



## **Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women In Cambodia, 2010**

Prepared by NGO-CEDAW and CAMBOW  
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**Cambodian NGO Committee  
on CEDAW (NGO-CEDAW)**



**Cambodian Committee for  
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We hope this report will lead the way for changes in order to get equality between women and men, a necessary condition for stable and harmonious social development.

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## Introduction

The recognition of the role of women as agents of change in social development is one of the lasting results of the international women's movement. In an attempt to preserve and further the progress of the movement, the UN articulated a landmark treaty on women's rights: *The Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW).

This treaty was ratified by Cambodia in 1992 with no reservations, which means that Cambodia has pledged to begin the process ensuring equality between men and women. This commitment entails taking legal measures and establishing policy guidelines to reduce Cambodia's gender gap and to combat all forms of discrimination against women. It also requires Cambodia to submit periodic reports on the process of monitoring and evaluating CEDAW dissemination and implementation. Thus far, the Cambodian Government has submitted a combined initial, 2nd and 3rd Reports examined at the UN CEDAW Committee's 34th Session on January 19, 2006, and has prepared a combined 4th and 5th Report due in November 2009, that has yet to be evaluated. The latter report was submitted to the CEDAW Committee on September 2010.

In 2005, the Cambodian NGO CEDAW Committee (NGO-CEDAW) and the Cambodian Committee of Women (CAMBOW) produced a third CEDAW Shadow Report, which was submitted for the first time to the CEDAW Committee. NGO-CEDAW, was set up in 1995 after several Cambodian women activists returned from the Beijing World Conference on Women. NGO-CEDAW's role is to monitor and promote the implementation of CEDAW in Cambodia and to engage in advocacy following the publication of the NGO Shadow Report.

Since 1992, Cambodia has launched concrete policy measures for achieving legal, political and social rights that improve both the conditions and position of women in Cambodian society. These measures are described in the government's reports. However, despite some progress, there is still a long way to go for change – as highlighted by the Concluding Comments of the CEDAW Committee (Concluding Comments) in its review of the 2006 report. Despite some changes, the disparity between men and women is still patently obvious in examining certain indicators such as health, literacy, political participation and access to economic resources. Gender equality remains a challenge in Cambodia.

The 1993 Constitution and legislation such as the 2007 Education Act have legally committed the state to children's right to a quality education system. A legal framework has been created to seek solutions to the problem of illiteracy in the country, especially in the poorest communities or those formed by indigenous population, as well for people with disabilities.

Due to social pressure and poverty, most girls do not receive the same level of education as boys. This lack of education prevents women from participating in political life, as they often lack confidence to work in the public sphere. Women deprived of educational opportunities are also less likely to reach key positions in the private sector.

Despite the constitutional infrastructure now in place, the difference between the *de jure* and *de facto* situations is a fundamental obstacle. This obstacle arises due to the socio-political context of Cambodia. The recognition of rights and freedoms contained in the constitution and in other legal and relevant entities is not benefitting women as intended. This is due to the observance of moral codes and social practices (Chbab Srey) that regulate the female population. This situation creates high rates of illiteracy among women and restrains their movements and opportunities.

Consequently, Cambodian women, at all levels, are more vulnerable to poverty than men. Women not only have lower incomes, but also lack access to certain economic opportunities due to discriminatory attitudes which limit their occupational choices.

It is common for women to have little control over resources, this being particularly evident among indigenous women and other minority groups, such as women with disabilities. Regarding political participation, like most Southeast Asian countries, Cambodia has a lower rate of women participating in political life than most other countries in the world (UN, 2010). In order to ensure continued social progress, it is clearly essential for Cambodia to build a model of development that ensures gender equality.

Economic empowerment and the social and political advancement of women is necessary for improving the lives people who are caught in the cycle of poverty and social exclusion. It is essential to provide women access to economic and educational opportunities, together with any further assistance needed to overcome poverty and exclusion. The first step in this process is to understand where Cambodia currently stands in the fight against gender discrimination. This understanding guides strategies for future work, and is the main objective of this paper.

This report focuses on evaluating the dissemination and implementation of the CEDAW provisions since the publication of the 2003 government report.

The current report is a follow-up report which incorporates the evaluations of different NGO-CEDAW subcommittees, broken down into the areas covered by the Convention. These evaluations were developed over the last four years, and include the recommendations released by the CEDAW Committee in 2006 and aim to address the gap between *de jure* and *de facto* situations and to make an accurate assessment of the current state of the issues. There are three levels of critical analysis in this report:

- 1) Structural level: Socioeconomic issues such as jobs, housing, health, education and family organization between men and women.
- 2) Legal and political infrastructure level: Rights and duties for women and men to guarantee equality before the law together with: the recognition of citizenship; the right to equality; and, the assurance of equal social treatment.
- 3) Moral and existential level: Knowledge and enjoyment of equal rights and freedoms by Cambodian women.

It is the responsibility of the government to allow changes in society. This Report aims to provide an analytical perspective on the implementation of CEDAW provisions and the enjoyment of CEDAW rights by Cambodian women.



# Chapter 1--Country Context

## 1. Situation

The Kingdom of Cambodia is located in the Asian sub-region known as Southeast Asia. The country has an area of 181,035 square kilometres, bordered to the west by Thailand, to the north by Laos, to the east by Vietnam and to the south by the Gulf of Thailand. Cambodia is administratively divided into 24 provinces, 193 cities, districts, khans and 1,621 communes. The 2008 Census estimates that the population has grown by more than two million people since 1998, approaching 14,500,000 inhabitants, representing an annual growth of 2.77%. Most of its inhabitants (90%) descend from the Khmer racial group, of Malay extraction, while the remaining population is distributed among Laotian, Vietnamese, Muslim and indigenous people. Khmer is the official language, spoken by 90% of the population. The most common religion is Buddhism (96%), followed by Islam (3%) and Christianity (2%).

