

Protections for Marginalised Urban Women

DUTY BEARERS

AND

GENDER-BASED VIOLENCE (GBV)

PAK Kimchoeun, HOEUNG Sopheap and PRAK Rathyrea

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ABBREVIATIONS

BSIC	Beer Selling Industry Cambodia
CCJAP	Cambodia Community Justice Assistance Partnership
CCTV	Closed-Circuit Television
CCWC	Commune Committee on Women and Children
CIP	Commune Investment Program
CNP	Cambodia National Police
CSF	Commune/Sangkat Fund
D&D	Decentralisation and De-concentration
DV	Domestic Violence
FGD	Focus Group Discussion
GBV	Gender-Based Violence
H&T	Hospitality and Tourism
ILO	International Labour Organization
IP3	Three Year Implementation Plan
KII	Key Informant Interview
M&E	Monitoring and Evaluation
MoI	Ministry of Interior
MoLVT	Ministry of Labour and Vocational Training
MoP	Ministry of Planning
MoT	Ministry of Tourism
MoU	Memorandum of Understanding
MoWA	Ministry of Women Affairs
NAP VAW	National Action Plan to End Violence Against Women
NCCD	The National Committee for Sub-National Democratic Development
NGO	Non-Governmental Organisation
PHD	People Health Development
SABC	Solidarity Association of Beer Promoter in Cambodia
SIP	Sangkat Investment Plan
SNA	Sub-National Administration
TAF	The Asia Foundation
ToR	Term of Reference
UXOs	Un-Exploded Ordnance
VAW	Violence Against Women
VCS	Village and Community Safety Guideline
VG	Village Voluntary Guard
WCCC	Women and Children Consultative Committee

1. INTRODUCTION

1.1. BACKGROUND AND RESEARCH OBJECTIVE

A key thematic priority for CARE Cambodia's Socially Marginalised Women Program is addressing gender-based violence (GBV) through improved laws and policies, engagement with key duty bearers and strengthened access to health and legal services. CARE Cambodia defines GBV as a tool of discrimination and abuse, which deepens gender inequalities. GBV includes not only domestic violence but also violence associated with different relationships and in different settings including the street, at work, and in living areas. Sexual harassment and rape are considered as key GBV concerns in this report.

CARE has conducted a study on "Safe Workplaces, Safe Communities," focusing on GBV and sexual harassment in Cambodian workplaces and communities. The Duty Bearers and GBV study builds on this by providing analysis of knowledge, attitude, practices and potential drivers of change among key duty bearers responsible for actions on GBV. This study will also include a general analysis and focus in particular on GBV experienced by especially vulnerable women, here including garment factory workers and workers in hospitality and tourism settings (hereafter referred to H&T workers).

Per the ToR, the specific objectives of the study are:

- **To analyse the current knowledge, attitudes and behaviours of key duty bearers on GBV – including analysis on GBV in general, on GBV as it is experienced by targeted vulnerable women – and general attitudes and behaviours towards targeted vulnerable women**
- **To identify leverage points for change, and assess drivers of change (i.e. incentives)**
- **To develop recommendations to inform future interventions**

A few key terms are defined to set out the scope of the study. First, the targeted vulnerable women of this study include: (i) **Female garment workers**, and (ii) **H&T female workers** which include (a) beer promoters and (b) waitresses. It should be noted that in the regulation (Sub-decree #191), there is a term called 'adult entertainment places, which include night clubs, discos, KTV, beer gardens and night time restaurants'. In its data collection, the study focuses mainly on restaurants, beer gardens, and those restaurants that have KTV on their premises.

The key duty bearers under the focus of the study are (i) **police**, and (ii) **local authorities**, especially those at the sangkat level. Despite the focus, however, the study also recognises the significance of other duty bearers, namely, Ministry of Women Affairs (MoWA), Ministry of Labor and Vocational Training (MoLVT), Ministry of Tourism (MoT), and a set of non-state duty bearers, including employers, workers' representatives, supervisors at workplaces, NGOs, and even landlords. These other duty bearers are mentioned in our analysis, although they are not the main focus.

1.2. ANALYSIS AND POLICY RELEVANCE OF THE STUDY

The findings from the study are expected to generate new knowledge on the organisational structure, roles, resources, perceptions, and practices as well as practical constraints experienced by the duty bearers in preventing and responding to GBV and sexual harassment which the targeted groups face. To come to those findings, the study takes a comprehensive approach, by seeking to understand the incentives of the duty bearers within the broader political, organisational, economic and social context, and how they relate to the other non-state actors as well. This is important because, as the paper later shows, the key drivers of changes for these state duty bearers have come not only from within but also from outside of their own organisational structures.

The findings are expected to not only contribute to CARE's existing programs but also to inform the formulation of future intervention models for local authorities and police so that they can be more effective in preventing and responding to GBV and sexual harassment. The findings of the study can also be used to encourage duty bearers to pay more attention to these problems.

1.3. METHODOLOGY AND DATA COLLECTION

The research uses a combination of methodologies, which includes literature review, key informant interviews (KII), focus group discussion (FGDs), and review of recent news articles. The literature review includes both existing studies and related policy documents. In the research process, the team also obtained huge amounts of relevant updates from the media (newspapers and Facebook in particular).

For the KIIs, the following stakeholders, at national, capital, khan and sangkat levels, were met:

- National Level: Anti-Human Trafficking and Juvenile Protection Department of the Cambodian National Police (CNP), the MoLVT, and MoWA.
- Capital and Khan Levels: Anti-Human Trafficking and Juvenile Protection Office of Phnom Penh Capital, two Khan senior police officers (Khan Ruessay Keo and Khan Daun Penh), two Women and Children Consultative Committee (WCCC) focal persons, Head of WCCC at Capital level, and Head of Legal Office of Department of Women Affairs.¹
- Sangkat Level: Fieldwork was conducted in four Sangkats where there are many factories and H&T places, including: Toul Sangker, Chom Chav, Preak Leap, and Chaktomuk. Key informants include Sangkat police post chiefs, deputy Sangkat chiefs, CCWC focal persons, village authorities, and village voluntary guards.

Other key informants interviewed include owners of rental housing, garment factory supervisors (shop stewards), H&T supervisors, human resource managers, ABC Radio Kampuchea, NGOs (SABC and PHD) and a focal person of the Cambodian Community Justice Assistance Project (CCJAP). Six FGDs were conducted, three with garment and three with H&T workers, namely, beer promoters and waitresses. Field observations into the workplaces, commuting routes, and living areas of garment and H&T workers were also conducted.

The team combined and triangulated data collected from different sources. We are mindful that some data might not be fully reliable and complete and that some pieces of the data are perception-based which needs to be treated as it is. This however does not mean perception is not important. On the contrary, the team recognises that perceptions matter, and tried to understand both the causes and effects of such perceptions in order to define the incentives and potential drivers of changes.

The report is structured as follows:

- **Section 2** provides an overview of the challenges faced by garment and H&T workers which are similar to those faced by thousands of female migrant workers in the capital. The section also points out to the positive changes, most of them have happened in the last two years.
- **Sections 3 and 4** focus on the two primary duty bearers, the police and local authorities. For each, relevant policies, organisational structures, roles and resources are discussed.
- **Sections 5 and 6** also focus on the two types of duty bearers, this time documenting and analysing their knowledge, perceptions and practices in preventing and responding to GBV including sexual harassment.
- **Section 7** brings in actors in the roles of non-state actors, including NGOs, media, supervisors, landlords, etc. The effectiveness of the duty bearers' actions, as will be shown, depends, to a large extent, on cooperation with these other actors; therefore, their roles need to be understood.
- **Section 8** draws conclusions on the incentives and drivers of changes of the key duty bearers and proposes ideas and framework for future interventions by CARE and/or others.

1. The team understood the importance of the MoT, but did not manage to get an interview with its officials. We however obtained relevant laws and regulations that discuss the roles of MoT in the protection of H&T female workers.

2. THE SITUATION OF FEMALE MIGRANT WORKERS

2.1. GENERAL CHALLENGES FACED BY FEMALE MIGRANT WORKERS

2.1.1. CHALLENGES

A majority of the garment and H&T female workers are migrants from provinces seeking work in Phnom Penh² and most of them stay in rented houses.³ This sub-section discusses key general challenges that these women face, which sets the context for the discussion about GBV and sexual harassment in the following section.

Finding jobs is the main reason why these women migrated to Phnom Penh. Once in the Capital, most of them faced uncertainty in getting a safe job and feel alienated from the environment and people around them. Usually through informal and personal connections, many female migrants end up doing low-skilled work, the two most common of which are in garment factories and H&T industries.⁴ For garment workers, their working conditions tend to be tough, exposing them to various kinds of health issues, sometimes as serious as mass fainting.⁵ The H&T workers, on the other hand, tend to face problems of GBV and sexual harassment, which will be discussed in section 2.2 below.

Many of the female workers migrating from provinces live in urban poor communities where local authorities pay less attention to the enforcement of relevant laws and regulations. Those communities are usually located along railways and near lake areas. Most of them have poor road access, limited public lighting, poor sewage and waste management.⁶ These communities also have problems with youth gangs and drug abusers, who are potential GBV perpetrators.⁷

According to the fieldwork, garment workers tend to live in rented houses in suburban areas where factories are built, while the H&T workers are likely to settle in more urban areas.⁸ More than 98% do not have written contracts with the landlord.⁹ Personal safety is among the top concerns for those living in rented house areas, with almost 65% of the renters reported having experienced theft and other minor crimes.¹⁰ Living in rented rooms in urban parts of the Capital seems to be safer than in suburban areas. For instance, the team found that burglary tends to be less in the more urban areas because the construction quality of the rented houses tends to be better, although they tend to be smaller and more expensive.

Most female migrants neither report to the concerned local authorities when they settle in a rented house, nor engage much with those authority people. A recent study by ActionAid shows a very low percentage (7%) of migrant women ever attend meetings organised by local authorities to discuss matters relating to safety, security, and self-protection.¹¹ Most of the women also tend to be less educated and unaware of their rights and legal protection system, which in turn makes them more vulnerable to the risk of sexual harassment and exploitation.¹² As discussed later, the local authorities and police seem to also show less care for these migrant women when compared to how they treat permanent residents.

2.1.2. NEW PROGRESS AND OPPORTUNITIES

The challenges presented earlier are not particular to garment and H&T workers, but shared by the broader groups of female migrants, and for some, even by the general public. Those challenges are also similar to what has already been found in existing studies. What can be considered new findings in this study, however, are some of the observed improvements and opportunities from the last one or two years.

2. A study by the Ministry of Planning (MoP 2013) found that many of migrants to Phnom Penh city are women. The recent study, CARE (2014), also indicates that women represent 51.4% of the formal labor force in Cambodia, predominantly in the garment industry and the tourism and hospitality sector.

3. The study found that a vast majority (86%) of renters are migrants.

4. MoP (2013).

5. <https://www.cambodiadaily.com/archives/odor-causes-nearly-200-garment-workers-to-faint-at-2-factories-65061/> Dated July/28/2014.

6. CARE, 2014; UNICEF, 2013.

7. ILO (2012).

8. STT (2014).

9. Ibid.

10. STT (2014) and the team field observation conducted in Chomchav, Preak Leap and Toul Sangker Sangkats dated Jan/19/2015 and Jan/21/2015.

11. Action Aid (2014).

12. MoP (2013).

Based on the team’s review of news articles in the last six months (please see Annex 2 — available online — for the full list and web-links to those articles), the following are some of the key areas of progress.

Regarding police reform, positive changes include: salary increase by 35.3% for police officers with the rank of staff sergeant; plans to recruit more female police officers; recognition by the top leadership of the CNP of the need to eradicate governance issues in the police forces; the commitment of the MoI and MoWA to fight GBV; the reaffirmation by the MoI leadership to strengthen the VCS policy implementation.

Relating to garment workers, the following progress was reported: the minimum wage increased to \$128 per month; better and cheaper provision of electricity to areas where the garment workers live; the government’s intention to control house rental price for the workers; and the government’s plan to address high level of traffic accidents among trucks transporting garment workers.

H&T workers have also seen some positive change in recent years: for some, the wage was increased to \$155 per month; there has been more media coverage on the need for better protection for beer promoters; and more attention and concrete plans from the MoLVT to better assist this group of workers.

