers by police. They may be detained even if they are not violating any law. Transgender individuals and sex workers seeking assistance after they become a victim of a crime are often turned away by police or subjected to verbal or even physical abuse.

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, such as beer promotion, 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.²⁰ Moreover, due to lack of access to safe reproductive health care, sex workers suffer an unusually high maternal mortality rate, often related to abortion.²¹

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 question related to state-sponsored violence:**

What actions will RGC take to make sure that all police, military and security forces are trained on strategies to avoid violence when interacting with civilians, especially women?

No equality under law for LBT+

LGBT+ have indicated in recent surveys that their primary goals are equal rights under the law, particularly with regard to same-sex marriage, adoption, obtaining accurate ID, and improved job opportunities.²² These issues are of primary importance because the LBT+ community has not been mentioned in the RGC periodic report nor in the previous Concluding Observations. However, the LBT+ community in Cambodia encounter enormous challenges as a direct result of the negative gender stereotypes which CEDAW Article 5 obligates the State to eliminate. Cambodian marriage laws relate to the husband and wife, and it is impossible for LBT+ individuals to marry another of the same sex or avoid harassment for not adhering to gender norms. Employment discrimination is common because many employers will not hire an LBT+ person.

❖ **Suggested questions related to LBT+:**

What steps is RGC taking to ensure that LGBT+ persons can obtain ID with a sex other than that identified at birth?

²⁰ Sek Odom, "Sex Worker Missing in River After Fleeing Security Guards," The Cambodia Daily, 3 January 2017

²¹ 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

²² "Opinions, Attitudes and Behavior toward the LGBT Population in Cambodia" TNS & RoCK December 2015.

When will RGC amend the civil code to explicitly permit same-sex marriage and adoption by LGBT+ couples?

What resources will Cambodia provide to give legal recourse to LGBT+ victims of discrimination?

Lack of services for survivors of gender-based violence.

All forms of gender-based violence remain common. For example, many members of society treating domestic violence as a family problem to be resolved informally or condoned, rather than as a crime. Similarly, there are few resources for women facing sexual harassment in the workplace. The current practice of government services is almost entirely focused on court cases based on GBV perceived to be a crime: rape by non-partners, trafficking, and physical violence severe enough to cause hospitalization or death. Even in these cases, services are limited. For example, rape kits are only available at the provincial level, and the process requires traveling long distances over a 48-hour period.

Medical personnel are often reported to ridicule women seeking help for injuries caused by gender-based violence. In the past rape test kits have not been universally available free of charge. RGC is planning to ensure that it will be easier to obtain these tests, but it is not clear whether they will be free of charge to all victims.

There is a shortage of psychiatrists and psychologists in the country, which are particularly important to survivors of violence who often require treatment for anxiety or post-traumatic distress.

There are no government-run shelters in the country and the number of NGO-run shelters is continuing to shrink due to funding shortages.

One program which could alleviate the shortage of services for victims of trafficking and gender-based violence is providing referral services. To their credit, MoWA and Ministry of Health (MoH) are currently planning to begin such a pilot program of one-stop service centers. However, there is still no clarity as to the structure of such services or what the focus should be. The services provided should be specifically tailored to Cambodia's current resources, and not be overly-broad in scope at first. The program could be focused on intake (initial interview and needs assessment) by a person trained to recognize all forms of GBV, whether criminal or not. Any victim of violence should be able to access the services and the focus should not be only on cases that will lead to a criminal conviction since that is a very small part of the problem. The services could be provided via the GBV hotline number nationwide and also in person in some locations. By focusing on referrals, RGC could implement use of the national counseling and referral guidelines. This work could be outsourced to NGOs, but should be funded by the national budget in order to maintain continuity and sustainability of the program.

❖ Suggested questions related to services for gender-based violence:

What will RGC do to ensure that the national budget is used to compensate for decreased international aid for GBV services?

How and in what timeframe will RGC train CCWC and all relevant authorities on the minimum standards for GBV counseling and referrals?

Will RGC fund the GBV hotline so that women and girls in rural communities can obtain help and information?

Women and children in prisons

- a) Numbers of women in prison rose by 37% in 2017, higher than the rate for men.
- b) Pretrial detention is used too often. 2/3 of detainees have not yet received final judgment and 1/3 have not yet gone to trial.
- c) More pregnant women and women with young children are in prisons.

Drug use and related crime has become a significant problem among women and men in recent years. Beginning in late 2016 the RGC 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.²³ Instead of providing treatment options for Cambodian women using drugs, the government often sends them directly to prison. Moreover, the already overcrowded prisons had an influx of 37% more female inmates in 2017. Capacity of many prisons is more than 200%, including the woman-only prison Correctional Center 2, which is at 257%.²⁴

Of particular concern is the high number of pre-trial detainees held in prison (more than 30% of the total population for both men and women²⁵) 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 it²⁶, the actual practice is to detain most people before trial. In 2017-2019, 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.²⁷ The Prison Law of Cambodia²⁸ allows mothers of children under age 3 to live with their child

²³ Mech Dara, "Prison Numbers Jump 20 Percent" 23 February 2017, Phnom Penh Post.

<http://www.phnompenhpost.com/national/prison-numbers-jump-20-percent>

²⁴ Specific numbers for individual prisons are included in the LICADHO report, "Human Rights 2017: The Year in Review," February 2018.