There are two major internal migration trends. Firstly, there is a population shift from rural to urban areas linked to the impoverishment of rural agricultural, to the loss of land and expectations of prosperity in the emerging industrial sector. Secondly, there are new population settlements in areas traditionally occupied by ethnic minorities due to deforestation of large areas of forests, the exploitation of natural resources and problems of land ownership. This phenomenon is especially important in the provinces of Stung Treng, Ratanakiri and Monduliri, where the Khmer population has grown in recent years, now becoming the majority population as opposed to the indigenous communities.

Since the signing of the Paris Peace Accords in 1991, the country has undergone profound changes and its socio-economic indicators show improvements. However, the country still has some of the highest rates in Southeast Asia of poverty; HIV/AIDS; population without access to electricity, safe drinking water, education; and, discrimination against women. It is estimated that respectively 77% and 34% of the population live in poverty and extreme poverty.

Most Cambodians reside in rural areas. Infant mortality is 82 deaths per 1,000 births<sup>1</sup>, while maternal mortality during childbirth is 461 deaths per 100,000 births<sup>2</sup>. Approximately 85% of deliveries take place at home.

In terms of gender issues, Cambodia has one of the highest rates of discrimination, this being assisted by Khmer culture and traditions that tend to position women at a lower status than men.

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<sup>1</sup> Government National Report on CEDAW, May 2010

<sup>2</sup> *ibid*

One of the main problems facing the female population is domestic violence. Figures show that over 23% of Cambodian women are victims of gender violence. Sexual exploitation related to trafficking in human beings is another serious problem faced by women in Cambodia.

In Cambodia, 18.5% of the population has a life expectancy below 40 years and 35% lack access to potable water, a percentage that rises to 40–45% in provinces like Mondulakiri and Ratanakiri. The illiteracy rate among adults is 23.7% and the percentage of children suffering from malnutrition is 36%.

### 1.1 Human Rights

All of the key international human rights treaties have been ratified by Cambodia and incorporated into the Constitution. However, the application and implementation of these has been and continues to be slow. The issues of neutrality and independence, high levels of corruption in all branches of government, impunity and lack of access to legal aid for the



poor continue to generate strong concerns. Access to information held by public authorities is limited, as is the access to laws and regulations concerning citizen rights.

The years 2009 and 2010 have been marked by increased restrictions on freedom of expression, especially against politicians and representatives of civil society organizations in

their ability to take positions critical of the government. Freedom of assembly (through non-violent protests) has also been severely restricted, particularly in relation to victims of forced evictions, a practice that is becoming more commonplace. Restrictions have been introduced both in villages and in the communes, to disperse demonstrators and to prevent mass movements to protest in the capital.

The practice of forced evictions and land grabbing are now some of the most delicate problems in the country. There is a resurgence of disputes over property, particularly concerning concessions to private companies holding contracts for agro-industrial and economic purposes and, in the case of Phnom Penh, with the expansion of private businesses. During 2009, at least 156 strikes and demonstrations occurred in Cambodia, of which 71 related to land conflicts, 37 on the rights and working conditions in factories and 48 on other issues. A total of 34 cases were repressed by the authorities. The issue of land rights and their impact on living conditions of ethnic minorities is another controversial point.

Threats against human rights defenders remain a major concern in Cambodia. In 2009, 235 human rights defenders (all of whom were campaigning for land rights) were charged with crimes; 147 of them arrested. In 2008, 164 people were charged<sup>3</sup>. With regard to freedom of expression, recent years have seen an increase in the number of newspapers and more radio and television broadcasting. However, the freedom to take critical positions remains limited by the use of disinformation and defamation legislation by authorities to restrain the freedom of expression guaranteed by the constitution (UNHCR, 2009). The new Penal Code, which was approved by the National Assembly in 2009 and came into effect in December 2010, contains several provisions that could lead to the imprisonment of journalists.

In 2007, Cambodia ratified the Optional Protocol on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This is a positive sign that the government intends to combat the use of torture. Nevertheless, many organizations have noted that the country still lacks an effective, independent mechanism to investigate alleged acts of torture.

## **1.2 Natural Resources**

Cambodia's population depends heavily on agriculture, fisheries and the natural resources of the ecosystem centred on the Tonle Sap basin. However, environmental management is weak and there is an inadequate legal protection framework. Information and guidelines for managing critical issues such as logging and groundwater resources are lacking or not enforced. Management capacity at the provincial level is weak and the main environmental management decisions are made nationally.

Land management remains a critical issue. The government has recently acknowledged the challenges confronting the management policies of the environment: (1) Reduction of forest cover, which reduces biodiversity, increases erosion, accelerates the sedimentation of rivers, and increases flooding, (2) untreated sewage, (3) unsustainable irrigation, (4) degradation of inland and coastal resources and (5) the weak protection of biodiversity and protected areas.

The main environmental issues concern the impact of land concessions awarded to private companies for construction or industrial crops. This is a very controversial issue in Cambodia, as people who depend on forests are severely threatened by the total destruction of their main source of livelihood. Despite the 2002 moratorium on industrial logging, uncontrolled logging continues under the umbrella of the land concession system. Economic land concessions for large agro-industrial projects do irreparable damage to ecosystems.

With regard to indigenous lands that have recently been granted to companies, indigenous communities living in these areas have had little voice and there have been few attempts to limit encroachment on their land. Environmental pollution and damage from mineral extraction operations and deforestation of large tracts of land needed for hotels, golf courses and other tourist activities are expected to have adverse effects on affected indigenous communities.

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<sup>3</sup> ADHOC, Human Rights Report, 2009

Serious problems have been reported in the last ten years as a result of hydroelectric dams built in the late 1990s on the Sesan River in Vietnam, which flows through Ratanakiri and Stung Treng provinces in north-eastern Cambodia. The dams have resulted in deaths from floods, erratic water levels of rivers, deterioration of water quality, increased health problems, and a severe decline in fisheries productivity and river biodiversity. Dams continue to threaten the livelihoods and lives of people who depend on river systems. Despite this, it was announced last year that the governments of Cambodia and Vietnam have signed agreements to build two hydroelectric dams, to be built on the Sesan and Srepok rivers within Cambodia. There are serious concerns that industrial development that supports industrial power generation will have profound long-term negative impacts on the lives of indigenous peoples.