There are a few other policy developments which might appear non-relevant to our discussion, but which, if properly enforced, might significantly contribute to a safer environment of the female workers. A good example is the adoption of the new traffic law, which put serious punishment on drinking and driving. Most traffic accidents in the Capital are observed to happen at night and most are attributed to drunk driving. Some government officials interviewed expected that the new law would not only reduce traffic accidents but also other violence associated with drinking alcohol, which might also include sexual harassment on H&T female workers.¹³ The study cautiously shares the expectation but waits to see how effectively the new law will be enforced.

2.2. SEXUAL HARASSMENT INCIDENTS AND THEIR VARIATIONS

Based on the CNP’s Report, there were 43 cases of sexual harassment in 2013, 17 of which were in Phnom Penh¹⁴ (Section 6.2.1 will explain the reasons of low reporting rate of sexual harassment case). In 2014, the Capital’s Anti-Human Trafficking and Juvenile Protection Office arrested 52 people in connection with sexual exploitation cases involving women and children in general. However, the CNP’s report does not have disaggregated data of garment workers or H&T workers who were the victims of these acts. While the official record only presents a small number of incidents, findings from FGDs with garment and H&T workers suggested that the number of actual incidents might be a lot higher. Those incidents, based on their reporting, happened in workplaces, living places and during commuting.

2.2.1. INCIDENTS AT WORKPLACES

The fieldwork indicated some forms of sexual harassment and GBV happening to female garment workers, the most common of which are verbal sexual harassment from men to female workers. Section 6 will discuss prevention and response measures in use that have contributed to such situations. However, based on FGDs, H&T workers face more sexual harassment incidents, which commonly include physical harassment and verbal harassment committed by their customers.

The “seriousness” of the harassment also differs depending on the jobs. Between beer promoters and waitresses, the former were found to be more exposed to sexual harassment acts, which include kissing, touching, forcing to drink beers, and asking for sexual intercourse. Beer promoters also said they sometimes experienced threats from over-demanding customers who use cursing words, break glasses, intimidate by using guns, and sometimes physical violence. Waitresses, on the other hand, reported experiencing only minor harassment and violence. Some male customers, they said, attempted to touch their hands while they are placing food on the table and some used flirting words in order to woo them.

13. Interviews with Khan Officials dated Feb/04/2015.

14. CNP (2013).

Some restaurants also operate KTV in their premises. In such setting, waitresses and beer promoters tend to face higher risk of harassment. The FGD participants mentioned a few cases of unsuccessful rapes committed by customers on female workers serving in KTV. Female H&T workers serving in KTV are likely to get harassed, for they serve customers in closed rooms where voices are hardly heard from the outside. Toilets built in the KTV rooms also increase likelihood of rape incidents (See Box 1 below).

Key informants in the MoLVT well recognise the challenge faced by H&T workers. They also shared their understanding that most of the employers in this sector do not care much about the Labor Law and therefore allow more cases of mistreatment and carelessness to happen to their workers. Some restaurants also force their waitress staff to wear short skirts to attract male customers. Compared to garment workers, the officials also raised, the H&T workers have not established a strong union to represent themselves. Their safety risk is even higher given that most of them work at night.

Perpetrators can be categorised into different groups. The first noticeable group is the rich and the powerful, which include businessmen, officials and armed force officers (including the police). This group tends to be aggressive and abusive when involved in violence and sexual harassment. FGDs with beer promoters revealed that some customers who are police and government officials, with their powerful positions, tend to curse them with vulgar words and sometimes even use guns to threaten them when the girls refuse to be harassed.

The good news is that in the last few years, according to the interviewed women and other respondents, the problem of law enforcement officers becoming perpetrators has become much less of a problem. This is, as a later section will show, partly because of awareness raising campaigns (both to the general public and to the law enforcement officers themselves), the role of the media, and others.

Customers who have little knowledge about women's rights and GBV in general are also likely to harass H&T female workers. Interviewed local police officers indicate that people dare not commit harassment and tend to give value to female H&T workers if they are aware of what constitutes harassment and GBV, and more importantly, if they are informed of the legal consequences that might result from such act. This suggests that awareness-raising, despite its limitations, is still one of the most effective measures to prevent sexual harassment at the workplace. Later sections will discuss this more.

BOX 1: RAPE CASES INVOLVING FEMALE WORKERS SERVING IN KTV WITHIN A RESTAURANT

Case 1: Attempted rape of a waitress

One woman working as a waitress serving food in a KTV room experienced an attempted rape, committed by a male customer when she was in a bathroom in a KTV room. Luckily, she escaped and shouted loudly to ask help from others. This case was not reported to police because she thought police would not help, and because she somewhat expected such abuse would one day happen to her if she accepted the job. The best she could do was quit the job, which she did.

Case 2: Rape of a female playing CDs in KTV room

Three men aged about 30 years old attempted to rape a female worker in the toilet built inside the KTV room. A beer promoter knocked on the door, causing an interruption. The beer promoter encouraged the victim to file a complaint against the three perpetrators and she promised to be a witness. However, the plan to file the complaint was opposed by the supervisor (meka) who raised that the victim is under his supervision, so it is his decision to make. The beer promoter defied the supervisor and reported the case to an NGO, who then came to intervene at the scene with a police officer. However, the case was closed with a compromise between the victim and offenders who agreed to pay \$500 as a compensation. After the case ended, the beer promoter was dismissed from the restaurant after the meka requested to the beer company to replace her.

2.2.2. INCIDENTS WHILE COMMUTING

As reported in FGDs, there are a few minor cases where men on the street verbally harass and use immoral words to women when commuting. For the interviewed H&T workers who take their own transportation back home, one of their great concerns while commuting home is when they are being followed by customers who ask to take a ride with them. Some H&T workers are also afraid of those customers who might hold a grudge against them when they could not serve well. To them, the revenge committed by those customers might happen anytime including on the way home.

Compared with beer promoters, waitresses are more at risk while commuting. Some beer promoters who are members of BSIC have been provided transport via company vans back home, but waitresses have to travel on their own. The waitresses participating in the FGD indicated that some of them travel home by bicycle late at night (around 10pm or 11 pm) on quiet roads, some of which do not have public lighting at all. Gangsters hanging around on the street and in rental house areas cause these women the most fear.¹⁵

Rather than sexual harassment, the main concerns associated with commuting are personal and road safety. According to the fieldwork, garment workers are at risk of theft, or even robbery, during their commute, especially on pay-day.¹⁶ Traffic accidents are an even bigger risk, especially for garment workers. A recent report by the MoLVT indicates that 67 garment workers died in traffic accidents in 2013 and increased to 73 in 2014. The total number of injuries caused by traffic accidents rose from 4,703 in 2013 to 4,737 in 2014.¹⁷

2.2.3. INCIDENTS AT WOMEN'S HOME OR ACCOMMODATION

Sexual harassment at places of accommodation can happen in a number of ways. The most common are those that occur at the shared bathroom areas. The interviewed sangkat authorities and female garment workers reported that the cases of men peeping at girls taking a bath have been one concern in the rental house areas. While recognising the risk, however, the interviewed women also accept that with the low rental price they pay, they cannot demand a separate bathroom from the landlord.

Instead, they have to find their own solutions. According to a documentary film,¹⁸ female tenants bathe as fast as they can in order to avoid the peeping. Accessing bathroom at night is also unsafe, and some women had to endure and not use the bathroom until dawn. Such situation is more common in rental houses in suburb areas, while more rental houses in urban area have a private toilet room included. Sexual harassment in the form of verbal abuse and domestic violence are also frequent in the rental house areas.

2.3. DUTY BEARERS BESIDE THE POLICE AND LOCAL AUTHORITIES

Duty bearers, as defined by UNICEF's Gender Equality Glossary, are those actors who have a particular obligation or responsibility to respect, promote and realise human rights and to abstain from human rights abuses. The term is used to refer to both state and non-state actors. Individuals, local organisations, private companies, aid donors and international institutions can also be duty-bearers depending on the context.¹⁹

The study found a set of key actors involved in preventing and responding to sexual harassment faced by female workers, some are state and others are non-state. They are:

- State duty bearers: Police, local authorities, MoWA, MoLVT and MoT
- Non-state duty bearers: Employers, workers' representatives, and supervisors, and other non-state duty bearers (i.e. NGOs, media, rental house owners; presented in detail in section 7)

As mentioned in the introduction, the study focuses mainly on the local police and local authorities, both of which

15. See for instance, CARE (2014), ILO (2012) and UNICEF (2013).

16. The interview with peers of the Solidarity Association of Beer Promoters in Cambodia (SABC) revealed that one beer promoter was robbed while she was travelling home at night.

17. MoLVT (2014a).

18. <https://www.youtube.com/watch?v=jDzn7W48dmQ>.

19. This is available at <http://www.unicef.org/gender/training/content/resources/Glossary.pdf>.

BOX 2: KEY REGULATIONS ON WORKING CONDITIONS IN GARMENT FACTORY AND H&T OUTLETS

MoLVT Prakas No.194 on Working Conditions, Occupational Safety and Health Rules of H&T Service Enterprises, Establishment and Companies (2014) aims at regulating employers of H&T and companies to properly and comprehensively implement the Labor Law. Article 8 of the Prakas prohibits violence or sexual assault on H&T workers by any individuals. To ensure proper implementation of the Prakas, the MoLVT, in cooperation with key donors, puts out four main activities, including: (i) building capacity of their own inspectors, (ii) building network and structure by establishing peers or focal points in the factories and H&T places, (iii) developing tools to collect information, and (iv) raising awareness of the above Prakas as well as operationalising a tri-party committee which involves the Ministry, employers and employees.²⁰

MoLVT Prakas No. 176 on Introductory Education on Occupational Safety and Health for Workers, Shop Stewards, and Union (2013) obliges employers or enterprises or establishments to educate their workers and their representatives on occupational safety and health as relevant with each work station.²¹

Sub-decree No.191 on The Management of Adult H&T Places (2014) gives the MoT and sub-national administration (SNA) key roles in managing adult H&T places in their localities, including their license and activities. The adult H&T places are obliged to follow Cambodian culture and tradition, prohibited from displaying sexually explicit materials or engaging in other criminal activities, and required to report or make a complaint to competent authorities if such a case happens. In case where crimes have been committed, SNA can implement legal procedures to close the H&T places' activities temporarily and ask for advice from the Minister of Tourism for further action.²²

are discussed in details in Section 3 and 4 below. This sub-section, however, provides key points about the other duty bearers, namely, the MoLVT, MoWA, MoT, employers and workers' representatives.

MoLVT: The Ministry has more roles relating to garment factory sector, particularly in ensuring acceptable standard working conditions and safety for workers. Recently, however, the MoLVT has started to pay more attention to H&T female workers, a step indicated by its issuing a 2014 Prakas No. 194²³ on working conditions, occupational safety and health rules of H&T service enterprises, establishments and companies (See Box 2 below).²⁴

MoWA: Based on CARE (2014), MoWA in cooperation with CARE, has worked to develop a Memorandum of Understanding (MoU) with different venues and businesses. The MoUs are established to increase the commitment of employers to protect the rights of women. As prioritised in the National Action Plan to Prevent Violence Against Women (NAPVAW) 2014-2018 MoWA has the role to promote multi-sectoral coordination to prevent and respond to GBV. In the launching of the recently adopted NAPVAW, MoWA together with MoI also showed their commitment to collaborate to prevent violence against women. MoWA, with support from development partners, has also provided a number of trainings to targeted local authorities, police, garment factory workers and entertainment workers about relevant laws.

However, based on an interview with a MoWA senior officer,²⁵ although much effort has been put in place by the various actors including NGOs, three problems have been identified.

Lack of coordination among duty bearers: Although there is the Technical Working Group on Gender's subcommittee on GBV (TWGG-GBV), the work on GBV and sexual harassment with target beneficiaries has been fragmented among state actors (i.e. MoI, MoWA, MoLVT, MoJ, MOT) and non-state actors (Unions entertainment workers' associations, restaurant association, Hotel Association etc).

20. This is based on an interview with an MoLVT senior official dated Feb/10/2015.

21. MoLVT (2013).

22. RGC (2014).

23. MoLVT (2014b).

24. MoLVT (2014).

25. The information is based on an interview with the Deputy General of Legal Protection Department dated Mar /02/ 2015.

Effectiveness of training and awareness raising: Trainings provided so far by MoWA in collaboration with and support from CARE has been viewed as useful in term of law awareness raising but less focused on practical experiences and discussions on how entertainment workers/garment workers' issues, particularly sexual harassment, should be handled by local authorities and the police. As suggested by the interviewee, the training materials should be reviewed, updated and made more practical. The material should focus on available services, due procedures, roles and relationship of each and among actors, and how entertainment workers/garment workers can get their cases solved.

