

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



9/6/2013

**REPORT CREATED IN PARTNERSHIP WITH THE CAMBODIAN COMMITTEE  
FOR WOMEN (CAMBOW)**

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





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

The Cambodian NGO committee on CEDAW (NGO-CEDAW) was established in 1995 with the support of the Cambodian Office of UN High Commissioner for Human Rights (COHCHR). It was originally composed of nine Cambodian NGOs. The membership is now 79 members NGOs. Its principal mission is to monitor and provide an independent report on the progress implementation of CEDAW in Cambodia. As a coalition of women oriented organization, activities of NGO-CEDAW members cover most sectors of activity and of society. NGO-CEDAW members are directly interested in the electoral process and have been instrumental in providing their support to send election observers.

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**The Cambodian Committee for Women (CAMBOW)**

**CAMBOW** is a coalition of 35 NGOs, and networks dedicated to the advancement of women and children. CAMBOW has been established in 2000; its main objectives are:  
In collaboration with NGO-CEDAW, participate to the **publication** of a corresponding shadow report every time the Government reports to the UN CEDAW Committee;  
To **participate** in activities concerning the end of violence against women and children;  
To **coordinate** awareness raising initiatives on women's rights through popular and media campaigns and special events such as the 16 Days campaign against Gender Violence and the International Children Day, on June 1;  
To **coordinate** the exchange of information and services among member organizations and other NGOs;  
To **facilitate** capacity building of member organizations, civil society and officials.

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## Recommendations

- Amend and disseminate laws, rules, regulations, policies to include the precise definition of “discrimination” as per CEDAW.
- Conduct a thorough review of all laws, rules, regulations and policies and modify such laws, rules and regulations to remove any language that is either discriminatory against women.
- Educate the public on how to file complaints when their rights have been violated and create mechanisms to ensure the safety of complainants.
- Strengthen and enforce the 2010 Anti-Corruption Law, including by providing protection to whistleblowers and increasing the penalties for corrupt practices, especially as concerns efforts to eliminate discrimination against women and girls.
- Empower MoWA to monitor the activities of legal authorities and public institutions in relation to non-discrimination against women.
- Educate the Senate and law enforcement officials about CEDAW to encourage effective implementation of existing legislation.
- Maintain and expand the quotas of women in government.
- Adopt a victim protection law to protect sex workers and train law enforcement.
- The Royal Government of Cambodia (RGC) should provide gender sensitivity training on the treatment of victims.
- Enforce laws that prevent discrimination against women with HIV/AIDS as well as sex workers.
- Establish a special fund to provide legal aid and resources to victims of sex trafficking, human trafficking, rape and prostitution.
- Increase the government’s efforts and spending on reintegration programs for former sex workers.
- Eliminate the discriminatory marriage laws concerning marriages to foreigners and explore other options to reduce sex trafficking.
- Eliminate restrictions on Khmer citizens living abroad related to voting.
- Build more safe places of housing in urban centers for female students.
- Increase teacher salaries, in order to, among others, stamp out corruption.
- The RGC should ensure that there is provision of equally accessible education within the indigenous populations.
- Increase the national minimum wage, particularly for garment factory workers.
- Improve working conditions in the garment factories.
- Take action to eliminate migrant labor violations.
- The RGC should provide a free of charge breast and cervical cancer testing.
- Increase midwife staff capacity to provide counsel to women and assist with family planning.
- Issue the regulation of laws for the industrial sectors and small enterprises to allow women employees to attend health education programs.
- The RGC must reform all policies and laws concerning the treatment of PLHIV and their caretakers to ensure that vulnerable people such as drug abusers, pregnant women and others receive health care.
- The RGC must retrain police officers and legal authorities to deter them from arresting people carrying condoms.
- Provide health services for the most at risk population including gay and transgender men and women, drug abusers and sex workers, without ostracizing such individuals.
- Increase intervention policy and plans in the national strategy related to orphans and vulnerable children.
- Amend the law so that men and women have equal rights in the dissolution of marriage.
- The government should provide credit as well as a minimum interest rate for rural women.
- The government should increase the number of scholarships for children in rural areas.