### **1.3 Ethnic Minority Groups**

There are 16 different ethnic groups living in Cambodia, most of whom living in the north-eastern provinces, groups such as Tumpuan, Jarai, Kreung, Prov, Kavet, Phnong, Ka Chok, Thmorn, Krol, Mil, Kuoy and Steang. Most of these people have difficulty preserving their cultures in the face of development. The lack of Khmer language skills among some minorities represents a barrier to the economic integration of some populations. Health and living conditions of these communities are poor, due to the remoteness and alienation of their lands.

Most ethnic minorities are engaged in subsistence farming, mainly rotational slash and burn agriculture. Contact with the cash economy is limited, barter being the generalized form of exchange. The ethnic groups tend to visit the markets only once a year or when stock runs out; they do not know how to sell their products within their farming communities. The average per capita income is about \$5 a month.

One of the main issues impacting on the rights of indigenous communities is land registration. The registration process, revised several times in recent years (the most recent reform coming in 2009), remains slow and tends to ignore the needs of the poorest and most vulnerable.

With regard to collective recording of the lands of indigenous communities, the 2001 Land Law recognizes collective land rights of indigenous minorities and the Interim Strategy of Land Policy Framework 2002 states that minorities are guaranteed indigenous rights to their land. At the end of 2009 however, the registration process had been implemented only in three communities. Several organizations, with support from the international community, are trying to support minorities in this process which requires information and legal skills. They have not achieved much success to date.

Another problem that seriously affects indigenous communities is the legislation concerning Economic Land Concessions (ELC). The Government has been giving ELCs from the 1990s for land parcels of several hundreds of thousands of hectares. The official aim of this policy is to promote the commercial production of diverse industrial cash crops such as rice, teak, eucalyptus, palm oil, corn, sugarcane, cassava, rubber, cashew, castor bean and beans. The stated intent is also to raise tax revenue and rental income for the State. According to



observers, the practice has only benefited large companies, both national and international. They also argue that this policy increased instances of corruption in the country.

One of the effects of this policy has been the forced removal of populations, especially the most vulnerable and marginalized, without adequate compensation. The immediate consequences of this practice are the loss of land and

housing which causes loss of work and the right to vote. Victims of expropriation also risk imprisonment and persecution.

These conflicts may last for several years, involving the creation of food shortages, the loss of farmland and resources and the monopoly of the labour supply in the affected areas. All these factors will induce poverty, deforestation and affect the environment.

## 2. CEDAW dissemination and implementation

Regarding gender-specific indicators, Cambodia is ranked 113<sup>th</sup> in the list of Gender-related Development Index GDI and 91<sup>st</sup> in the list of Gender Empowerment Measure (GEM)<sup>4</sup>, both figures are taken from the UNDP Human Development Report 2009<sup>5</sup>.

Cambodia ratified the CEDAW in 1992, but this ratification has never been published in the Official Gazette of the Kingdom of Cambodia. Hence, many judges and legal officers are not aware of its existence.

The Cambodian Constitution, adopted in 1993, affirms full protection of the fundamental rights of the Khmer people in Chapter III, including an emphasis on the protection of women's rights. This protection includes the right to equality before the law (Art. 31) and the prohibition of all forms of discrimination against women (Art. 46). The Constitution guarantees equality between men and women, but contradictions can be found in existing legislation. For example, Art. 9 of the Law on Marriage and Family states that "After the dissolution of marriage a woman may remarry. However, she shall remain in a legal state of marriage until at least 120 days after the death of husband or 120 days after the judgment which grants a final divorce." Since the last Shadow Report of 2005, the law has reduced the

<sup>4</sup> UNDP Human Development Reports. Measuring inequality: Gender-related Development Index (GDI) and Gender Empowerment Measure (GEM)

<sup>5</sup> <http://hdr.undp.org/en/reports/global/hdr2009/>



number of days from 300 to 120, but discrimination against women is still present in the document.

The CEDAW Committee recommended in its last report that special attention should be paid to more vulnerable Cambodian women, such as indigenous women and disabled women. These groups have still not been afforded appropriate protections by the State.

Due to the conflicts mentioned above, the situation of indigenous women is especially precarious because of the destruction of their livelihood and the consequent social and family disintegration which increases the risk, among others, of gender-based domestic violence.

Since 1992, Cambodia has developed policies, strategies and legal tools to combat discrimination against women, but their effectiveness remains limited due to restrictions on implementation.

## **2.1 Obstacles to CEDAW Dissemination and Implementation**

The main obstacles are as follows:

- The government ratified the CEDAW provisions in 1992, but CEDAW itself has not been officially published in the Official Gazette of the Kingdom of Cambodia in Khmer. Many judges and legal officers are still not yet fully aware of the existence of the CEDAW ratification.
- The Constitution of Cambodia prohibits any form of discrimination against women. Nevertheless, no explicit definition of discrimination against women has been incorporated into domestic legislation.
- No court decision has cited or drawn upon CEDAW. To date, no complaint has been made claiming violation of women's particular rights or on gender-based discrimination.
- There are a number of policies with different indicators for achieving gender equality but no effective coordination among them has been made. The government report on CEDAW fails to mention how effectively it implements each policy.
- The persistence of deeply-rooted and rigid attitudes against women remains a serious concern.
- The rights of women from ethnic minority groups and women with disabilities are often ignored by central government.

## **2.2 Recommendation to improve CEDAW dissemination and implementation**

Ensure that all provisions of CEDAW are fully reflected in all legislation and that there is compatibility between all national laws and CEDAW. To this end, the government must accordingly initiate a comprehensive review of all existing laws.

## Chapter 2 -- Education and Media

### 1. Situation

Education is a fundamental human right and essential to the exercise all other rights. It promotes freedom and personal autonomy and generates significant benefits for development. However, many children and adults in Cambodia remain deprived of educational opportunities, often due to poverty and specific socio-political circumstances.