Low priority of addressing sexual harassment in high policy making circles: The interviewee indicated that there should be stronger evidence (possibly in a form of large scale survey) on GBV and sexual harassment among garment and H&T workers in order to get attention from high policy-decision makers.

MoT: According to the Sub-Decree 191 (2014), the MoT has the leading role to manage, monitor and evaluate the licences and business activities of adult H&T places. The MoT, as the Sub-decree states, should perform its roles in close collaboration with the sub-national administration (SNA). It does not say however which level of the SNA it should work with.

Employers: Every employer of an enterprise or establishment who employs at least 8 workers shall establish an internal regulation, which includes provisions on hiring, working hours, wage calculation and payment, and health and safety measures for workers.²⁶ Sexual harassment, however, is not mentioned as one of the explicit provisions in the internal rules.

Article 172 (the only article in Labor Law which mentions sexual harassment) states that all employers and managers of establishments in which children or apprentices less than 18 years of age or women work, must watch over their good behaviour and maintain their decency before the public. All forms of sexual violation (harassment), according to the Law, are strictly forbidden. However, there is no clear definition and provisions for preventing and addressing sexual harassment at the workplace.

Workers' Representative: Article 283 and 284 of the 1997 Labour Law require that in an enterprise/establishment with at least 8 employees, the workers shall elect a shop steward to be the representative of all workers who are eligible to vote in the establishment. The role of the shop steward is to bring collective grievances relating to wages and working conditions (including health and safety) to the employer and help provide solutions to any individual. However, addressing sexual harassment and other types of GBV are not explicitly mentioned in their roles.

26. Labor law Article 22 and Article 23.

3. FORMAL ACCOUNTABILITY STRUCTURE – THE POLICE

The formal accountability structures of the local police are shaped by (i) the various policies and guidelines that they are expected to implement and comply, and (ii) the institutional setups which define their roles, their entitled resources, and how their performance gets assessed and enforced.²⁷

3.1. POLICIES AND GUIDELINES

Two policies are most relevant to the police: the Cambodian National Police's Strategic Plan (2008 – 2013) and Village and Community Safety Guidelines (VCS)²⁸. The Strategic Plan sets out 10 strategic goals for police reform, two of which are of relevance here: Strategy #10 and #4 which seek to strengthen commune police post and introduce the notion of community policing to build trust between communities and the police.²⁹ The current Strategic Plan came to an end in 2014.

Recently, one senior police officer publicly admitted through the media that this plan had failed to achieve 40% of its strategic goals due to two reasons: first, there is a limited understanding among the lower units, which are not clear on the policy, and second, the elite units are not involved in the work and only in paper work. The lack of funding for policing is also seen as the main contributor to the failure.³⁰ The new strategic plan is now being finalised which will cover a wide-range of subjects, including national security, public order and police professionalism.

The VCS Guideline, on the other hand, is the most commonly known policy among both the police and local authority.³¹ The Policy indicates that to be considered safe, a village or commune needs to be absent of 9 points (listed below). For our study, although point 3 is the most relevant, a few others are also important. For instance, point 1, 2 and 4 might be most important safety concerns in 'living areas,' and 'commuting' for female workers.

1. No stealing, snatching, and robbery
2. No production and trafficking of illegal drugs
3. No prostitution, trafficking of women and children, domestic violence and VAW
4. No youth gangs
5. No illegal gambling, illegal weapon uses and crimes
6. No traffic accidents
7. No dangers from un-exploded ordnance (UXOs)
8. Effective prevention and responses to natural disasters
9. No illegal check points

The VCS policy implementation includes three key activities: (i) conducting awareness raising events, (ii) holding public forums, and (iii) creating and supporting voluntary guards. In the four sangkat visited, voluntary guards (VG) play important role in ensuring good security and public orders at the sangkat and village level. More discussion on the VG is in later section.

3.2. FORMAL ORGANISATIONAL STRUCTURE

At the national level, the General Commissariat of National Police has 6 central departments: Security, Public order, Transport, Border, Administration and Judicial Police. Among these, the following are the most relevant to our study:

- The Anti-Human Trafficking and Juvenile Protection Department, which has over 100 police officers (only five are females) working in seven offices, one of which is the Anti-Human Trafficking Office in charge of DV and rape. The office has five units to be in charge of (i) administration, (ii) victim supports, (iii) DV, (iv) rape, and (v) information.³²

27. To guide its analysis, the study follows the Accountability Framework of the World Development Report (2004). Making Service for the Poor World Bank (2004).

28. MoI (2012).

29. TAF (2013).

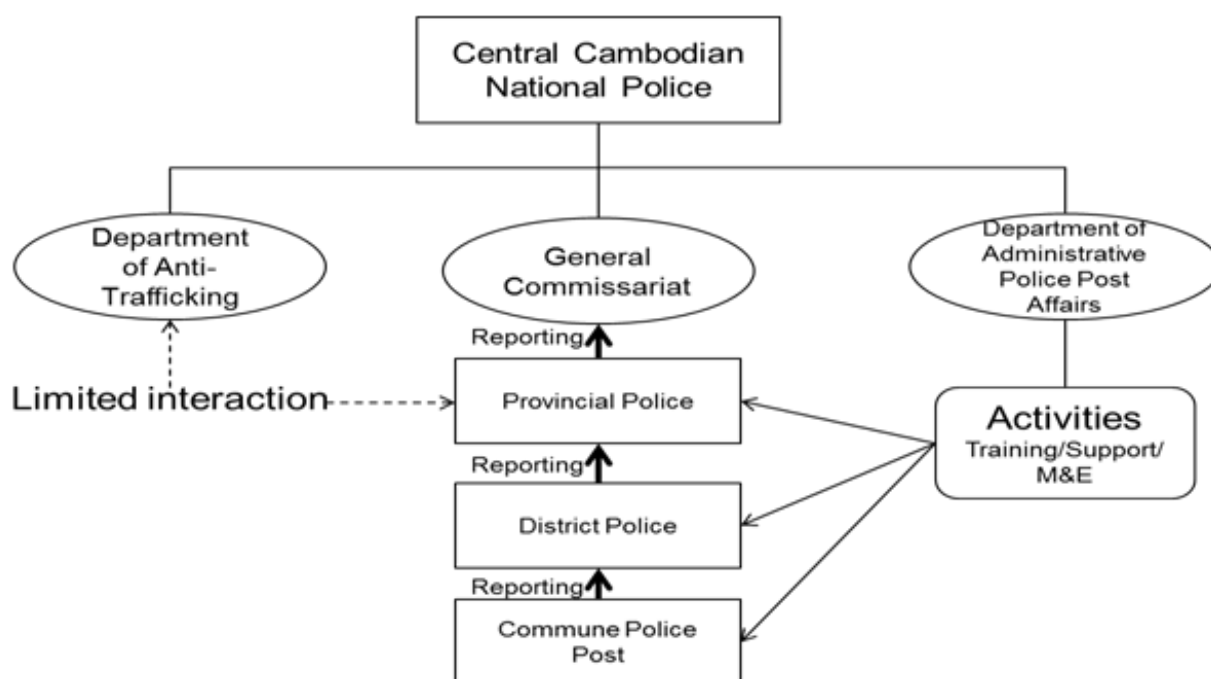
30. This information is available at <http://www.phnompenhpost.com/national/police-admit-trouble-top> dated Dec/10/2014

31. The VCS policy was first issued on August 16, 2010 and updated in August 2012.

32. TAF (2013) and interview with Head of Anti-Human Trafficking Office.

- The Criminal Department, which has two separate sections, minor and serious crimes. Minor section has about 60 police officers (no female police officers) while serious section has roughly 40 police officers (only a few are female).³³
- The Administrative Police Post Affairs Department which was newly established to be responsible for promoting the effectiveness of the VCS policy implementation and supporting police posts (i.e. police at commune/sangkat level).³⁴ It is important to note that the Department's main responsibility is not to directly command police posts but only to monitor, correct, and strengthen them.
- The VCS Working Groups whose responsibility is to ensure effective implementation of the VCS policy. At the MoI, a VCS Secretariat was established, together with 16 working groups, each of which is headed and composed of key influential people of the CNP and MoI. The main role of the group is mainly to reinforce and remind local authorities about the VCS

Figure 1: Police Structure



At sub-national level, the hierarchy includes 25 provincial police commissariats (including Phnom Penh), 194 Khan/district/municipal police, and one police post for each of the 1,633 communes/sangkats. The police at each level are subject to two different lines of commands: their vertical immediate office and the governors (for capital/province and Khan/district levels) and local chiefs (for commune and sangkat levels). Later sections will discuss more on the relationship between the police and local authority.

3.3. ROLES, RESOURCES AND REPORTING

3.3.1. SANGKAT POLICE ROLE

Under the VCS Guideline and Prakas on Roles and Duties of Sangkat/Commune Police Post (MoI, 2011), the police posts are responsible for ensuring security, public order and social safety in Sangkat/Commune. Box 3 provides a full list of those roles.

33. The interviewed police officer could not provide the exact number of the staff members (interview dated Feb/04/2015).

34. The department was first established as a working group working closely with CCJAP to support the Community Policing project. While working with CCJAP, the CNP saw strong commune police as being critical for effective VCS implementation, but to support the commune police, it needs more than just the loosely structured working group. Therefore, the working group was turned into a department.

BOX 3: EXPECTED ROLES OF POLICE POSTS ³⁵

According to the VCS Guidelines and Prakas on Roles and Duties of Sangkat/Commune Police Post, a police post is expected to perform the following roles:

- Managing statistics of citizens, number of households, number of temporary and permanent residents and their occupations
- Taking serious measures to control targeted offenders in their localities
- Managing the registration of weapons, explosive and flammable materials, reducing rate of accidents from UXOs, occupations that affect security, public orders and all kinds of vehicles identified by ministries
- Registering location of arm force stations, embassies, educational institutions, pagodas, resorts, clubs, local and international entities, expatriate residents, companies, factories and enterprises
- Preventing and cracking down on all crimes in their Sangkat/Commune in accordance with legal procedures, searches for lost people, and public announcements
- Cooperating with relevant authorities in protecting crime scenes, collecting and maintaining evidence, making urgent primary reports to Municipal/District/Khan Police Inspectorate and Sangkat/Commune chief directly
- Enforcing court's Deika, verdict and decisions
- Patrolling and checking every target area in their Sangkat/Commune and performing community tasks to mobilise forces participating in ensuring security and public order
- Respecting discipline of national police in order to build trusts with citizens and receiving reports on all kinds of incidents
- Preparing regular reports to Sangkat/Commune chiefs and Municipal/District/Khan Police Inspectorate as scheduled
- Receiving training on roles and responsibilities, rights, authority and necessary skills
- Preparing transportation means and necessary facilities, including police complain box
- Making sure that there are enough police officers standing by at the post and act as key contact persons for citizens. In case there is a crime or other incidents occurred, all the police have to gather as a group to take action to solve the problem
- Cooperating with local authorities to share information and support each other in preventing and suppressing all kinds of crimes in the community
- Establishing good relationships with local people, without discriminating against their political affiliations, religions and gender in order to build trust among those people
- Perform other duties assigned by Municipal/District/Khan Police Inspectorate.

All the police officers interviewed take the laws and regulations seriously and they all seem to be aware of their expected roles as mentioned above. However, as will be discussed later, while the expected roles require the police to be pro-active, in practice, they have been more reactive and even in this regard, the incentives and means for them to act is still limited.

3.3.2. RESOURCES

Human Resources: According to MoI's 2011 Prakas on Roles and Duties of Sangkat/Commune Police Post, different categories of police posts should have from 7 to 30 police officers. The police posts visited have from 14 to 28 officers, of whom one or two are female. However, those female officers are mostly assigned to be in charge of clerical work and in some cases for examining the bodies or clothes of female perpetrators or female victims. Police chiefs interviewed also raised that some female police officers do not usually come to work regularly because they are busy with their household chores and taking care of children.

35. Please see VCS Guideline (2012) and Prakas on Roles and Duties of Sangkat/Commune Police Post, MoI (2011).

The required number of police officers in each post is based on the population size.³⁶ Based on this rule, all the police post officers interviewed raised that the current number of police officers is significantly lower than what is required. In some areas, they said, the population size has dramatically increased because of huge migration into commune the in the last 5 years. To correspond to this demographic trend, the interviewed police officers said they would need at least seven to ten more police officers, among whom two to four should be female.