- The ministry of health (MoH), ministry of interior (MoI) and the ministry of women affairs (MoWA) must cooperate with local authorities to strengthen the government response and legal mechanisms to Gender Based Violence including rape, domestic violence, etc.
- The RGC should produce a regulation that allows women to make a unilateral decision to get divorce without reconciliation.
- Provide vocational training for women to encourage financial independence and reduce the number of victims who are compelled to stay in abusive relationships, particularly for women whose husbands have been imprisoned for domestic violence and must single-handedly support their families.
- The RGC should promote and strengthen the implementation of a code of police conduct through training. The RGC should also improve mechanisms for monitoring and evaluation for Cambodian police officers to increase accountability.
- Punishments for domestic violence law violators should be extended;
- Improve the education system and encourage girls to stay in school.

## General Comments

The RGC in its combined 2010 Fourth and Fifth National Report (the “RGC Report”) on the Implementation of the International Convention on the Elimination of All Forms of Discrimination Against Women in Cambodia, makes specific reference to provisions in the Constitution and the Penal Code<sup>1</sup>, claiming that the existence of these provisions in and of themselves, alongside plans to pass additional laws, guarantees full equality of women with men in the protection and enjoyment of human rights, as well as protection from all forms of discrimination. The adoption of laws guaranteeing equal protection of women and non-discrimination should not be mistaken for the actual delivery of equal rights and non-discriminatory practices, and therefore satisfaction with the spirit and intent of the Convention.

Since its last report, the RGC has achieved little measureable progress; stagnation being the norm, with some areas seeing regression.

### Article 1: Definition of Discrimination against Women

The RGC states it relies upon a “practical definition of the term ‘discrimination against women’, as defined in CEDAW.” However, there is no working definition included in relevant legislation, nor any specific or explicit reference to Article I of the CEDAW.

There is no data on how or how often the Articles of the Penal Code are violated. Such complaints are not, and have not been filed with the courts. Due to a lack of reporting, it is unknown how many women face discrimination on the basis of gender.

### Article 2: Obligations to Eliminate Discrimination

The RGC has not defined discrimination, and therefore, the prohibition against discrimination in Article 45 of the Constitution is without meaning or legal weight.

The RGC lists regulations and measures it has adopted to prohibit discrimination against women, however the actual language of many of these provisions is inherently discriminatory, and does not provide women with equal protection or rights. Corruption within the legal system and lack of awareness in rural areas are two major factors that prevent Article 45 from being effectively implemented, or having any real effect on ending discrimination.

Especially in rural areas, laws are often overlooked and not communicated to the rural population or

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<sup>1</sup> Articles 265-270 of the Penal Code

authorities responsible for implementing and enforcing them. In some cases, the authorities are aware of the laws, but because of corruption, they do not enforce the laws when women attempt to assert their rights. It is not uncommon for judges to favor men over women in judicial hearings, either on the basis of gender itself, or because the male has more money and can bribe the judge.

The RGC writes in its Report that it has mandated the MoWA and the Cambodian National Council for Women (the “CNCW”) to monitor the activities of the authorities and public institutions in relation to non-discrimination against women. Even if MoWA can be shown to actually monitor efforts, this would seem to be a policy without any real effect, as the simple monitoring of activity, without expressly articulating and implementing policy measures to end such discrimination, is meaningless.

Although CEDAW does not require separate treatment or discussion of indigenous women in State Party reports. We note that the obligation to eliminate discrimination against women specifically asks for a discussion of rural populations of women and women in rural areas, but fails to directly acknowledge indigenous women. It is estimated that approximately 1 per cent of the overall population are indigenous peoples (between 55,000 and 75,000 women)<sup>2</sup> we have been asked to specifically acknowledge the collective rights of indigenous women in Cambodia and the discrimination they specifically face.