The policy instruments of the United Nations enshrine education as a universal right. These instruments promote and develop the right of every person to enjoy access to quality education without discrimination or exclusion. But it is up to individual governments to take action to actually ensure quality education for all.

Education should be a priority for Cambodia. It is a fundamental tool for social change and for the development of positive attitudes towards citizen rights. Investment in education means not just building schools, but also providing access to these schools and teaching an appropriate curriculum. The curriculum must be carefully designed to eliminate gender stereotyping, so that future generations understand the values of equality and respect.

Furthermore, the government should provide training for adult women who have not had previous access to education. Media, including internet outlets, should be included in a comprehensive educational picture in the journey towards non-discrimination.

Despite legislative efforts to reduce discrimination against women in relation to education, there is a marked difference between law and reality. Society's recognition of the right to education and its benefits has not actually impacted the educational opportunities of most women. This is in part a result of the prevailing social code that limits what is considered appropriate for women from a moral standpoint: the "Chbab Srey" [see full explanation in 1.6 below]. The contents of this code impacts the lives of Cambodian women, contributing to high rates of illiteracy, controlled movements, and limits on opportunities to learn and take action.

Whilst government anti-discrimination policies have not been as effective as they could be, the more serious problem may be deep-seated traditionalist behaviours that promote continued inequality between men and women. In a sense, the door to gender equity is only half-open.

#### 1.1 Legislation and Policies

The Cambodian Constitution of 1993 guarantees civil liberties and fundamental rights, including equality between men and women, equal employment opportunities for women, maternity benefits and the equal right to vote. Article 65 of the Constitution states "The State shall protect and uphold citizens' right to quality educational at all levels and shall take necessary steps for quality education to reach all citizens". Further, Article 68 states that

“The State shall provide free primary and secondary education to all citizens in public schools. Citizens shall receive education for at least nine years”.

In line with constitutional guidelines, the 2007 Education Law provides that “Every citizen has the right to access qualitative education of at least nine years in public schools free of charge. The Ministry in charge of education shall gradually prepare the policy and strategic plans to ensure that all citizens obtain qualitative education as stipulated by this law”.

The result of this legal premise is that many policies relating to improvement in education quality have been approved by the Royal Government of Cambodia. For example, the Ministry of Education, Youth and Sports<sup>6</sup> has developed the “National Strategic Development Plan” (NSDP). This plan recognizes education as a basic human right and seeks to ensure that all Cambodian children and youths have equal opportunities to receive quality education regardless of social status, geography, ethnicity, region, language, gender or disability.

The “Education Sector Plan” (ESP) places high priority on reducing gender disparities in school enrolment, and the Ministry of Education, Youth and Sports has introduced specific measures towards this end, including scholarships for poor girls and piloting the use of dormitories for girls enrolled in lower secondary schools.

The “Ministry of Education, Youth and Sports Gender Mainstreaming Action Plan” (GMAP) seeks to ensure that girls have full and equal access to good quality basic education by 2010 through increased female participation in the management and delivery of education services. It also seeks to create more positive attitudes towards girls’ education and gender equality among key stakeholders in the education sector and within the general public.

It is quite true that Cambodia has a legal infrastructure making it possible, in theory, to develop an egalitarian system of education. But the weak implementation of laws does not address gender stereotypes so deeply rooted in society. The combination of stereotypes and poverty in a large number of Cambodian households causes families to avoid sending girls to school. It is not perceived that any short-term economic benefit can be derived from their education.

The government’s promise to construct more public schools has yet to materialize in any significant way. This is particularly problematic in rural areas, where poor families cannot afford to send children outside the home – losing their labour- as well as pay for school supplies and transport. Girls face further risks when they are forced to travel long distances to school.

The promise of free education is a long way from being fulfilled. Teachers receive low wages in Cambodia, and most students must pay to attend class, meaning that families cannot afford the costs of educating all children. This often means that only sons receive schooling.

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<sup>6</sup> Ministry of Education Youth and Sports (MoEYS)



While laws and policies to combat illiteracy are in place, much of the female population still suffers from it. Effective measures to allow girls to attend classes are not in place. The CEDAW Committee noted in 2006 that this disparity manifests itself through high illiteracy rates among women in Cambodia<sup>7</sup>. This problem has yet to be addressed; today, the female illiteracy rate is 40%, compared to 18% for males.

It is essential to mention that the current education system does little to exclude the “Chbab Srey” code from its curriculum; within the schools there tends to be no material or qualified personnel that can effectively counter the code. The code is strongly rooted in Cambodian society.

By definition, the existence of a code of conduct applicable to a specific gender is discriminatory. Eventually, only the elimination of the code can bring about equality between the genders. For the time being, NGO-CEDAW is in the process of preparing a publication analysing the Chbab Srey and aiming to reform its content.

## **1.2 School Enrolment**

The government has made some progress, particularly in the area of primary school enrolment at the national level. According to the EMIS<sup>8</sup> 2008/2009 and MoEYS statistics, 94.4% of all eligible children are enrolled in primary education and 33.9% are enrolled in secondary school (MoEYS 2009 b:46).

The net admission rate for Grade 1 is 91.9% (MoEYS 2009 b: 45), close to the ESP<sup>9</sup> target of 94%. While gender disparity in primary school is diminishing, it is still prevalent at the secondary level with 32% of girls and 36% of boys enrolled in secondary school (UNESCO 2009). These figures do display some progress, but if the Government is to achieve the MDG<sup>10</sup> of Universal Primary Education (MDG 2), further progress could be made if the community took a greater part in school life.

A recent study by the European Commission, noted that there has been a significant increase in the amount of students that complete Grade 6 (98% increase overall – 131% for girls), Grade 9 (274% overall – 460% for girls) and Grade 12 (124% overall – 189% for girls) from the school year 2000-1 to the school year 2007-8 (EC & Quinn, 2008).