The request for more police post officers, especially female police officers, is well in line with the plan of the Minister of Interior, who recently announced that of the more than 2,000 police officers to be recruited each year, at least 30% or 40% of them should be women.³⁷ *“Female police officers would be trained to have any skills – immigration police need them, traffic police also need policewomen and penal police need them because they have to inspect women,”* the Minister said. The report however questions the feasibility of the Minister’s plan, given an observation that not many women want to be police officers to start with.

Financial Resources: In addition to monthly salary for their staff, each police post is provided with three motor bikes, 60-90 litres of gasoline for every three months, and operation budget of about 100,000 riels (\$25 USD) a month.³⁸ Needless to say, the budget, the in-kind support, and the salary (which is expected to be increased from 473,000 riels (\$118.25 USD) to 640,000 riels (\$160 USD) including rice allowance after the recent increase³⁹) is far too small either to motivate or provide sufficient means for the police post officers to be proactive and diligent with their jobs. As a result, many local police officers find other ways to make their living. For instance, the team learned that police post officers, especially the police post chief, usually receive some financial support (more as a ‘thank you’ allowance) from local residents and business owners, in exchange for various administrative and facilitation services (e.g. processing necessary administrative documents, guarding at ceremonies, intervening in a conflict situation, etc.).

Two interviewed business owners in Phnom Penh also reported giving money, food, and drinks to the police as a way to create close connection with them. Such relationships, they added, are important especially when they have to call for intervention from the police. Such practices were also reported in the news.⁴⁰ Every year, especially during (Chinese and Cambodian) New Year celebration, many business owners in Phnom Penh give a few cases of beer and beverages, and other gifts (e.g. free meals, phone cards) to the police. In return, the police tend to do more patrolling around the business areas and intervene in a more timely manner when requested by the owners.

3.3.3. REPORTING AND REFERRALS

By rule, the police post shall report to the Khan police and the sangkat chief. They report to the CCWC meeting, especially on issues relating to women and children. In reality, as discussed later, the police post takes its reporting obligation to the Khan much more seriously than to the sangkat council. On this vertical reporting, it should also be noted that when there is a complaint, by rule, the police post (sangkat level) can report directly to the prosecutor. However, in practice, the police follow strictly their hierarchical vertical line, i.e. the sangkat police to the Khan, Khan to Capital, and Capital to the prosecutor.

According to the interviews, the sangkat police reports to the Khan police on serious cases that they cannot address by themselves. The problem, as discussed later, is that it is not clear how seriousness of an incident is defined. For both serious and non-serious cases, the police post is required to include them into their crime statistics. Again, there is no clear guidance as to which cases need to be included in the statistical records. The absence of such guidance has led to under-reporting, under-recording and different crime statistics recorded by the police and by the sangkat council.

36. This information is based on an interview with the Capital’s Anti- Human Trafficking and Juvenile Protection Office Head dated Jan/29/2015.

37. <http://www.rfa.org/khmer/news/social-economy/Interior-need-more-female-police-01242015081954.html>, dated Jan/24/2015. Please note also that the regular annual new recruits are partly to replace retired policy officers, many of whom have been serving since 1980s.

38. This is based on interview with CCJAP officer dated Dec/16/2014.

39. <https://www.cambodiadaily.com/news/low-ranking-police-soldiers-to-see-salary-increases-76041/> dated Jan/14/2015.

40. <http://www.khmertimeskh.com/news/8590//>, dated Feb/03/2015.

The police post seem to not focus on producing written records, but more on daily updating and information sharing through walkie-talkies (with other police, with sangkat councils, village authority and voluntary guards). The police hotline is another important reporting channel but it is unclear how often people have used it. Interestingly, more and more, the police have increasingly relied on listening to radio and checking Facebook for updated information. The CNP also has plans to have its own newspapers as a way to better share to the public important news on security and safety.⁴¹ The roles of media are discussed in a later section.

41. <https://www.cambodiadaily.com/archives/national-police-planning-to-establish-its-own-newspaper-60701/> dated Jun/09/2014

4. FORMAL ACCOUNTABILITY STRUCTURE – SNA/LOCAL AUTHORITIES

4.1. POLICIES AND GUIDELINES

The policies and guidelines relating to SNA/local authorities are many, but a few are of particular relevance. The most important ones are The Law on Commune/Sangkat Administrative Management (2001) and the Organic Law (2008). Both laws provide that the commune, district and provincial councils shall have a duty to ensure “local public order and security”. Another important policy is the VCS (discussed earlier) which puts SNAs at the forefront of implementing the policy.

On GBV (including sexual harassment), important policies to be mentioned are those relating to the Commune Committee on Women and Children (CCWC) and the Women and Children Consultative Committee (WCCC) which exist at both the district and provincial levels. According to the NCDD Guideline (NCDD, 2010), CCWC is expected to implement the three following activities:

- Strengthening gender networks at local level, organising forums with female local leaders and community people to discuss women’s issues in order to find proper solutions.
- Educating and conducting awareness-raising to promote gender awareness (including prevention of GBV).
- Sending and supporting transportation fees for women victimised by domestic violence to receive health services.

The laws and policies mentioned above have been operationalised through the 10 Year National Program which has been divided into 3 phases: Phase 1 (2010-2014), Phase 2 (2015-2017), and Phase 3 (2018-2020). The key progresses expected from one to another phase are more authority, resources and accountability for service provisions (especially in social sectors, including genders) being transferred from the national to sub-national level, especially the district and commune level.

In the Phase 2 document (known as Second 3 Year Implementation Plan, or IP3-II), concrete functions from education, health, agriculture, rural development and social affairs have been identified for transfer to the commune and district level. However, of particular relevance to this study is the fact the roles of the local police is not even mentioned in the document, nor as a potential functions that should be considered assigned or delegated to local authority.⁴² However the policy is still open to the possibility of local councils proposing new functions (including those relating to safety and gender) as their officially (and explicitly) recognised functions.

4.2. FORMAL ORGANISATIONAL STRUCTURE

SNA consists of capital/provincial, Khan/district/municipality, and Sangkat/commune level. The recent D&D reforms further classify the 3 tiers of SNA in two levels:

- The regional level, which includes all the 24 provincial administration and
- The local level, which includes capital, district, khan, municipality, sangkat/commune administrations.

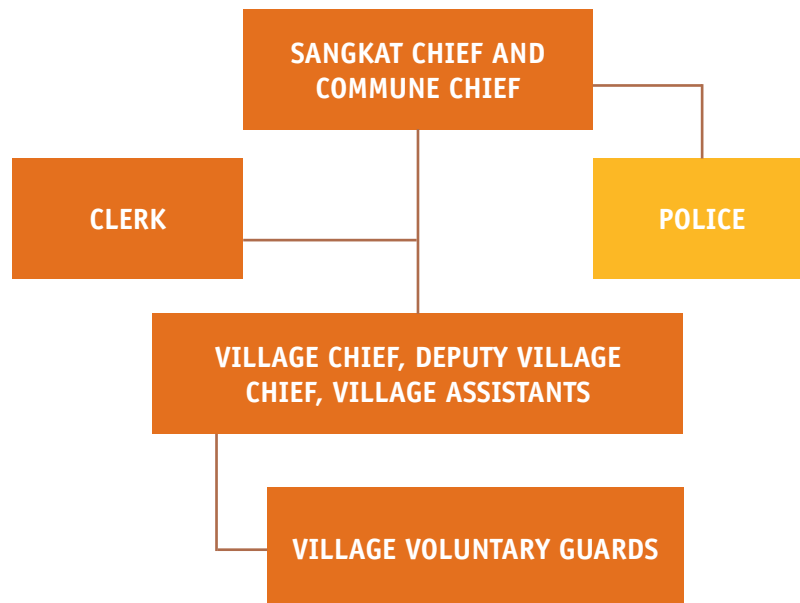
Capital/provincial and Khan/District Administration each has a council, which is indirectly elected by sangkat councillors and has a mandate of five years. Each council has a Women and Children Consultative Committee (WCCC) which has 19 to 28 members (in the cases of visited khans) including a council member, a deputy governor, and representatives from women affairs, police, labor and vocational training (only at capital level), education, health and other relevant line offices. The WCCC plays facilitating roles among the different technical departments and offices and have close relationship with the Department and Office of Women’s Affairs.⁴³

A **sangkat administration** is, on the other hand, directly elected by local citizens and has a five-year mandate. In the four sangkats visited, there are between nine and eleven councillors (one to three are women) depending on their population size. Each sangkat has a clerk who is the staff of the Ministry of Interior. Each sangkat has a female councillor acting as the Commune Committee for Women and Children (CCWC) focal person who is also a member of the WCCC at the Khan level. The CCWC has a multi-sector membership, as indicated in Figure 2 opposite, and has close relationship with the Department and Office of Women’s Affairs. The CCWC also has monthly meetings.

42. NCDD (2014).

43. The interviews were conducted with WCCC at capital and Khan levels dated, Feb/26/2015.

Figure 2: The Sangkat, Village and VG Structure



Under the sangkat is village level. Each village has one village chief, one deputy chief and one female village assistant. The sangkat chief and/or village chief organises the village voluntary guard group (VG) to help prevent crimes and keep public order in their village. The VG members are selected from among local people in each village. According to VCS guidelines, roles of VG include cooperating with the police, gendarmerie and local authorities to do regular patrols, conducting community awareness-raising, reporting cases and arresting and referring perpetrators to the police and local authorities.

4.3. ROLES, RESOURCES AND REPORTING

4.3.1. ROLES AND FUNCTIONS

The sangkat administration has two types of functions, (i) to serve local people and (ii) act as an agency representing the State under designation or delegation of power of the state authority. Every year, each sangkat is given a grant called Commune Sangkat Fund (CSF) (see below) which it spends on one or more of the following five sectors: (i) social, (ii) economic, (iii) environment, (iv) security and public order, and (v) gender. Despite the sectoral classification, the current legal provision is still too broad and has yet to explicitly and specifically assign key functions to the sangkat. It is expected that under the 2nd phase of the IP3 (discussed above), more specific functions will be identified and assigned to sangkat (and other) level.

Despite the unclear legal provision, the visited sangkat councils have been performing various de facto functions using their annual budget grant and other revenue sources. Those functions include: ensuring security and public order, collecting regular population statistics, infrastructure development, waste management, civil registration, and small conflict resolution/ mediation. The roles of the sangkat in addressing GBV, and sexual harassment in particular, are not clearly stated. While all the sangkat officials interviewed recognise that they have to do something about GBV, in most cases, they either view this particular issue as a part of their VCS implementation or as a responsibility of the CCWC focal person.

4.3.2. RESOURCES

Human Resources: Within the sangkat administration, beside the police (which is supposed to be working under the supervision of the sangkat chief), other relevant actors for GBV issues include: a deputy sangkat chief who is responsible for security and public order, the CCWC focal person, the village authority and the VG. The clerk might also be relevant given his responsibility on all paperwork-related tasks of the council. The study found that with the exception of the CCWC focal persons and possibly some female village authority members, these officials either do not see GBV and sexual harassment as their main priority and/or they are too occupied with too many other things to take these issues seriously enough.

Financial Resources: Each sangkat relies on three types of budget: the sangkat fund (CSF),⁴⁴ its own revenue and voluntary contribution from local residents. In the visited sangkats, according to their 2014 Sangkat Investment Plan (CIP) in 2014, most of their CSF was spent on physical infrastructure (street light, sewage system, and concrete roads). On the social issues, the budget was spent on promoting good health of mothers and children, local hygiene and sanitation, raising the awareness of women on laws and policies and CCWC meetings. The visited sangkat also used their CSF for awareness-raising activities on domestic violence law, an anti- trafficking law as well as the knowledge of GBV and sexual harassment. However, the budget spent on social issues is very small (see Table 1 below).

The visited sangkat councils also have their own revenues which were generated from providing civil registration services to local citizens.⁴⁵ The councils also received direct contribution from local residents and business owners, including those of garment factories. In the visited cases, the factory owners helped construct a portion of a concrete road and install street lights along the road around the factory premises. These investments have been very helpful in minimising risks for garment workers (and other passengers) when they commute.