### **Articles 3 & 4: The Development and Advancement of Women, Acceleration of Equality between Men & Women**

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

Currently, there are several women in the RGC, including: 1 deputy prime minister (among 9 in office), 2 ministers (Minister of Women’s Affairs; and Minister of National Assembly, Senate Relation and Inspection), 14 secretaries of state and 29 undersecretaries of state.

Approximately 20 % of civil servants are female. The RGC’s stated goal is 50%, but claims it is difficult to achieve due to the lack of sufficiently educated women, underscoring the need for the RGC to prioritize higher education for women. Following the July 2013 elections, 25 female Members of Parliament remain- a decrease from the previous legislature.

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

### **Article 5: Sex Roles & Stereotypes**

The RGC suggests that “women may have independence and control, and that women should be owners and managers of land and finance, and have full decision making capabilities within the family.” Women generally have less power to make spending, employment, and family decisions than men.<sup>3</sup> Cambodian culture demonstrates a confidence in men’s abilities to handle family finances and decision-making, while women are not perceived as fully competent in these arenas.<sup>4</sup>

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<sup>2</sup> *Ibid.*

<sup>3</sup> “Politics in the Kingdom: Increasing Female Representation.” 30. *Cambodian Center for Human Rights*. March 2013.

<sup>4</sup> NGO CEDAW. Group Interview. June 7, 2013.



Women are still prevented from owning land in their own names, freely and clearly. Women can typically own land *only* with the approval of their husbands. The overwhelming majority of women are perceived by society as incapable of running businesses or managing money in any large capacity.<sup>5</sup>

The *Chbab Srey*, Cambodia's traditional "Code of Women" is a 19<sup>th</sup> Century customary law. Previously part of the primary school curriculum, the law, which is deeply rooted in Cambodia's culture, specifies the duties and expectations for behavior of a woman. Though no longer part of the curriculum, the ideology created by the *Chbab Srey* is still prevalent, especially in the rural areas.

## Article 6: Exploitation of Women

Notwithstanding the establishment of special sex crimes units, monitoring bodies and task forces, the problem of human and sex trafficking, and the peripheral problems related to sex trafficking, i.e. rape, violence against women, disease, alcoholism, etc., remain pervasive. Estimates of the number of prostitutes range from 14,725 to 18,250.<sup>6</sup> Sex tourism is a problem, fueled by poverty and impunity. Some reports state that compared to 2011, the number of cases of sex trafficking, rape, and attempted rape increased in 2012.<sup>7</sup> This is reflected in Cambodia's recent demotion from Tier 2 to Tier 2 Watch List in the U.S. State Department's 2013 Trafficking in Persons Report, as efforts to combat trafficking are said to have slowed from the previous year.<sup>8</sup>

Ever since prostitution has been deemed illegal, many sex workers have gone underground, making outreach programs difficult to implement. There have also been many reports of corrupt police who directly benefit from sex trafficking. Sex workers are also often the victims of physical and sexual abuse from the police.

According to the 2008 Suppression of Human Trafficking and Sexual Exploitation Law, pimps face harsher punishment than prostitutes. Perpetrators of sex trafficking use nepotism and bribery to avoid prosecution.<sup>3</sup> In 2012, only 23% of those accused of sex trafficking crimes were arrested.<sup>3</sup> Pimps have sufficient funds to hire private lawyers but victims must rely on NGOs for legal aid. The entire legal capacity in Cambodia is less than 800 lawyers, in the public and private sector. As a result of the Phnom Penh Clean City Policy and Trafficking Law, sex workers face difficulty in protecting themselves against HIV/AIDs because if seen by a police officer while in possession of condoms, they are likely to be arrested. Sex workers are not required to undergo testing for communicable diseases. Due to the recent growth in the privatization of hospitals, many sex workers can no longer afford health care. Sex workers also face discrimination in hospitals and health centers. Violence against sex workers prevalent and one worrying trend is gang rape. Condoms are expensive and not always accessible to sex workers. Those who want to leave the sex industry find it difficult since the RGC provides few reintegration programs. Often former prostitutes face social stigma and the lack of acceptance and support leads them to return to the brothels. Cambodia has also garnered a reputation as a haven for sex predators and pedophiles, who take full advantage of the ambiguity of laws and lack of enforcement.