Children not attending school (especially girls) remain a problem in Cambodia despite Education Statistics & Indicators 2007/2008 that show that the net enrolment ratio for primary schools is 93.3% and the net enrolment ratio for lower secondary school is 34.8%. Both these figures are likely to fall short of the Government’s projected figures for 2010 of 96% and 50% respectively (EMIS 2008).

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7 Concluding comments of the Committee on the Elimination of Discrimination against Women: Cambodia 16 January-3 February 2006

8 Education Management Information System

9 Education Strategic Plan

10 Millennium Development Goal

Access to adult literacy classes is minimal, both in coverage and quality<sup>11</sup>. In 2000, only 2% of the total illiterate adult population were enrolled in either government literacy programs (30,500 students) or NGO-supported literacy programs (20,000 students)<sup>12</sup>. By 2008, the situation had improved with 58,967 illiterate adults (37,337 of them female) enrolled in the literacy classes (MoEYS 2009).

Sex workers are a particularly disadvantaged group. An estimated 30% of sex workers in Cambodia are under 18 years of age, and have had less than three years of basic schooling and little or no vocational skill training, trapping them in a circle of poverty and vulnerability (UNICEF & Stark-Merklein 2006).

The Cambodian government has been slow to provide services for sex workers. Nonetheless, there are a few NGOs<sup>13</sup> currently providing education services to sex workers and vulnerable girls (such as the OPTIONS program run by World Education).

There have been some signs of progress, however. More dormitories have been built for girls pursuing secondary school and higher education. The number of scholarships available to poor students, in particular for girls, is also increasing due to allocations from the government budget, and support from Development Partners and NGO projects.

Women and girls are encouraged to go to school by government and NGO incentives such as scholarships, micro-finance loans, vocational training and rice provision. However, these initiatives are not fully developed and do not cover all provinces. An expansion of programs that create incentives for women to continue their education is needed to achieve gender equality in schools and communities. While there are grounds for optimism, some caution should be shown when assessing these developments.

### **1.3. School Drop-out Rates**

Girls' dropout rates tend to respond to school inputs in the same direction as boys, but girls are more sensitive to them than boys (World Bank 2005). In addition, the trade-off between school participation and work increases rapidly as children get older. This is especially true for girls aged 15-17 whose schooling is more likely to be displaced by productive work than that of boys of the same age (World Bank 2005).

More intensive efforts should be made, especially in Early Childhood Development, to reduce repetition and dropout rates, and to increase facilities development and higher education opportunities. The demand for classes and learning materials for the various ages and ethnic groups throughout Cambodia continues to be much greater than the government allocates.

### **1.4. Literacy**

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<sup>11</sup> Rosenbloom 2004

<sup>12</sup> Rosenbloom 2004

<sup>13</sup> Non-Governmental Organization

During the last four years, MoEYS has also seen positive results after supporting literacy materials development, teacher training, literacy classes, and community learning centres. The official overall literacy rate for people aged 15 and over is 76.3%, with a noticeable gender disparity of 85.8% for males versus 67.7% for females (UNESCO 2009). This disparity, as noted previously, appears to arise from Cambodian families' judgment that it is more useful and appropriate to educate boys than girls.

### 1.5. Quality of Education

Progress has also been made in some areas toward improving the quality of education through the CFS<sup>14</sup> implementation, new curricula, standards assessment and school self-assessment for both primary and lower secondary education. The CESSP<sup>15</sup> continues to support the improvement of Lower Secondary Schools through its Self-Assessment methodologies and school improvement planning (MoEYS, 2009).

Quality of education encompasses many aspects of education – teacher capacity and motivation, teacher shortages, limited time for active participation and practise in class, informal school fees and so on. So far, there is no shared understanding on the basic elements of quality education, to be agreed upon by the many education stakeholders. This remains a challenge.

Most schools in Cambodia operate under the CFS

environment, which

includes a dimension for the advancement of women and girls in education by creating favourable environments in which women and girls can succeed.



One of the main issues in education is that children have limited time for active participation and practise in school. In Cambodia, students in primary school spend only four hours a day at school, from Monday to Wednesday and Friday to Saturday. According to UNESCO's EFA<sup>16</sup>, Global Monitoring Report 2009, statutory instruction time is just 3 hours and 20 minutes per day. Class sizes range from 40 to 50 students in primary school and 40 to 45 students in lower secondary school. It is a challenge for teachers to manage classes of this size, and there is limited time for active participation and practise in class (UNESCO 2009).

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14 Child Friendly School

15 Cambodia Education Sector Support Project

16 Education for All

Therefore, parents need to be aware of the importance of homework, checking workbooks and parental support to ensure that children have all the right inputs to learn and grow.

In addition to these issues, a shared understanding of what comprises quality education needs to be established among key actors such as MoEYS, local NGOs, schools (directors, teachers), parent associations, students and unions.

VSO<sup>17</sup> & NEP's<sup>18</sup> Teaching Matters report (VSO & NEP 2008) notes that active community engagement helps build a sustainable relationship between the community and teachers. Greater community engagement has also been proven to lead to improved quality of education.

Newly established District Training and Monitoring Teams (DTMT) systems described in the CFS implementation plan need support in their training and monitoring functions within the provinces. The teams are new and fragmented. They need support in developing and implementing training plans and in monitoring school performance. The most basic monitoring functions such as classroom observations are new to many members of these teams. Provincial Offices of Education (POEs)<sup>19</sup> will need support in ensuring that the teams are functioning and carrying out their roles effectively.

Schools, districts and provinces find it very difficult to put MoEYS policies into practice in a manner which is beneficial to all children. Therefore there is a need to provide supplementary training and to provide long-term day-to-day support.

Moreover, the learning achievement of students is showing appalling outcomes, especially for children in Grades 1-3 in languages and mathematics, where only about 45% can reach the education quality standard set by MoEYS. One common perception is that teachers do not have the skills to provide engaging teaching of high quality. The reality might be that overcrowded classes and poor teacher training make quality teaching more difficult to achieve.