The financial support for the VG is also important. In the visited sangkats, most VGs are given a uniform, phone cards, and a walkie talkie. Although they are volunteers, they have also received some financial supports from the sangkat councils, the amount of which varies from case to case. The VGs might also get voluntary support from local people and business owners. In one case, a rich tycoon (oknha) donated several motorbikes for VGs to patrol at night. The VGs also get paid by local residents when they help ensure security at weddings or ceremonies in the community.

This financial support, however, is small and not considered the main motivating factor for most VGs. Their inner sense of voluntarism and the perceived image of being part of the local authority were found to be more important. However, one cannot expect too much result from voluntarism alone, especially when those volunteers have not been given sufficient means to perform their voluntary jobs. All the VGs, police and local authority officials, for instance, raise the lack of budget, vehicle and gasoline as the main reason why the patrolling has not been done regularly. FGDs with women workers also confirm this limited activeness on the part of the VGs, the police and local authority.

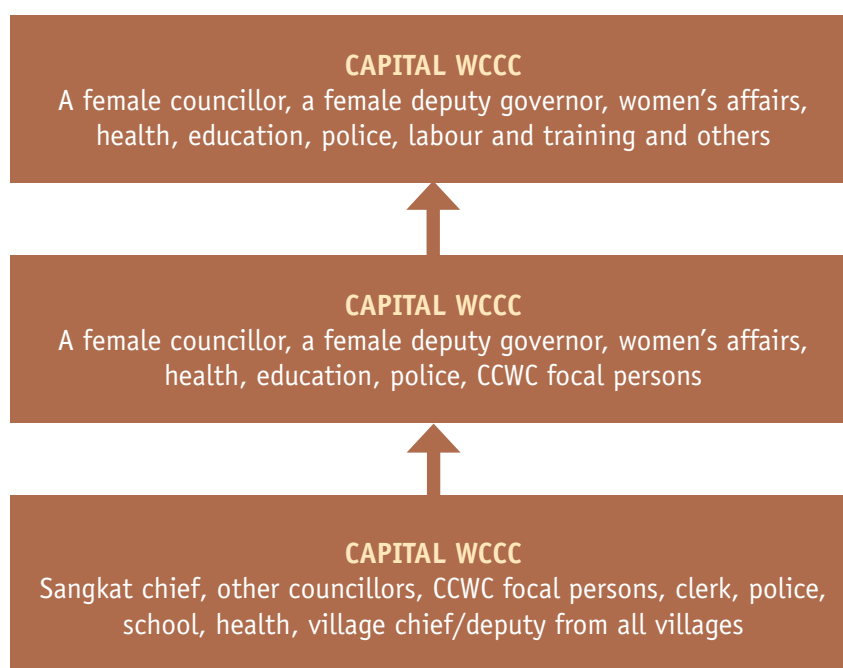
Based on the VCS guidelines, the VGs are not allowed to possess weapons while performing their duties, which limits their ability to scare off and/or make credible threats to potential perpetrators, especially when the latter

Table 1: Sangkat Fund Allocation and Spending in 2014 (USD)

Budget items/sangkats	Chom Chav	Toul Sangker	Preak Leap	Chaktomuk
Total CSF	67,252	50,055	44,074	34,780
Local contribution	3,750	0	0	0
Own revenues	2,500	0	0	125
Spending				
Infrastructure				
Street light	0	32,000	0	0
Sewage system construction	22,500	18,055	0	17,028
Concrete road construction	20,920	0	46,530	0
Social (CCWC)				
Helping vulnerable children, pregnant women, local hygiene, CCWC meeting and other awareness-raising	1,000	1,250	1,200	1,000

(Source: 2014 Sangkat Investment Programs of the 4 Sangkats)

Figure 3: The WCCC and CCWC Structure



are drug users or burglars. Moreover, although being voluntary, VGs are expected to perform many duties (not just security issues) relating to other public order problems, such as traffic congestion, minor conflict resolution, or waste management issues. The expected workload, together with low incentive, the study found, have killed off the sense of voluntarism among many VGs who are now in old age and want to take a break from this community work.

4.3.3. REPORTING

There are two routine meetings taking place at the sangkat every month. One is the monthly council meeting and the other is the CCWC monthly meeting. The difference between these two meetings is that the Sangkat council meeting is only between councillors, while the CCWC meeting also include representatives from the police posts, schools, health centres, village chiefs and other relevant individuals.

The CCWC meeting is more relevant for our research. During the meeting, the participants report on their activities in the last month, their needs, concerns, and suggestions for further improvement, especially on issues relating to women and children. The CCWC focal person plays important coordinating roles with the sangkat chief, village chiefs, and representatives from other agencies. The CCWC focal person also reports to the Khan WCCC monthly meeting on activities and issues relating to women and children that were raised at their CCWC meeting. Please see Figure 3 above on the relationship between the CCWC, WCCC and other relevant stakeholders.

4.4. THE RELATIONSHIP BETWEEN POLICE POST AND SANGKAT COUNCIL

When it comes to security and public order (which also includes GBV), sangkat councils have relied on the police and village authority (including VG) to take action. However, the accountability relationship between the council (which is a directly elected body) and the police has been unclear and uneven. In term of official roles, the police posts are supposed to work under the direct supervision and guidance of sangkat chiefs.⁴⁶ In practice, however, as mentioned earlier, police post, while recognising their needs to work with the council, give more weight to their vertical line of command, i.e. Khan and Capital police.

44. It should be noted, unlike in the case of rural communes, the CSF of the Sangkat is considered/included as a part of the Capital annual budget. The difference however is more of a classification matter and does not much affect the actual decision making process at the Sangkat level on how to spend the budget.

45. Based on interviews with Sangkat clerks, the practice of the Sangkat's own revenue has just been implemented in mid 2014. It was also reported that 69% of Sangkat's own revenue belongs to the Sangkat, 30% is distributed to the Capital treasury and the rest to the Department of Economy and Finance. While some Sangkats use this revenue to reward Sangkat staff, others carry it over to the next year to include in CSF.

46. Prakas on the Roles, Duties and Structure of Administrative Police post, MoI (1999).

Officially, sangkat chiefs/councils have neither a say nor responsibility to provide budget support to the police post, nor the authority to punish or reward police officers based on their performance. The lack of such authority on the sangkat chiefs essentially means lack of accountability. Yet, existing laws and regulations (i.e. the VCS policy, the provisions on the CCWC) require that the two agencies collaborate and share information with each other, either through regular meetings (mentioned earlier) or reporting on crime statistics. In practice, at least in the visited sangkats (and also other places that the team had researched on), the accountability between the police and the councils has been uneven, depending very much on the personal influence of the sangkat chiefs, which in turn depends on their positions/ influence in the (ruling) party branch, their connections with higher individuals, and their economic resources.⁴⁷

47. Some sangkat chiefs are quite rich either because they have business on the side, or because they were lucky with land speculation.

5. KNOWLEDGE AND PERCEPTIONS

5.1. DUTY BEARERS' GENERAL KNOWLEDGE AND PERCEPTIONS

The duty bearers' perceptions of GBV and sexual harassment, this study argues, is shaped in a large part by their general perceptions and experiences in dealing related issues, including: how they manage migrant workers in their localities, the importance of community participation, the roles of media, and the roles of female police officers.

In the four visited sangkats (especially Chom Chav and Toul Sangker), the increasing number of garment factories and H&T outlets and restaurants have attracted a large number of incoming migrants, many of whom are women.⁴⁸ The number of rented houses, as a consequence, has also increased. These demographic and economic changes make it harder for the sangkat officials to keep track of the number of migrant workers who come and go without any notification. Their interaction with those migrant workers have been irregular and much more distant when compared to their relationship with permanent residents.

Despite the limited face to face interaction, however, the interviewed police and local authorities interviewed strongly agree on the importance of mobile phone and media (including radio, newspaper, TV, walkie talkie, and social media such as Facebook) in keeping not only them but also the local people updated about what is going in their locality and beyond. Besides being useful information tools, the media also helps shape performance of police and local authorities by (i) serving as an independent and accessible channel for people to raise their voices and concerns, (ii) bringing individual security and public order concerns into public attention (which would otherwise be kept unknown), and (iii) exposing the performance and responses by the authority to the public oversight/follow up. The best example of such media role is that played by the ABC radio, TV3 and the Hang Meas TV.

Worth mentioning is how female police officers are perceived by others. As mentioned earlier, not only that female police officers are small in number, but their roles have also been limited to doing mainly clerical and secretary tasks such as compiling administrative documents and statistics. The perception among the interviewed police officers, including the female ones, is that women should not perform more dangerous jobs such as patrolling at night or intervening/investigating crime scenes, or arresting criminals. Those tasks are perceived as too risky for women. Plus, female police officers are still viewed as part-time housewives who have to take care of children and husband and do housework.

5.2. DUTY BEARERS' KNOWLEDGE AND PERCEPTIONS OF GBV AND SEXUAL HARASSMENT

Local authorities reported receiving trainings on GBV and sexual harassment from MoWA, MoI, Khan WCCC and other NGOs. However, those interviewed officials had difficulty giving specific definitions on GBV and sexual harassment. To them, GBV mainly refers to DV and rape, which are stipulated in two well-known policies, the VCS and the DV Law. Sexual harassment came to their mind only when they were asked explicitly if it was considered a type of GBV.

When discussing sexual harassment, the interviewed local authorities and police officers expressed some differences in how they define the incidents. Some responded that sexual harassment is an act of physical touching such as "touching body, kissing, and rape", while some said verbal forms like unwanted flirting and asking girl to have sexual intercourse are also included. The level of seriousness is interpreted by the interviewees not by any laws or regulations but by their common sense. To them, a case is serious if physical touching and violence is involved, if it leads to visible cuts and bruises, if certain forms of threatening behaviour can be proved, and if they happened to minors.

Local police and authorities do not think they should pay too much attention to the minor forms of sexual harassment such as verbal abuse, unwanted flirting and asking girls to have sexual intercourse. More importantly, they view that those minor incidents happened not only because of the men alone, but also because the women themselves were acting or dressing in ways that invited those behaviours. This perception is particularly applicable to the case of H&T workers. Plus, the interviewees indicated that they could not afford to attend to all minor cases while they have been constantly occupied with the more "serious" issues such as robbery, murder, thefts and traffic accidents. That said,

48. The interviewed officers however cannot provide specific figures on the migrants in their localities.

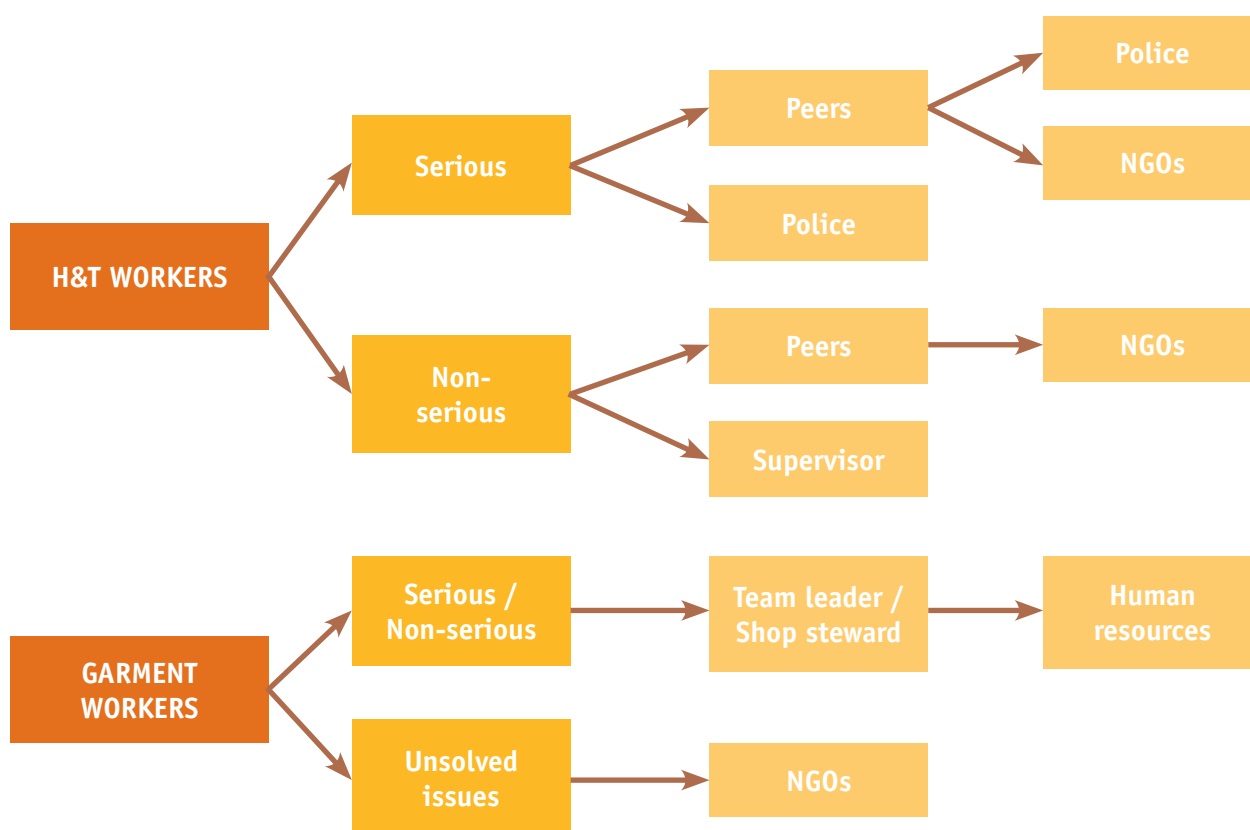
the interviewed police and sangkat officials said they would take actions on sexual harassment cases if they are reported to them. The problem is that such cases have very rarely been reported. Latest sections will discuss explanations for a low reporting rate.