## Article 7: Political and Public Life

The RGC has actually taken some affirmative steps to increase the number of women in public leadership positions, for example requiring at least one woman as deputy-governor in every municipality, province, city, district and khan. In the 2013 election, it is estimated that 20.32% of the female candidates were elected.

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<sup>5</sup> NGO CEDAW. Personal Interview. June 10, 2013.

<sup>6</sup> "2008 Human Rights Report: Cambodia." *U.S. Department of State*. U.S. Department of State, 25 Feb. 2009. Web. 09 Aug. 2013.

<sup>7</sup> *Politics in the Kingdom: Increasing Female Representation*. Rep. N.p.: n.p., 2013. *Politics in the Kingdom: Increasing Female Representation*. Cambodian Center for Human Rights, Mar. 2013. Web. 9 Feb. 2013.

<sup>8</sup> *Trafficking in Persons Report 2013*. Rep. N.p.: n.p., 2013. *Trafficking in Persons Report 2013*. U.S. Department of State, 2013. Web. 09 Aug. 2013.

The RGC cites additional constitutional provisions, which it says facilitates the ability of women to participate equally in political life, for example, citing provisions stipulating that Khmer citizens of either sex have the right to vote once they are 18 years old, or to stand as candidates for election to the National Assembly if they are at least 25 years old, or to stand as candidates for election to the Senate if they are at least 40 years old. Notwithstanding these provisions, however, many women who are eligible to vote are disenfranchised. Women subjected to forced evictions are not registered to vote as a result of the forced evictions and homelessness. Research shows that many women are fired from their jobs, particularly in the garment industry, once they join a labor union. The laws for women's participation in associations and private organizations are often not followed by employers, meaning the Constitutional provisions are not successful at eliminating this form of discrimination against women.

Women are elected in order to meet the government quota, however in practice, they are only figureheads and lack power. It is common, during elections, for political parties to list female candidates towards the bottom of the ballot to ensure that they are not elected to positions with power.<sup>9</sup> In the last local government elections for Commune/Sangkat, there were 25.64% women candidates and 17.78% elected.

The RGC only allocates approximately 0.66% of their overall budget to women's affairs.<sup>10</sup>

### **Article 9: Nationality**

The RGC fails to address the difficulties that many minority women face in obtaining nationality; Kampuchea Krom women are particularly vulnerable in this respect.<sup>11</sup> There are also severe restrictions on voting for Khmer citizens residing abroad. In order to vote, citizens must return to Cambodia twice, once to register and once to vote. These restrictions affect over one million people.

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

In the past, certain RGC directives and policies had the effect of indirectly discriminating against Cambodian women who married foreign men, including one directive precluding Cambodian women from marrying men of certain nationalities, ages and incomes. Often Cambodian women will only have a traditional marriage ceremony with a foreign man, without proof of a civil marriage, the Cambodian woman is afforded no spousal rights.

### **Article 10: Education**

Cultural, social and economic practices and barriers in Cambodia are resulting in significant disparities in educational opportunity and attainment for women and girls, placing women and girls at a significant disadvantage.

According to a report entitled "Promoting rights in schools," enrollment rates have increased between 2005 and 2012 from 91.3% to 96.4%.<sup>12</sup> However, there is no mention of attendance. The female dropout rate is higher than that of males. Families emphasize educating their sons over their daughters, particularly in low-income families. When women become pregnant or get married, they leave school. There are only primary schools in villages in rural areas, forcing those who wish to pursue higher levels of education to move to cities. Male students can live for free in pagodas. Females

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<sup>9</sup> Politics in the Kingdom: Increasing Female Representation, March 2013, vii.

<sup>10</sup> Politics in the Kingdom: Increasing Female Representation, March 2013, 44.