²⁵ <http://www.prisonstudies.org/country/cambodia>. A total of 70% of persons in prison are either pre-trial or awaiting final judgment.

²⁶ Cambodia Code of Criminal Procedure Article 205 lists the reasons.

²⁷ Although the government released many women in prison with young children in 2015, the numbers have risen again, surpassing previous numbers. 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. The numbers were 149 children and 23 pregnant women in May 2018. These numbers do not include juveniles charged or convicted of crimes. Of 167 women who were imprisoned while pregnant or imprisoned with one or more children, 73 were in pre-trial detention as of May 2018.

²⁸ The Prison Law may be downloaded in English and Khmer at: <http://cambodia.ohchr.org/en/prison-reform/laws-pertaining-prisons>

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. 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 sanitary living spaces are lacking. Children are often forced to forego exercise and remain in cramped cells without sunlight or activity.²⁹

❖ **Questions related to women in prisons:**

How will Cambodia ensure that women are not subjected to overcrowded and unsafe conditions in prisons?

What is RGC's plan to reduce the use of pre-trial detention in general, and to eliminate detention of pregnant women and children?

Labor:

Restrictions on organizing disproportionately affect women due to high percentage of women in affected industries (garment, construction sectors) Cambodian women make up a high percentage of the garment sector (80-90%) and 30-40% of the construction sector. The majority of these workers are internal migrants and are especially susceptible to mistreatment. Trade union law too strict. No right to strike or associate freely.

Women not in union leadership, resulting in wage gap despite COB Paragraph 35(a) and poor safety and health conditions for workers.

Sexual harassment and GBV at work persist despite GR-19 and GR-35 requiring states to investigate and penalize private actors.

Cambodia has no clear legislation with a comprehensive definition and penalties for all such harassment³⁰, particularly for comments and other behavior intended to insult or embarrass women, so it often goes unreported and unpunished.

Use of short-term contracts in violation of Labor Code Article 67 disproportionately affects women, as it is particularly common in the mostly female garment and beer promotion sectors. Moreover, the contracts are often issued for a few months then simply not renewed in the event that a worker becomes pregnant or is active in unions. There are few consequences for factories who circumvent the law, since employers control who is permitted to take leave from work hours to attend arbitration hearings.

²⁹ For more detail about conditions experienced by pregnant women and children in Cambodia's prisons, see LICADHO's report, "Mothers Behind Bars: The Impact of Detention on Women and their Children," May 2015. <https://www.licadho-cambodia.org/reports.php?perm=206>

³⁰ Criminal Code Article 250 under the heading of "other sexual assaults" uses the term sexual harassment to criminalize abuse of authority to repeatedly pressure another for sexual favors with a maximum sentence of 3 months' imprisonment and a fine.

Women laborers face serious health and safety issues at home and work including: inadequate housing, a lack of clean water / toilets, poor lighting (leading to a higher risk of assault), high burglary rates in low-cost housing, and unclear air both at home and at work.³¹

Migrants are also at risk. Internal migrants lack a support system, have lower pay, and lack basic services. External migrants are allowed to work in other countries through Memoranda of Understanding signed by RGC without oversight of the working conditions abroad. Cambodia has not ratified the UN treaty on migrant workers or the ILO convention 189 on domestic workers, leaving workers vulnerable to mistreatment.

❖ **Suggested questions to address labor issues:**

When will RGC ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families?

How will RGC prevent employers from routinely issuing short-term contracts, particularly in workplaces where most employees are employed for longer than the average contract length?

Reproductive Health:

Many Cambodians, particularly in rural areas do not have access to quality health care or education about sexual and reproductive health (SRHR) rights. NGOs working with garment factory workers have shown in surveys that many workers are unfamiliar with their own sexual and reproductive health rights.³²

The 1997 abortion law legalizes abortion in the first trimester; however, lack of access to safe abortion remains a challenge in Cambodia. Women have abortions because of ill health, pre-marital pregnancy, short birth intervals, competing family responsibilities, and poverty. However, there is limited data on abortion in Cambodia. Although abortion is accessed by older women, the high adolescent fertility rate (12%) remains a key issue, impacting unsafe abortion rates as a result of the conditions placed on access to abortion for young people.³³

There is a strong stigma against women who seek abortions, particularly towards younger women. Service providers are often reluctant to carry out legal abortions due to lack of proper understanding about the SRHR of women and socio-cultural pressures. Despite notable progress towards strengthening safe abortion services between 2010 and 2016, unsafe abortion remains a significant contributor to maternal mortality.³⁴

❖ **Suggested question to address labor issues:**

³¹ "The Reality of the National Economic Backbone" Worker's Information Center, March 2017

³² "Partnering to Save Lives. Midterm Survey and Evaluation of Reproductive, Maternal and Neonatal Health Knowledge, Attitudes and Practices among Garment Factory Workers" 2016. Phnom Penh, Cambodia and Angkor Research and Consulting Ltd.

³³ MoP Cambodia Demographic and Health Survey, 2014

³⁴ Reports of Reproductive Health Association of Cambodia, an NGO-CEDAW member which operates health centers in 11 provinces of Cambodia.

What will RGC do to ensure that Commune Councils for Women and Children are trained on SRHR and share this information with their communities?

What will RGC do to ensure that all medical service providers are trained on SRHR and inform their patients of their legal rights?