The definition of seriousness, the team found, depends not only on the characteristics of the acts, but also on whom they were committed on, and by whom. All the sangkat and police officials interviewed have a stereotype of garment workers and H&T workers. In their minds, those girls are usually poorly-educated and they (especially the H&T workers) are already willing to accept at least the minor forms of harassment (for instance, verbal harassment) because it is part of their jobs. Consequently, an act which might be considered serious sexual harassment if it happens to, say, a female high school student, might not be considered as serious if it happened to a garment worker or, even more so, to a H&T worker. On the perpetrators, with a few exceptions (see later section on this), if they are rich and powerful, the police and local authority tend to be reluctant to enforce the laws even if they are aware of the incidents.

“More importantly, they view that those minor incidents happened not only because of the men alone, but also because the women themselves were acting or dressing in ways that invited those behaviours.”

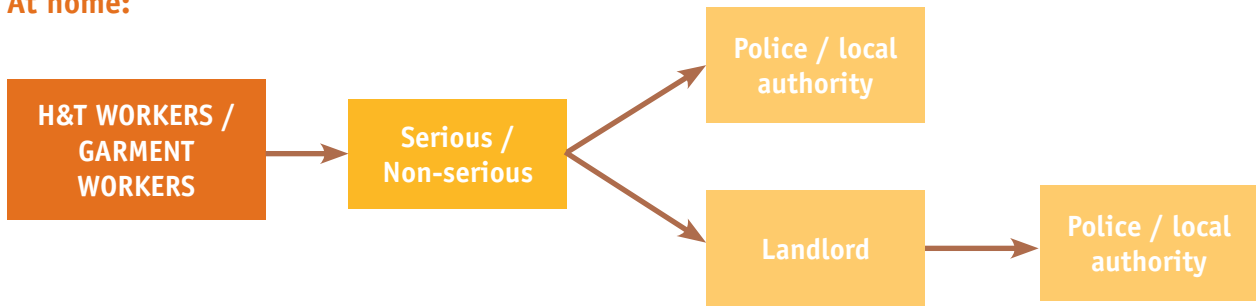
Figure 4: Different Channels Women Use to Seek Help ⁴⁹

In the workplace:

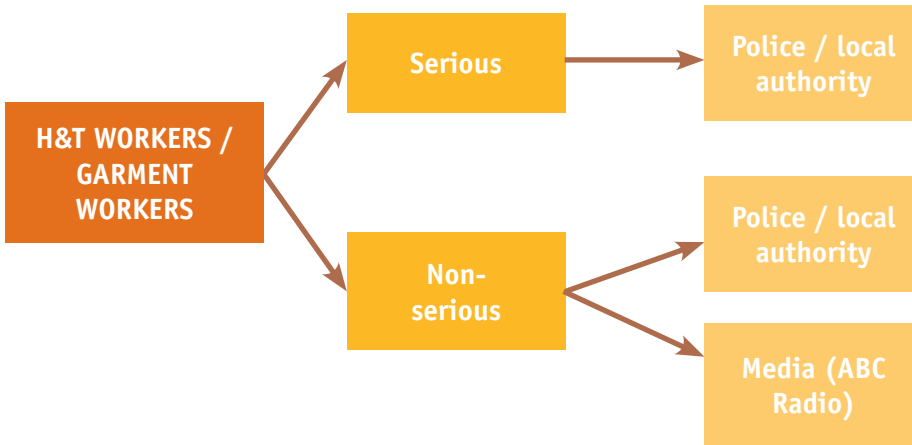


49. Actually, due to better mobile connectivity, the female workers can get access to most duty bearers (if not all). However, the figure presented here shows the common channels based on visited cases from fieldwork.

At home:



When commuting:



5.3. FEMALE WORKERS' KNOWLEDGE AND PERCEPTIONS ABOUT THE DUTY BEARERS

FGDs were conducted with garment workers and H&T workers and also with their peers to understand about their knowledge and perceptions about duty bearers. The followings are the key findings.

Informal fees: When asked what they think of police and local authorities, their first answer is that both police and local authorities only know how to charge money whenever they ask them help with paper work or solve any problems, including filing complaints or processing other administrative documents. Through this experience and negative perception, female workers tend to avoid asking for their help on any matters if they have a better choice, let alone reporting of GBV or sexual harassment cases.

Fairness and tendency to use a compromise approach: The interviewees perceive that police or local authorities tend to opt for pushing compromise solutions, regardless of the seriousness of the case. They understand that while some cases should be compromised, there are cases which require more serious legal proceedings so that the victims would feel satisfied and motivated to report. With the compromise approach, the women interviewed perceive that the police and local authority tend to be biased toward the rich and powerful and pressure victims to accept out-of-court solutions.

Law enforcement officers being perpetrators themselves: The very negative perception of female workers is that some of them believe that through their experiences, some police officers especially those at higher level, often commit sexual harassment against H&T workers when they come to drink. This has made H&T workers not report or make complaints against them for their own safety. They even view some police are the same type as thieves for they learn this information from newspaper and social media (Facebook) showing police's bad behaviour/attitude. Therefore, they do not trust and are even afraid of the police.

Limited interaction with local people: Female workers do not feel the police and local authorities are accessible to them, at least if compared to the situation in their hometown (rural areas) where they are used to being invited to join various village meetings and awareness-raising events. We already discussed why female migrants might hold such feeling toward the authorities.

Duty bearers' perception about women's jobs: The interviewed women, especially H&T workers, are quite perceptive about what the police, local authority and the general public think about their jobs. The women, especially those in H&T industries, perceive that those officials, partly reflecting the broader Cambodia culture (such as *chbab srey*), consider them as "not good girls" and that they perform the job and do whatever just for the sake of making money.

5.4. FEMALE WORKERS' PERCEPTIONS OF SEXUAL HARASSMENT

Participating garment workers considered minor acts such as verbal harassment using dirty jokes, staring, touching hands or body unintentionally as acceptable. However, if they perceive that there is intention involved, they would react, for instance, by trying to avoid that person, giving warning, informing the person's relatives of his inappropriate behaviour, or telling their supervisor or landlord.

As for H&T workers, their level of tolerance is found to be higher – they consider verbal sexual harassment, and even body touching by customers as acceptable. In their perception, these incidents are normally expected in their line of work. Once they feel that certain acts become unacceptable, they find ways to protect themselves by finding excuses to walk away from the customers, asking somebody else to replace them, or asking for help from their peers. Only for things they view as really serious would they (with support from peers) call the police hotline. However, this situation has been reportedly very rarely.

6. PRACTICES OF THE DUTY BEARERS – PREVENTION AND RESPONSE

6.1. PREVENTION

The discussion so far might already give some ideas about the existing prevention measures that the duty bearers have used. This section provides additional information and further elaboration on how those measures work in practice.

6.1.1. AWARENESS RAISING AND INSTALLMENT OF STREET LIGHTING

These activities have been happening in the form of various VCS public forums, which according to the rules have been run on a monthly basis. The forum intends to seek concerns from the people and raises their awareness about the VCS policy which sometimes also includes information on GBV. At the forum, local authorities and police contact numbers are also provided. The interviewed officials indicate that the most common security concerns raised by people in the forum include gambling, gangs, drugs and robbery. The challenge with holding a public forum is that local people do not really participate: Roughly 1% of people in the sangkat, by interviewed sangkat officials' estimate, participated in the meeting and most of them were not migrant women working in the garment and H&T industries.

The forum is public. However, in practice, sometimes some kinds of invitation letters were used. Usually, migrant women are not invited. And even if they are invited, the local authorities argued, they would not be interested in or have time to join. As a result, their needs or concerns are not reflected in the development plans of the councils or the priority of the police.⁵⁰ The sangkat councils however invited representatives of garment factories, H&T outlets, and sometimes rental house owners instead. This practice suggests the importance of these private sector/non-state actors.

An exception was found in one sangkat where (possibly with NGO support) the council had invited owners of restaurants, beer gardens and KTV to discuss security issues and ask for their cooperation in preventing sexual harassment, drugs, or weapons, for instance, at their workplaces, by asking them to report problems by imposing sanction to close their business from running if they do not report or cooperate. The sangkat also educated female H&T workers about their rights and Khmer culture.⁵¹ This one good example suggests that despite the usual low performance, occasionally, there are good cases of local innovation (likely with facilitation and encouragement from NGOs) which can be learnt from and expanded.

Another prevention measure was the installation of street lights along quiet roads, which can contribute to crime prevention along the roads.⁵² The last section (section 4.3.2) already discussed this case.

6.1.2. PATROLLING BY VILLAGE VOLUNTARY GUARDS (VGS) AND POLICE

The VGs work at the village level under the supervision of village authorities. In cooperation with local police, the VGs take turns day and night to do patrolling, especially around the areas known to be likely to have security issues. The last section already discussed in detail what the VGs and the police do. Here, the paper wishes to emphasise that despite their efforts, the VG do not pay much attention to GBV and almost no attention at all to sexual harassment cases, although they claim that a part of their jobs is to provide resolution to minor conflicts, DV included.

6.2. RESPONSES

Only two forms of sexual harassment are considered by the police and local authority as serious: rape and those that happen to minors. It has been made clear in law enforcement circles that they cannot use compromise approaches on these two types of cases. For the rest, seriousness has been highly arbitrarily defined. And sexual harassment, unless it leads to serious cuts and bruises, is considered non-serious.

50. Please note that most police posts do not have regular activity plans. They instead act reactively to events that were identified and/or reported to them.

51. This was found in Sangkat Chom Chav.

52. It is also interesting to know that recently, the Chinese government donated 3 million dollars to Cambodia for a project to install security cameras (CCTV) in Phnom Penh to monitor crime and traffic. However, it was raised that apparently, it is used to monitor crime and traffic, but politically it can be used to track people's privacy as well.

The definition of seriousness aside, the research team asked the interviewed duty bearers for their practices when dealing with sexual harassment cases. They could not really answer the questions, as they have never dealt with such cases to start with. The reason, they said, was because they have never been reported. The answer did not lead the team to conclude that sexual harassment cases had never occurred. The fieldwork did show that garment and H&T workers have indeed experienced sexual harassment in different settings – workplaces, living areas, and commuting. The question to ask next is what explains such a low reporting rate. Plus, we also learnt from the media that there have been actually some cases that get reported and responded. The question then is what makes some cases get reported and responded and some not.

6.2.1. EXPLAINING THE LOW REPORTING RATE

A number of factors explaining low reporting have already been discussed, including low trust of women victims in the police and local authorities, the informal fee practices, the tendency of local authorities and police to use mediation/ compromise approaches which favour the perpetrators, and the fear of these duty bearers in taking actions against rich and the powerful abusers. This section wishes to present two other reasons that might have also discouraged reporting by victims.