<sup>11</sup> NGO-CEDAW wishes to clarify the following regarding the women of Kampuchea Krom. Kampuchea Krom was part of Cambodia historically, but is now considered part of Vietnam.

<sup>12</sup> "Politics in the Kingdom: Increasing Female Representation." 13. *Cambodian Center for Human Rights*. March 2013.



do not have this option. In addition, parents express concern for the safety of their daughters going alone to cities. The quality of education available is a significant problem. Most teachers themselves have only completed upper secondary school and their salaries are low. Although a constitutional right, schooling is not free at all due to many informal fees that families must pay to send their children to school; some fees include teacher's daily fees, examination fees, gifts for teachers, and extra tuition.<sup>13</sup> The scholarship program for poor students has helped increase the number of women and girls pursuing higher education; yet, females are still dramatically underrepresented in the higher education student population. The RGC scholarship programs are insufficient in the amounts allotted and in their scope.

## Article 11: Employment

By virtue of the extreme educational inequality between genders, women de facto do not have equal employment rights. Situations where women have had higher education and skills than their male counterparts, women have been hired over the men—pointing to the importance of investing in better education and training for women, which would appear a potent equalizer between men and women in Cambodia's workforce.

That women, according to the RGC, constitute the majority of workers in the 1,273 establishments surveyed, does not mean they are equal in employment if they do not have the opportunity to become superiors or managers, and when they experience the sub-standard conditions known to prevail in most workplaces.

The percentage of women in the workforce is almost equal to men, at 49.4%. Under the Labor Law, women are guaranteed equal pay for equal work. However, the salary scale is different for men and women.

The Law on Social Security Schemes for Persons Defined by the Labor Law also protects the equal right to social security benefits between men and women. The National Security Fund ensures the implementation of the social security provision under the Labor Law, but its impact is negligible. According to the ILO, widows have continued access to social security benefits. However, the amounts are not enough to live on: \$1.50/month for widows and \$1.25/month for each child under the age of 16.<sup>14</sup>

In addition to social security benefits, the Labor Law provides women with the right to take 90 days maternity leave (Article 169). However, in many industries, women are fired when they are 5-6 months pregnant in order to avoid maternity payment. Though the RGC does cite the garment industry as a leading employer of women, it does not address the significant human rights violations and regular degradations occurring in its many garment factories. There are at least 558 garment factories,<sup>15</sup> employing over 400,000 workers and 90% of them are women. Among other issues, women garment workers are not paid minimum wages and are forced to do overtime; the working conditions in the factories are notoriously poor.

There are also serious labor violations that occur with migrant workers. Migrant workers often face low wages, long hours, inadequate food, ill-treatment, torture, no health care and no access to legal protection.

Sex workers are subject to arrest if caught by the authorities. Because of this, most sex workers go into hiding rendering outreach programs difficult to implement. Women in the sex industry lack both rights under the law and support. There is also discrimination of women working as beer girls and in karaoke bars, usually in the form of abuse and forced prostitution.

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<sup>13</sup> "Promoting rights in schools: The state of children's rights in Cambodian primary schools." *NGO Education Partnership, Action Aid*. 2012.

<sup>14</sup> Cambodia: Social Protection Expenditure and Performance Review, International Labor Organization, 2012, p. 67.

<sup>15</sup> Garment Factory Map of Cambodia, Global Voices, July 2013.

Most women are employed informally, in domestic work, agriculture, fishing, forestry and small micro-enterprises, and therefore are not protected under the Labor Law. Informal employment makes up 85% of the workforce according to the ILO.

### **Article 12: Equality in Access to Health Care**

Equal access to adequate health care and family planning services is impeded in part, by the RGCs inability to distribute effectively information regarding health care and family planning services to women. For example, information regarding Sexually Transmitted Infections (STIs) is not adequately or regularly distributed to the population, with women being particularly uninformed. The lack of family planning information and services continues to be a cause for concern. In addition, Cambodia's medical staff capacity needs much improvement. The combination of low salaries and limited training produces a low-quality medical class in Cambodia.