On-going support is needed to assist teachers in meeting teaching standards and to ensure that pupils themselves achieve curriculum standards. Advocacy is required at the national, regional and local levels for greater inclusion of teacher and community voices in the educational debate. The recommendations of the Teaching Matters report have been accepted by MoEYS<sup>20</sup> but on-going advocacy will be needed to ensure that those recommendations are implemented. In particular, advocacy on the recommendations contained in "Strengthening links and dialogue mechanisms; Quality assurance processes; and promoting the value of quality education to parents and communities" (VSO & NEP 2008) is required.

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17 Voluntary Service Overseas

18 NGO Education Partnership

19 Provincial Offices of Education

20 Ministry of Education Youth and Sports MoEYS 2009

## **1.6 Curriculum**

Despite the existence of policies and laws aimed at achieving equality, deeply-rooted stereotypes and gender roles in Cambodian society – the Chbab Srey – continue to hinder development in the education sector. The Chbab Srey is a “conduct treaty” that has several moral principles articulating “appropriate” roles for women in society; it explicitly discriminates against women in many areas of their lives. Under the code, women must submit to the decisions and wishes of their fathers and husbands in all circumstances. The code also delineates appropriate or inappropriate behaviour. “Respectable” women are advised to be quiet and cautious and to avoid questioning the decisions of their husbands. Women always occupy an inferior position in relation to their husbands.

On the other hand, the code contains a potential justification for aggressive behaviour by the husband, maintaining that the role of women is to stoically endure such occurrence, adding that these have been most probably caused by the wife herself. Thus, the coexistence of laws and policies aimed at empowering women are undermined by the code. The code is transmitted to girls by their families and articulated by the community in general, even at school, activating the subordination of women in the mindset of Cambodians. There exists a tactical disagreement on the construction of gender equality and this is evident in all social spheres.

Given the seriousness of this matter, the code contradicts the moves toward equality and will lead to troubling consequences. It obviously makes sense to have an education system that counteracts the strength of the code, to question the code and offer new female models based on gender equality. These aspects should be included in the curriculum of the schools program at all levels.

## **1.7 Women in Media**

Women constitute a majority in Cambodia today, making up 52% of the total population. Yet the media’s portrayal of women in a negative manner persists, and reinforces the stereotype of women as sex objects, “decorations” and victims. Women also lack a diversity of voices in the media and face higher levels of poverty, lower levels of education and health problems. This situation constitutes a serious obstacle toward women’s rights, and will negatively affect progress toward the Cambodia Millennium Development Goals (CMDG) 2015. The nine main goals of CMDG will take longer to achieve than expected and, in fact, may never be reached.

Given the importance of the media for transmitting values and attitudes, the media can be of great help in combating discrimination against women. It can help incorporate new models of femininity and masculinity and enhance respect for freedoms. It can also inform citizens of their rights and obligations concerning laws and policies. As a tool for changing attitudes and mentalities and combating stereotypes, the media’s power is undeniable. However, in the same manner and with the same force, the media may reinforce discriminatory barriers against women, feed stereotypes and traditional gender-related ideas, transmit negative models of femininity and justify violence against women. Female under-representation in the media, a lack of awareness and training on gender issues by the professionals who direct and coordinate media, and a lack of government direction are all issues to address. Media

has yet to be used as a strategy to combat gender discrimination, as the media remains an instrument to legitimize it.

The Women's Media Centre of Cambodia (WMC) survey found that women are a minority across all media sectors, comprising 17% of those in journalism, 21% in technical roles and in 28% in administrative positions.

According to the Cambodian Communication Institute (CCI) Director at the Royal University of Phnom Penh (RUPP), there has been a significant increase in the number of girls who attend the journalism training course at CCI – from two girls among 20 students in 2005 to 35 girls among 90 students in 2009. The bachelor's degree program takes four years to complete.

The WMC 2005 study reported significant educational opportunities for Cambodians interested in media careers. Of 45 educational institutions included in the 2005 study, seven (16%) offered courses or granted degrees in mass communication or journalism, and of a total 745 students that completed their education, 20% were female.

No statistics are available from the Ministry of Information (MoI) on the number of female journalists in Cambodia, according to WMC. However, the WMC 2005 survey covered 145 media organizations and reported the total number of people working in media and media-related fields as 4,623 with 79% males (3,652) and 21% females (971).

People working in the media were represented in three categories of positions: journalists, technical and administrative. The category of journalists included editors-in-chief, editors, writers, reporters, presenters and producers. The technical category included technicians, operators (cameras, radios, any equipment). The administrative category included administrative staff, accounting staff and marketing staff. The 2005 WMC survey found that among 137 journalists whose positions were decision makers only 6% were female. The survey covered government, private local and international TV, radio, agencies and print media in Cambodia.

According to the WMC 2005 national survey, the portrayals of women varied depending on the type of media. TV and radio were widely acknowledged to portray women positively while the print media portrayed women negatively. Negative portrayals of women in the print media were attributable to the indifference of media personnel and to meeting marketing requirements.

The survey found that 69% of the general public judged media portrayals of women to be negative. But the focus groups did identify some advantages that can result from the adverse portrayal of women in the media. Such reporting can help to promote the protection of women against violence, while also acting as a catalyst to lobby the government and wider community to help intervene and defend vulnerable women and children.

Media, particularly the print media, should change the way in which women are negatively portrayed by eliminating detailed descriptions of rape and not showing the photographs of rape victims.



Across all media, the top three roles portrayed by women were: as victims (58%); positive roles (27%); and, as sex objects (22%). In comparison to the 1995 survey, the 2005 survey indicated an increase in portrayals of women as victims; a decrease in positive roles; and a slight decrease in women being portrayed as sex objects.

The survey found that the top five “preferred roles” of women to be portrayed in the media were: as a victim of domestic violence; as a rape victim; as a mother; as a woman concerned with health issues including sex; and, other roles – other incidences where women are victims, women in various successful careers, as leaders, as authors, as women helping other women, promoting women to be educated, etc. The top three reasons given for the preferences were: to serve as warnings or reminders for men not to commit domestic violence; to educate men not to rape women; and, to encourage women to be good mothers who lead the family and raise good children.