The first one relates to the legal requirement that reported cases have to meet in order for them to be further addressed. There were some cases of sexual harassment brought to the police or local authorities that were not addressed (see Box 4 below) because the authority said there was not enough evidence. Based on the interviews with key informants, to take action on the case there should be enough evidence and witnesses. However, sexual harassment is different from other GBV or rape cases as they hardly leave evidence which makes it hard for both victims and the local authority or police to take legal action. This legal requirement, this study argues, is one likely factor discouraging victims from bringing complaints to the authorities

Weak collective voice is another explanation for low reporting. Based on FGDs with garment workers, whenever they have problems at their workplace, the channel they usually use to ask for help is their supervisor or union. However, the common cases on which they had asked for help were more about labor conflicts, poor working conditions, etc. These issues usually affect not one but many workers, which in turn give strengths to their collective voices. H&T workers, however, do not have strong representation (such as a union) that can add more weight to their voices. Consequently, victimised H&T workers tend to feel more alone in seeking help.

BOX 4: CASES OF SEXUAL HARASSMENT REPORTED BUT NOT RESPONDED TO

Case 1: Sexual harassment not responded to due to insufficient evidence

One case of harassment was reported by a female garment worker to have been committed at her rental house by a male tenant. A male tenant was trying to look through the window attempting to see her changing clothes and she recognised him. Therefore, she went to the Sangkat to file a complaint with the CCWC focal point. When the verbal complaint (harassment) was received and before filing the formal complaint, the CCWC focal point asked the complainant if she had any evidence, witnesses, and whether or not she could identify offender. Unfortunately, although she claimed that she could recognise the perpetrator through his eyes, she could not provide enough evidence to take legal action. As a result, she was suggested to reconsider her complaint and advised that the complaint could bring her shame or even revenge. She then decided to end the case.

Case 2: Sexual harassment not responded to due to fear of powerful people

A female H&T worker was hit by a male customer when he was unhappy with her service. The victim reported this case to Sangkat police. After receiving the report from victim, the police post took action at the scene immediately. However, upon arriving at the scene, the police learned that the accused person is a high-ranking police officer and thus they could do nothing but to ask both parties to reconcile the case. The victim in particular decided not to continue with the case.

BOX 5: CASES OF SEXUAL HARASSMENT REPORTED AND RESPONDED TO

Case 1: A case of three garment workers

According to the news⁵³ and interviews with Sangkat police post, three complaints from garment factory workers were filed at the sangkat police post to report sexual harassment. This was reported to be taken place in the renting house. A male tenant was accused of touching the three girls' buttocks when the girls went to the public bathroom. The accused person was reported to commit this kind of offence many times. The victims decided to move out from this house renting area because they were afraid of the man and they did not want to report. The fact that some female tenants continuously moved out and the feeling of fear by the remaining female tenants led the house owner to decide to report the case to police.

When caught by police, the suspect did not admit what he was accused of and asked for evidence if he really committed so. As many victims had experienced this and accused the same person, it served as enough evidence for police to take action and arrest the suspect. The suspect now is kept in custody pending trial. It should be noticed that this incident received media attention as it was reported in both TV and newspapers.

Case 2: A case of H&T workers⁵⁴

There was a case brought to police by a supervisor working in an H&T place. The case was reported of a customer who used violence against a female H&T worker by twisting her hand, as she was not happy with the customer's sexual harassing behaviour. Police went to that place and educated perpetrator. Normally, a supervisor does not report such a case to police, being afraid that customers will not be happy. However, the supervisor's decision to report this case was because the man is a regular customer but usually commits violent acts so that it can bother or scare other clients who come to enjoy in their place.

6.2.2. WHY SOME CASES GOT REPORTED AND RESPONDED

The research team identified from key informant interviews and news articles a number of cases where sexual harassment cases were reported and responded to (see Box 5 above). From these cases, the study argues that a case is more likely to be reported and responded to if there is enough support and collective voice on the part of the victims (similar the point just raised above); if it is also in the economic interest of the more influential actors such as landlords; and more importantly, if it gets reported in the media.

On the collective action, as raised earlier, evidence and witnesses are needed for a sexual harassment complaint to be accepted. However, it would be hard to find sufficient evidence when there is only one victim, which means she would have no basis to start legal action. However, things would be different when there are more victims who experience similar cases. As the case of the three garment workers (See Box 5) suggests, when more people are involved, the police are more likely to take action.

Those with strong economic interest in having the problems solved mean it can be those such as landlords, not the victims themselves, who report cases of sexual harassment. The intention may is not be solely to help women, but also (or more importantly) to maintain security in his/her rental house premises so that it will not lose its customers (i.e. potential tenants). The media also plays significant roles in these cases. The next section will elaborate further on this point.

53. This information is based on Kosentepheap newspaper dated November, 29 2014 and also news broadcasting on CNC TV.

54. This case is based on an interview with the police post.

7. THE ROLES OF NON-STATE ACTORS

7.1. NGOS

As far as the garment workers and H&T workers are concerned, the roles of NGOs were found to be particularly direct and targeting. Two NGOs were interviewed, **Solidarity Association of Beer Promoters in Cambodia** (SABC) and **People Health Development** (PHD).

SABC mainly works with H&T workers. One of their key activities is recruiting and providing training on GBV and sexual harassment to peers selected from female workers in restaurants, beer gardens, and KTV. Those peers are asked to help mobilise female workers to participate in trainings/other awareness raising events so that they can be more aware, empowered and know how to protect themselves from being harassed. The awareness raising has also been extended to customers as well.

One small initiative which the SABC claimed to be effective in shaping the incentive of customers to not abuse H&T female workers is the use of signs to display key messages about the need to respect women's rights, sexual harassment, and the legal consequences that might result from such actions. The messages were also displayed on posters and tissue boxes where it can be easily seen. The SABC claimed that such simple tactics, especially the display about the resulting legal punishment, really got the attention of the customers.

To get access and permission to work with its target beneficiaries (i.e. the women, the peers, and the customers), the NGO has put effort in building good relationships and trust with owners of the H&T places. Some business owners have shown interest in collaborating, while some others were skeptical, fearing that such activities might affect their businesses by chasing their clients away and/or making it harder for them to manage/control their female staff. The NGO also works closely with local authority, the police at both sangkat and khan levels, and relevant ministries, include MoWA and MoLVT.

PHD on the other hand works mainly with youth at universities and high schools providing them awareness raising on GBV, developing peer-to-peer education team, and conducting public forums/campaigns on GBV at schools and universities. PHD also encourages target schools and universities to develop their own guidelines to respond to GBV. Providing hotline numbers for youth to find social services, legal services and health services is also one of their main activities. The NGO focuses mainly on male youth because, as its rationale, those are H&T workers' customers and potential perpetrators.

7.2. MEDIA

Interviews with local authorities indicated the important roles of media such as ABC radio, Facebook, TV and newspapers.⁵⁵ According to interviews with local authorities and sangkat police, two media sources are identified as the most helpful for them: ABC Kampuchea Radio and Facebook. These two sources do not only inform them to take action timely, but also alert them to potential incidents.

“The media has a very real potential to shape positive incentives on the part of many stakeholders involved, be them the victims, the perpetrators, or the duty bearers.”

According to TAF (2014), ABC Kampuchea radio is the most popular radio accessed by people and its hot news program is people's favourite. Our team met with a representative of the radio to learn more. According to the interview, the main roles of the radio are to bring the voices of victims to seek help from local authorities, share local authorities' hotline to local people, and raise people's awareness of social issues. The interviewed radio host also observed, since the broadcast, ordinary citizen have become braver in reporting cases, and more caring of

55. For more information about the roles of media, please see (TAF, 2014).

others' people problems. The radio broadcast, together with changed attitude of the people have in turn put more pressure on local authorities and police to work harder and find ways to reduce crime in the community. Such causal effect was also confirmed by interviewed officials at all levels. In fact, the effect of the radio has gone so far to make all police stations appointing one or two focal persons to be responsible for 24 hour listening to this radio channel.

Despite the impressive impact, it is learnt that sexual harassment has rarely been reported to and aired by the radio. According to ABC radio's staff, only a few cases of sexual harassment have been reported and those reporting were not made by garment workers and H&T workers either. The more common reported cases are traffic accidents, theft, robbery and people's discontent with public service delivery such as civil registration, waste management, conflicts, etc.

The use of Facebook has been on a rapid rise in Cambodia and the usage rate is the highest in Phnom Penh.⁵⁶ Most of the garment and H&T workers interviewed either have a Facebook account of their own or have some close friends or relatives who have one and from whom they can learn of posted content on the web. Those women and interviewed officials believed Facebook to be very effective in reporting cases and raising awareness of people. They also speculate that the widespread use of Facebook makes it likely that an event or incident, including sexual harassment, be posted on the web and made known to the public.

Actually, such cases have already happened. A few videos of how people behave in KTV were posted on Facebook in the past few months, bringing public shame to a few individuals.⁵⁷

“Many popular comedy shows have depicted GBV and sexual harassment, both verbally and physically, as funny; some radio hosts also use words and make jokes in ways that convey a message that sexual harassment is totally acceptable; some printed media have reported cases of rape, DV and sexual harassment without much consideration to privacy and social embarrassment that this might incur for the victims. ”

“To potential perpetrators, the knowledge that how they behave in H&T places can be easily broadcast and thus bring them public humiliation is a very effective and personal prevention measure.”

To potential perpetrators, the knowledge that how they behave in H&T places can be easily broadcast and thus bring them public humiliation, the interviewees claim, is a very effective and personal prevention measure. Agreeing with the claim, the study would further argue that the media has a very real potential to shape positive incentives on the part of many stakeholders involved, be them the victims, the perpetrators, or the duty bearers.

In spite of its benefits, the current media still have problems with professionalism in reporting and some of their content is not particularly gender sensitive. Many popular comedy shows, for instance, have depicted GBV and sexual harassment, both verbally and physically, as funny; some radio hosts also use words and make jokes in ways that convey a message that sexual harassment is totally acceptable; some printed media have reported cases of rape, DV and sexual harassment without much consideration to privacy and social embarrassment that this might incur for the victims. These explain why, at the FGDs with garment workers and H&T workers, when asked whether they would report sexual harassment cases to media, most participants said they would not, fearing that that would affect their reputation.

56. A recent estimate suggests about 2 million Cambodian Facebook accounts are being used in Cambodia.

57. In one case, although it is not about GBV, the Facebook did lead to one under-secretary of state being dismissed from the job.

7.3. OTHER NON-STATE DUTY BEARERS

7.3.1. RENTAL HOUSE OWNERS

As presented in section 2.2, female workers (especially garment workers) face some forms of sexual harassment in their living areas (rental houses). Therefore, house-renting owners do play important roles to ensure safety and security of their female tenants in particular. Interviewed landlords said they have created regulations, sometimes in writing, sometimes verbally, in order to ensure security in their living area. Some owners do not permit any kind of parties which involve alcohol drinking on their premises, for they believe those might lead to violence. One landlord interviewed also spent money to build a fence and install lighting in their living blocks. Some regularly joined sangkat meetings, provided statistics of their tenants and established close cooperation with local authorities and police especially when there were security and public order problems happening in their premises.

7.3.2. SUPERVISOR (MEKA)

In an H&T outlet like beer gardens, KTVs or restaurants, supervisors (often called meka) play important roles in managing all staff and day-to-day operations. Given such roles, they are very well informed about what happens to female workers. They also act as filters between the customers, the workers and the employers, and possibly, and other actors such as authority and NGOs as well. In some instances, they also exercise their influence and decide on how, for instance, to deal with difficult customers, how to help (or not to help) a woman experiencing sexual harassment, whether to report a case to the owner and the police, etc. Women working in H&T industry are expected to respect the meka and inform them if they have any problems with customers. In another word, the meka are the key entry point for the H&T female workers.

“In some instances, [the supervisors] also exercise their influence and decide on how to deal with difficult customers, how to help (or not to help) a woman experiencing sexual harassment, whether to report a case to the owner and the police.”

Despite their significant roles, these meka do not always have the incentive to protect the women. In most cases, they might even have incentives not to protect. From the FGDs, some meka have used their positions to create good relationships with rich customers from whom they expect good tips. These economic incentives, it is likely that the meka think more of serving the interest of the business owners and customers, which in sexual harassment cases, run against the interests of the women. The case presented in Box 1 on page 5 well illustrates this point.

7.3.3. TEAM LEADER/SHOP STEWARD/HUMAN RESOURCE MANAGER/UNION

Garment workers in a factory are divided into groups, each of which is supervised by a team leader.⁵⁸ The team leader is responsible for helping solve any problems raised by workers. If they cannot solve a problem, the team leaders are expected to refer them to the shop steward who is elected by workers in the section. And if the shop steward cannot solve the problem, he or she would forward it to factory's human resources manager. If the problems are still not solvable at this level, the complaints might be brought to the union, which is an integral part of each factory's organisational structure.