There is currently no screening program for approximately 1,500 women who contract cervical cancer annually. Hospitals offer no treatment besides palliative care for over 900 women who die from cervical cancer each year.<sup>16</sup>

While acknowledging that the RGC should be commended for its efforts to prevent the further spread of HIV/AIDS as well as combatting discrimination against people living with HIV (PLHIV), it also remains true that women are more at risk for contracting HIV/AIDS due to their lack of access to information concerning the disease, how to prevent it, how it is contracted and how to treat it effectively. The awareness-level regarding HIV/AIDS is particularly low among housewives, which we believe is a consequence of continued pervasive gender stereotyping and Cambodian cultural norms. Discrimination against PLHIV remains widespread and prominent. Pregnant women infected with HIV/AIDS also reportedly face discrimination from health care staff during delivery. In fact, according the Stigma Index 2010, 14.3 per cent report that they are strongly advised to terminate pregnancy because of their HIV/AIDS status. Community elders charged with the responsibility of raising children orphaned by HIV/AIDS and children living with HIV/AIDS receive little to no support from the RGC. Where there was once food support for these individuals, now there is none. Gay men and women also face discrimination in the delivery of health care services, as do drug abusers. In particular since both groups may face arrest if they disclose their history.

### **Article 13: Economic and Social Benefits**

This Article requires the RGC to not only eliminate discrimination by government, but to take steps to ensure that private actors do not discriminate against women in these ways.

Not only are laws not enforced, but also the actual language of many of Cambodia's laws operates to deprive women of the same rights and opportunities as men. For example, the Marriage and Family Law stipulates that women must wait 120 days after dissolution of a marriage before they can marry again, but there is no similar waiting period for men.

Although women have equal financial rights as men, men usually take control of the money and property in marriage, leaving women out of decision-making.

### **Article 14: Rural Women**

The RGC claims that "a concerted effort" has been made to develop the country of Cambodia, and that progress has been made in all sectors in equalizing the level of living conditions and services in

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<sup>16</sup> Parry, Jane. "See-and-treat Approach Can Rein in Cambodia's Cervical Cancer Death Toll." *Global Development Professionals Network*. The Guardian, 14 May 2013. Web. 09 Aug. 2013.

rural areas with those of urban areas. As evidence of this “concerted effort” the RGC provides examples of actions taken to “promote equality between women and men in rural areas” and to improve rural living conditions. Such examples include the construction of new roads connecting the capital city and provinces to rural areas, rehabilitating a railway, the construction of bridges and irrigations schemes, and several other initiatives.

The reality is that the initiatives summarized above, as well as others cited in the RGC Report, have done little to improve actual living conditions for rural people, to end land-grabbing and forced eviction practices or to combat the pernicious effects of those practices on rural (and urban) people, or to genuinely promote equality between women and men. The initiatives taken, though perhaps ultimately useful, are of little consequence when there are inadequate schools, health and other services or employment opportunities in rural areas.

The RGC claims to recognize the important role of women in the unpaid sector of the economy. Such recognition means little since economic and social benefits are not afforded to these workers. Women in the unpaid sector do not have access to medical care, maternity leave, and basic rights under the labor law. The state has promised to “promote economic development in all sectors and remote areas,” and yet there are many women living in rural areas who have had little to no opportunity to improve their economic wellbeing due to constraints from home and lack of training, education, and skills.<sup>17</sup>

The RGC states that each commune/sangkat should have at least one woman in charge of women’s and children’s affairs through the Committee for Women and Children. She should advocate for policies for her community. No information is disclosed about whether or not this happens.

The RGC established 11 women’s centers throughout Cambodia to provide women with vocational training and business information. Given the absence of further data concerning the functioning of these centers, their effectiveness remains to be determined.