According to the monitoring done by WMC, the number of magazines in circulation in Cambodia has increased significantly due to increased demand from readers. With the influx of new publications, it has become increasingly difficult to monitor the depiction of women in the mass media. WMC has found however, that women continue to be represented in both a negative and positive manners. Examples of ways in which women are negatively portrayed include the “victimisation” of women, whereby women are portrayed as victims of love, husbands having affairs, domestic violence and rape. Further, when women are represented as equal and empowered, the women depicted are largely popular or well-known singers and actresses, who of course only make up a very small percentage of the population. This has multiple dangerous implications. Firstly, the average Cambodian woman is rarely ever portrayed as being powerful, or even equal to men. Second, young women are encouraged to base their role models on popular figures, and to hold unrealistic aspirations to become singers and actresses.

Notably, since 2005 the Ministry of Information has set some rules for all media organizations advising and reminding them to respect the press law Chapter 2, Article 7 that states “Publication of obscene texts or pictures or graphically violent materials is prohibited.” The Ministry also sent letters to some magazines to stop publishing pornography articles and violence photos in their publications.

During the Annual Cambodian National Council for Women Meeting (CNCW) on its activities in 2007, the Prime Minister also recommended that the Ministry of Interior close facilities which show or sell obscene films.

In conclusion, the WMC advises that advocacy for improving the portrayal of women in the media should be stepped up and continued, as there is still much progress to be made.

### **1.8. Women and the Information and Communication Technologies (ICTs)**

As the evaluation committee of CEDAW in the last Report recommended, Cambodia needs to make an effort to promote women’s access and use of Information and Communication Technologies (ICTs). The mastery of these information management tools is important not only for communication and quick access to content and knowledge, but to facilitate entry into the labour market and for ongoing training.

Many Cambodian women are not familiar with the use of ICT. The awareness of ICT and how it can be strategically used to combat violence against women is very limited. ICT can, for example, help women network, share experiences, mobilise support for specific actions and develop global action strategies to end violence against women. There is a connection between ICT awareness and success in education and employment.

A research study conducted by the Ministry of Women's Affairs, the Ministry of Education, Youth, and Sport and the Open Institute in 2010, revealed a significant gender gap in the number of students studying ICT-related subjects. Over 1,000 students graduated from ICT programs over the past four years, yet only 12% of them were female. From 2005 to 2009, the percentage of female ICT students was 12.4%. The percentage of women studying ICT in 2009 and 2010, meanwhile, was only 9.1%.

Among the three major ICT fields (Computer Science and Engineering/Information Technology; Electronics and Electrical Science; and Media and Telecommunication) Computer Science and Engineering/IT is the major that attracted most students. Media and Communication had the highest proportion of female students. In the academic year 2009-2010, the total number of students increased threefold to over 3,000, compared with the previous four years, and it has doubled compared with the previous two years. At post-graduate institutions, 35% female students expressed an interest in taking an IT-related major for the academic year 2007-2008. But in the following year, this number has decreased to one third, from 320 to 130. In 2009-2010, the number of students pursuing their study in year 2 has decreased to 74, though the number has increased in year one. However, the proportion of female students in this academic year is only 5%.

The survey, after focus group discussions with ICT students, found that women choose ICT studies less often than men for several reasons: they perceive that ICT jobs are difficult and are often reserved for men only; they perceive that ICT is difficult to study because of the mathematics involved, and because the field has too many areas of study; no encouragement from the family; companies normally recruit only male staff; low interest in studying ICT; Khmer cultural traditions (a mindset and traditional pressure that discourages women from studying); a general opinion that ICT is only a job of repairing; it costs a lot of money; and women have to do housework.

*Women and ICT in employment were left behind their male counterparts, as shown by the following:*

The results of the research showed that 44.4% of women working in NGOs have ICT knowledge. The number was 15.5% in public institutions, 32.5% at Internet Service Providers, and 33.3% in education.

The survey also showed that government ministries have the highest demand for ICT knowledgeable workers, accounting for 53%, 10 persons on average (60% of which are female). Next come educational institutions 35%, 5 persons on average (40% female); NGOs 25%, 2 on average (50% female) one is female (50%); and Private Sector (ISPs and Internet Cafés) 11.7%, 2 on average (50% female).



In surveying job announcements on Websites, only about 5% of high-level jobs generally do not require high-level ICT skills. However, most demand mid-level ICT skills (93.9%). In entry-level jobs, 14.8% require midlevel ICT skills.

Men use the Internet more frequently than women. For those who access the Internet almost every day, the percentage of males is 17%, and of females 15.3%. For those who access the Internet more than twice a day, the percentage of males is 12.1%, and of females 9.5%. For daily users, the percentage of males is 45%, and of females 37.8%.

*Institutions with policies to promote women's advancement:*

Some 22.5% of NGOs have a policy to promote women in capacity building. This compares to 35.3% of government institutions and 9.3% of Internet Service Providers, and 34.6% of education institutions.

*Challenges and obstacles that prevent women from entering ICT fields:*

Some 66% of respondents stated that women have to take more responsibility for their family than men; 64% think that most parents provide more support to men than women for higher education. About 60% think that policies and policy implementation are also obstacles. Other responses include: language (57%), limited ICT infrastructure (53%), cost of internet access (52%), "technology is too modern" (40%), obstacles erected by social norms and culture (31%) and women are not encouraged by their superiors to participate in ICT (26%).

*Recommendations*

Since Cambodia is mainly rural, access to ICT technologies is limited. Thus, it is important to prioritize providing network infrastructure to underserved communities and to provide training so that women know how to use these resources. Much work remains ahead. Only in urban areas is there a consolidated infrastructure that allows women engage in this kind of training. The government should continue to promote the development of ICT infrastructure throughout the nation and should integrate ICT into all upper secondary education curricula wherever possible. Moreover, the government should continue to encourage female students to study ICT by offering scholarships and tuition reductions.