Interviewed supervisors in a factory indicated that there is an internal regulation prohibiting all kinds of disturbance that one staff member can do to another. The regulation is posted on sewing machines, daily used by workers. Sexual harassment, the supervisors said, is considered a form of disturbance although the regulation is not explicit about it. According to FGDs with garment workers, all workers tend to follow all regulations imposed by the factory management or they would face dismissal. Two accountability boxes were also said to have been placed in factory's dining hall and weekly checked by the factory management. Most garment factories also install lighting around their premises and some provide vans to take workers home when they work overtime.

58. This is based on an interview with a Factory Human Resource Manager dated Jan/26/2015.

Some factories also cooperate with NGOs and state institutions such as MoWA and MoLVT in order to provide their workers with training and awareness-raising. As reported in the interview, only MoWA annually raise workers' awareness relating to gender, while NGOs tend to disseminate health-related issues. The MoLVT, on the other hand, focuses on sharing information relating to working conditions. However, those factory owners are careful not to let the workers raise any issue with these visiting government officials, fearing that it might turn into legal complication.

7.3.4. BEER COMPANIES

In order to enhance health, security and working condition of beer promoters, Beer Selling Industry Cambodia (BSIC) was established by a number of beer companies in December 2006 to prevent beer promoters from harassment and violence committed by customers. BSIC refers to employment standard packages which entitle beer promoters to various benefits, including rights to zero tolerance approach and policies towards harassment, rights not to drink beers when working, and a free transportation by vans back home.⁵⁹

According to the peers of SABC, the establishment of BSIC has greatly helped beer promoters in avoiding and tackling harassment (see Box 6 below). The provided transportation has also ensured the safety of beer promoters when commuting back home. Van drivers are instructed to take care of beer promoters until they arrive home safely, or they will be held accountable for any security problems happening to the female workers.

The recent salary increases (which, for some companies, make it to \$155 per month) has also helped reduce the problems of sexual harassment faced by beer promoters.⁶⁰ According to FGDs, the higher salary makes it less necessary for them to seek tips from customers by sitting and drinking beers with customers.

BOX 6: SEXUAL HARASSMENT INTERVENTION BY THE BSIC TEAM

A female beer promoter was physically harassed by a male customer. She refused and ran away. The man cursed at her. The girl reported the incident to her supervisor at the beer company (not the supervisor at the restaurant). In response, a team consisting of one beer company supervisor and three people arrived at the restaurant and talked to the abuser. The man talked back and revealed his high position in the Government. He knows the law very well, he said. The team demanded that the man apologise the female worker. He said he would not say sorry and left. His friend however said sorry on his behalf.

59. Those other benefits include: employment contracts according to Cambodian labour, fixed basic salary, clear supervision structures and grievance procedures, decent, branded uniforms, 'selling beer safely' and life skills training, annual monitoring of compliance and impact by an independent party BSIC (2014).

60. <http://www.phnompenhpost.com/national/beer-promoters-see-change> dated Jan/2015 .

8. REFLECTION ON DRIVERS OF CHANGE AND PROPOSED INTERVENTIONS

Synthesising the findings presented so far, the team would like to summarise key points about the current situation, and for each, propose specific interventions for consideration.

Proposed intervention 1:

AWARENESS RAISING AND EMPOWERMENT FOR VICTIMS

The situation: The study presented a number of challenges faced by garment and H&T workers. Some are common (such as low pay, personal security issues and the limited support from the police and local authority in addressing those issues); some including GBV and sexual harassment are unique to them. Largely due to the nature of their work those women, especially the H&T workers, have also been labelled as 'bad girls' by the duty bearers and even the general public. Some women themselves also accept certain forms of minor harassment as acceptable, for they expect them to be part of their work. The women, especially those in H&T sector, have not developed strong representation either in the form of unions or a network of peers that can strengthen their collective voices.

Proposed interventions: Increase visibility and attention on sexual harassment as a social issue that needs to be addressed and to encourage more women to report and seek help. The team proposes a combination of the following measures:

1. Provide more training and peer network and education. However, to be efficient, the content of the training needs to be revised and improved so that it is more specific, targeting and practical. Too much focus on legal provisions in the training might not be particularly helpful in informing a woman what she should do when harassed.
2. Establish collective representation, especially for H&T workers. Stronger collective voice does not only provide psychological support to victims, but also add pressure to other relevant actors (namely, business owners, supervisors and state duty bearers) to be more attentive and responsive.
3. Make the issue of sexual harassment more publicly visible to create more positive attitudes among the general public and duty bearers. For this purpose, the potential of the increasing coverage of media, both social and traditional, need to be harnessed. At the same time, media itself has to be made more gender-sensitive. The message through the media itself has to be specific and targeting to be effective. Radio talk shows, TV spots, ads that might get to Facebook that are devoted specifically to sexual harassment among garment and H&T workers might be a good strategy.
4. Expose potential perpetrators to messages about women's rights, sexual harassment and, more importantly, the details (and the intensity) of the legal punishment that might result from such act. The lighting box messages, the posters and tissue box strategies used in beer gardens is a good lesson learnt.

61. Other possible sectors to be engaged are education and information.

Proposed intervention 2:

PROMOTING POLICY PRIORITIES AND COORDINATION

The situation: The existing laws and policies, while including provisions on GBV, lack specificity when it comes to sexual harassment. While sexual harassment is included in a number of key laws and regulations, they are only mentioned in passing and there seems to be little coordination among those legal instruments and among the agencies that implement them. For instance, certain forms of sexual harassment affecting H&T workers is implicated in Sub-decree #191 (2014) which emphasises the role of the MoT and sub-national administration. However, in practice the MoT does not have much interaction with sub-national authorities and other relevant actors, which suggests that the Sub-decree in general has been poorly enforced—mainly because of lack of coordination among relevant actors who are supposed to implement them. In addition, to a large extent, the issue of sexual harassment (especially of H&T workers) has not really reached key decision-makers in relevant ministries and got enough attention from these figures.

Proposed interventions: Make the issue of sexual harassment more visible and high enough in the existing policy agenda to get attention from policy makers and also to create a more coordinated response from these actors. A few options can be considered:

1. Establish strong evidence-based advocacy and make sexual harassment more publicly known in order to gain attention from high level politicians. According to key informant interviews, most of the efforts so far to tackle sexual harassment have been of low profile and have not gotten enough attention from key policy makers such as those in MoWA. To get their attention, a large scale survey should be conducted to substantiate the claim about the magnitude of the problem and the needs of the beneficiaries. The evidence will gain even more attention if it gets to the media.
2. Specify the definitions, key roles and responsibilities of key actors involved, and procedures for responding to sexual harassment cases. The lack of specificity on these points means there is arbitrary interpretation by many people involved as to what constitutes sexual harassment, why it is important this is addressed, and how to do this.
3. Establish a multi-sectoral mechanism for addressing the sexual harassment that might happen to different groups of women, including garment and H&T workers. However, to avoid replicating too many so-called inter-ministerial committees and talk-shops, the study strongly suggests that at the national level, such mechanisms should be established as an additional part of some existing gender-related coordination bodies. At the sub-national level, such mechanisms should be an additional (but specific) task of the existing WCCC and CCWC. For both levels, the membership should include both state and non-state actors, the first one including MoWA, MoLVT, MoT, MoJ, MoI/CNP,⁶¹ Sub National Administration, with the second including NGOs, media, employer representatives, landlords, unions and associations representing specific groups of women.
4. Identify and make use of recent political opportunities. As discussed earlier, a number of positive steps have happened in the last year or so. Some relate to police reform, some to decentralisation, some focus on garment workers, some on H&T workers, and some are not directly related to these concerns, but can be put into use if appropriate entry points are identified. It is suggested that CARE and other partners look into these opportunities and identify the implications for their future work.

Proposed intervention 3:

MAKING POLICIES WORK AND SHAPING DUTY BEARERS' INCENTIVES

The situation: The main problem in the government is that it has many laws and regulations but they have not been properly implemented and enforced. Organisational constraints including unclear roles and responsibilities, lack of budget, unclear reporting and a culture of impunity have all contributed to systematic deterioration of accountability applied on the duty bearers. Weak formal accountability structures have also created adverse incentives for duty bearers to get involved in a range of informal practices in preventing and responding to sexual harassment (and other types of safety issues).

Proposed interventions: Positively shape the behaviour of duty bearers by advocating for changes in both their existing organisational accountability structure and external pressures for them to change. The following proposed interventions hold some promise:

1. Strategically use media to build partnership with and put pressure on duty bearers to pay more attention to garment and H&T workers' voices and concerns. The experience of ABC Radio Kampuchea and the wide use of Facebook should be learnt from and further harnessed. These media, as the study found, also have the potential to even scare off rich and powerful perpetrators by subjecting them to public oversight.
2. Increase the collective voice of garment and H&T workers – as well as of migrant workers in general – in the routine and priorities of the police and local authorities. This might mean educating the police and local authorities about the need to support these groups of women, empowering representatives of these women in local regular meetings, and reflecting their needs in the CIP and the use of the CSF.
3. Contribute to evidence-based advocacy efforts for at least two specific institutional changes: (i) for local authorities, appropriate functions and resources should be assigned; and (ii) for local police, more standardised reporting practices which also reflect sexual harassment should be developed. The policy entry point for the first one would be the ongoing decentralisation reform under the 2nd IP3, and for second, the VCS policy and the ongoing police reform, a part of which is being supported by the CCJAP.
4. Provide technical support on how to make the current reporting of sexual harassment (and other less-serious crimes) more accessible to victims. The difficulty of filling a form, a requirement for evidence and witness, the standard fee (if any) that needs to be paid, etc. should be standardised and understood by the public.
5. Raise awareness on gender and sexual harassment for law enforcement officers. Awareness-raising has been the most common activity in the area of gender development in Cambodia. That said, it is one of the areas most needed, given the current lack of understanding among the duty bearers about the issues. However, while the awareness-raising should continue, to be effective, (i) it has to be done in combination with other measures (like some already suggested above) that not only increase their knowledge but also motivate them to positively act, and (ii) the content of the training itself has to be practical and specific.

Proposed intervention 4:

ENGAGING NON-STATE ACTORS

The situation: Non-state actors, which include NGOs, media (already discussed), employers, unions, supervisors, landlords and peers play very important roles in inducing, preventing and responding to GBV and sexual harassment. Private sector actors have direct (most often, economic) incentives for ensuring the wellbeing (or lack thereof) of the female workers discussed in this study. Sometimes, those incentives are negative as far as preventing and responding to sexual harassment of the women are concerned (e.g. H&T owners and supervisors want to please their customers), but sometimes, they are positive (e.g. H&T owners and supervisors do not want to be associated with sexual exploitation; garment factory owners do not want workers to be disturbed, either sexually or otherwise; landlords want their premises to be free of crime and public order issues). Other actors such as NGOs, peers and unions, by design, work to represent, protect and build broader supports for the target women.

Proposed interventions: Ensure private sector actors are involved by harnessing their positive incentives (i.e. incentives that can help the women) and minimising the not-so-positive ones. Not-for-profit actors should find ways to improve their interventions and build support for the women. The following are some specific proposed measures:

1. Raising awareness should reach these private sector actors on their legal responsibilities to prevent and respond to sexual harassment which affects their female workers. The experience of how some beer companies and garment factories are subject to government rules and create their own rules to protect their workers provides rich information on how to apply this to other groups of women.
2. Use media as one of the many enforcement mechanisms for these private sector actors to comply with laws and regulations and/or to pay more attention to their staff well-being in general.
3. Make it an obligation for concerned business owners to collaborate with relevant actors, state and non-state, whose job is to raise awareness and protect the female workers. The research could not verify if such a requirement already exists, but its existence aside, it seems the enforcement side of it has been uneven at best.
4. Continue to support NGOs, peer networks and, where relevant, unions. These are the essential champions for the cause of protecting vulnerable groups of women. However, they themselves need support in terms of their knowledge (e.g. how to identify sexual harassment; how to encourage women to report; how to assist in the case reporting process), financial support, and network and representation to relevant government agencies such as local authorities, police, MoWA, MoLVT, MoT, etc.

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CARE Cambodia, #6, Street 446, Sangkat Toul Tom Pong I, Khan Chamkarmon, Phnom Penh

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