The RGC Report fails to address the issue of food security and malnutrition among rural populations, even though rural women are consistently more malnourished than urban women due to lack of food as well as important nutrients.<sup>18</sup>

The RGC introduced a microcredit program specifically designed to assist rural populations with economic development. It has “released credit totaling 5.56 billion riel to 11,661 people, including 8,842 women, in 298 target villages.”<sup>19</sup> There is concern with the manner in which microcredit is handled in Cambodia: often there is little planning or education on finance, credit, economics and effective spending patterns prior to loan disbursement, and families end up driven further into debt.

The shelters forced evictees occupy in RGC relocation centers are extremely basic and generally inadequate in all respects.

Current land-grabbing trends have a disproportionately negative effect on women. Often times when a family loses their land, the husband will stay in the city in order to find work while his family is sent to a relocation site. Women are then victimized twice, losing first their home and land and second their husband and provider. Women are left vulnerable to sexual violence and increased rates of alcoholism.

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<sup>17</sup> NGO CEDAW Personal Interview. June 10, 2013.

<sup>18</sup> National Institute of Statistics, Directorate General for Health, and ICF Macro, 2011. *Cambodia Demographic and Health Survey 2010*. 167. Phnom Penh, Cambodia and Calverton, Maryland, USA: National Institute of Statistics, Directorate General for Health, and ICF Macro.

<sup>19</sup> Cambodia. The Royal Government of Cambodia. *Fourth and Fifth National Report on Implementation of the International Convention on the Elimination of all Forms of Discrimination Against Women in Cambodia*. 48. Phnom Penh, Cambodia: May 2010.

The RGC concludes that based on its programs, the situation for rural women will be improved gradually, but includes no goals as far as dates to complete this improvement, and no process for evaluation or monitoring.

For indigenous women, the biggest challenge confronting them stems from forced displacement from their lands that include the degradation of their natural environment and resources due to wide-spread land grabbing. Cambodia has seen an epidemic of large-scale land allocation deals to private interests, in the form of economic land concession for agri-industrial, mining and hydro-electric production purposes. These projects have led to systematic violations against the individual and collective rights of the affected communities such as forced relocation, threats and harassments against protesting indigenous peoples and loss of livelihood among others.

### **Article 15: Equality Before the Law and in Civil Matters**

A woman's testimony in court is often not equal to the testimony of a man. Women who are victims of domestic violence often express a lack of confidence in the police forces and courts that are responsible for enforcing these laws. They must have extensive documentation of their injuries in order to prove their case. In many cases, victims will not seek justice due to their lack of faith in the judicial system or the high cost of bringing a case to court.<sup>20</sup> These misgivings are not unfounded, as women face a variety of challenges in court; gender bias at every level of the system places the burden of proof on their shoulders. For divorces, women must go to reconciliation of 2-3 times in front of the judge. Often, the court pressures the woman to go back to her husband, advising her to exercise more patience and kindness. In cases of domestic violence, the court will often assume that there was something at fault with the woman that provoked the husband.

### **Article 16: Equality in Marriage and Family Law**

The Cambodian law on Marriage and Family has many discriminatory clauses deeming women unequal to men. Women have unequal property rights in Cambodia. Although Article 70 of the Marriage and Family law, permits women to inherit property after divorce, it is common, however, for there to be joint ownership of land, and sometimes without the woman's knowledge, her husband will be added to the land title, claiming primary ownership to the property after the marriage has been dissolved.<sup>21</sup> Also according to the law, men and women have equal obligations to take care of their children. In cases where a man leaves his wife for another woman or because he is sent to prison, his wife is often left to take care of the children with no financial help. According to research conducted by the World Food Program, 30% of households in Cambodia are female-headed.

Women have limited opportunities to choose; arranged marriage and child brides are still commonplace in Cambodia. In many cases, the girls are very young and the parents or husband bribe local authorities to forge the girl's birthdate.

The Marriage and Family Law states that "a husband or wife may file a complaint for divorce if there are enough grounds which indicate that he or she cannot continue conjugal cohabitation." In practice, it is much more difficult for women to dissolve a marriage: the expense, the lack of required documents and the lengthy travel required are often cited as hindrances. Women victims of domestic violence have few options for escape. They are often forced to stay in their marriage for legal or economic reasons. Domestic violence cases are rarely reported in rural areas. The *Chbab Srey* says that women should keep their issues within the home. There is pressure to "save face" in order to avoid stigma within the community. This affects all classes of society. Even when women report domestic violence, the authorities often side with their husbands and can easily be paid off to drop the case.

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<sup>20</sup> *Issues of Women's Rights, Child Rights and Migrant Workers' Rights in Cambodia*. Rep. N.p.: n.p., 2012. *Issues of Women's Rights, Child Rights and Migrant Workers' Rights in Cambodia*. Cambodian Human Rights and Development Association, 2012. Web. 09 Aug. 2013.

<sup>21</sup> Cambodia: Property Rights and Resource Governance, USAID.

Many women said that they felt ashamed to report domestic violence to male authorities. Almost all authorities said that they were ill equipped to handle issues of domestic violence because they had not received proper training.<sup>22</sup> Mental or psychological and economic violence is also a problem and is not addressed by any laws in Cambodia. There is also no provision for self-defense in Cambodian law. There have been many cases of women being incarcerated for killing their husbands as a result of domestic violence.

Perpetrators often act with impunity, using power and bribes to avoid prosecution.<sup>23</sup> Only 23% of men accused of sex trafficking in 2012 were detained.<sup>24</sup> Often when a woman's husband is imprisoned for domestic violence, she is unable to divorce him for financial reasons. While her husband is in jail, she receives no support from the government and is often forced to allow him to return to the household upon his release. Out of the 313 cases reported to ADHOC in 2012, 68.2% affected children aged 5 to 18.<sup>25</sup>

In 2012, LICADHO recorded 226 female victims of violence of which 148 were victims of domestic violence and 72 victims of rape.<sup>26</sup>

In order to convict a man for domestic violence, there must be documented proof of violence; witnesses are often required, as well as photographic evidence of injuries. This often deters women from seeking the help that they need. Judges accept bribes from the defendant in exchange for less severe punishments. Penalties for domestic violence range from 1 to a maximum sentence of 5 years, depending on the severity of the violence. NGOs that assist women victims of domestic violence cover mostly the larger cities, leaving women in the rural areas with limited options.

### General Recommendation 19: Violence Against Women

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

Women in Cambodia experience gender-based violence in nearly every aspect of life. Traditional, cultural views of women, articulated in *Chbab Srey*, encourage women to be submissive. Domestic violence, sexual harassment, sex trafficking and human trafficking are all prevalent within Cambodia. Women face violence as a result of cultural norms and corruption within the legal system. Domestic violence is prevalent. There is little retribution for perpetrators of domestic violence partly due to a corrupt legal system as well as a lack of awareness of the laws, particularly in rural areas. Financial insecurity is a main reason that bars women from filing for divorce. Sex trafficking is a significant issue. Some girls are sold into sex trafficking, often by their parents or a relative, as minors, some as young as 5 years old. A major obstacle to fighting sex trafficking and forced prostitution in Cambodia is that it is so lucrative, and government officials and police are corrupt. According to some experts, the amount of money in sex trafficking in Cambodia is approximately one third of the country's GNP. The RGC acknowledges that human trafficking and sexual exploitation still occur and mention several programs put in place to eradicate this, such as, "enabling courts to hand lawsuits related to human trafficking cases more robustly and effectively" and "promoting the detection and investigation of human trafficking cases and related offenses more actively." Yet again, it fails to describe concretely how it will reach these goals.

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<sup>22</sup> Out of Court Resolutions of Violence Against Women Report

<sup>23</sup> Women's Rights Report, ADHOC, 23

<sup>24</sup> ADHOC, Women's Rights Report, ADHOC, 23

<sup>25</sup> Women's Rights Report, ADHOC, 2012, p. 17

<sup>26</sup> Licadho Stastics WR Jan – Dec 2012