Private enterprise, ministries and other public institutions should provide new graduates, especially women, with more internships and job opportunities.

The government should encourage the creation of more computer programs using the Khmer language.

Finally, if possible, there should be further nationwide studies and research into this issue.

### **1.9. Women from Ethnic Minorities and Women with Disabilities**

One of the main problems assessing gender equality in the Cambodian educational system is the near total integration of indigenous women and women with physical or mental disabilities. In both cases, the system lacks recognition of their special needs.

For women from minority ethnic groups, language remains a significant barrier to access formal education, as the curriculum does not provide the possibility to include other languages. Indigenous women are not included among the images contained in textbooks and school supplies, which makes it difficult for them to relate to the examples and exercises provided in classrooms.



Cambodia is a multi-ethnic society with a majority of ethnic Khmer. The rest of the population is divided among Vietnamese, Cham, Chinese, Indians and 16 other ethnic groups, most of whom live in the north-eastern provinces. These groups include Tampuan, Jarai, Kreung, Prov, Kavet, Phnong, Ka Chok, Thmorn, Krol, Kuoy, Steang and Suy. Most of these people have difficulties in maintaining their traditions in the current global economic development model.

Language represents a barrier to economic integration for these populations. The health and living conditions of these communities are poor, due to the remoteness and alienation of their lands. Having schools or teaching spaces in indigenous communities focused on their specific features – and providing indigenous teachers or teachers that can speak their language – would greatly facilitate the inclusion of these women in the educational system. This would in turn reduce illiteracy rates and lead to their integration as citizens in Cambodian society. This would also lead to the improvement of living conditions as they face the loss of their traditional forms of subsistence.

Women with disabilities encounter problems in that the education system lacks any recognition of their specific needs. No one knows how many girls and women have mobility and sensory problems that prevent them from attending school. Nor is the number of students with intellectual development issues known. The current Cambodian education system is simply unequipped to address this issue, as neither the teachers nor the curriculum are equipped to accommodate students with special needs.

Cambodia faces a considerable challenge if it wants to promote the inclusion of all people as potential students. Curriculum development in this direction is not being done. The consequence will be continued social exclusion and marginalization of women belonging to disadvantaged groups

## 2. Challenges

About 10% of children in Cambodia do not go to school. Most of these children come from poor families, are homeless, and are often involved in child labour both in the formal and informal sector. According to MoEYS statistics for the academic year 2007-2008, the continuation rate of students from Grades 1 to 6 was only 59.5% and from Grades 1 to 9 only

33.2%. Although enrolment rates have improved, dropout rates in target provinces are still high.

There is a need to provide long-term ongoing support to schools and communities to identify the reasons for dropouts and to subsequently address those issues. The learning achievement of students is showing appalling outcomes, especially for children in Grades 1-3 in languages and mathematics, where only about 45% can reach the education quality standard set by MoEYS (MoEYS 2009). Teachers do not have the skills to provide engaging teaching of high standards. Ongoing support is needed to assist teachers to achieve the teaching standards and to ensure that pupils achieve curriculum standards.

Save the Children Norway (SCN) surveyed primary schools in their seven target provinces in Cambodia including Phnom Penh and found that enrolment rates for girls is still less than that for boys, with a ratio of 48% girls for 52% boys (SCN 2009). In lower secondary school, the gender ratio jumps to 46% girls for 54% boys. Schools, districts and provinces find it very difficult to put Ministry policies into practice in a way which is beneficial to all children. There is a need for supplementary training in the form of long-term day-to-day support.

Advocacy is required at the national, regional and local levels for greater inclusion of teacher and community voices in the educational debate. The recommendations of the Valuing Teachers report<sup>21</sup> have been accepted by the Ministry but ongoing advocacy will be needed to ensure that those recommendations are implemented. In particular, advocacy on the recommendations contained in “*Strengthening links and dialogue mechanisms; Quality assurance processes; and promoting the value of quality education to parents and communities*” is required.

## 2.1 Core challenges:

- The lack of clear policies in hiring, professional development, payment, promotion, sanction and transfer of teachers, as well as the public dissemination of implementation plans.
- Serious issues of quality in education resulting in children completing Grade 6 without being able to write or do math at the appropriate level.
- Lack of mechanisms to avoid informal fees paid to teachers (NEP 2007).
- Repetition and dropout rates are still high and the clear causes for these have not been addressed. Nor have any possible solutions been identified.
- Although MoEYS has been successful in deploying new teachers to disadvantaged areas, it is not known how many of these teachers have remained in these areas.
- According to Education Management Information System (EMIS), school principals who administer the CESSP<sup>22</sup> scholarship programs note the following reasons for dropout: firstly that the amount of the scholarship is insufficient for families to keep their children in school and secondly, that the students are needed to support the family by finding paid work.
- Government funding for education has gradually decreased from 19.2% of the national budget in 2007 to 17% in 2009 (MoEYS 2009).

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<sup>21</sup> Teaching Matters, A policy report on the motivation and morale of teachers in Cambodia. NGO Education Partnership and VSO, December 2008

<sup>22</sup> Cambodia Education Sector Support Programme

### 3. Recommendations

- 1) Monitor, strengthen and expand the implementation of CFS through intensive and systematic in-service training programs.
- 2) Implement a progressive policy for the education of children with disabilities.
- 3) Ensure that all school-age children, especially girls, have access to education.
- 4) Increase the number of teachers, especially in remote or disadvantaged areas.
- 5) Increase the government scholarship budget for primary and lower secondary students in order to decrease dropout rates among poor children and girls.
- 6) Increase school operational budgets in accord with school plans.
- 7) Use government budgets for bilingual teaching materials.
- 8) Abolish informal school fees.
- 9) Increase the number of scholarships and bicycles for girls at grades 7-9.
- 10) Develop awareness and capacity for analyzing gender issues at all levels (from national to school/community levels).
- 11) Increase scholarship programs for the poorest girls.
- 12) Ensure the physical safety of all girls who go to school.
- 13) Require school directors to reach out to families with girls at the appropriate age for Grades 4-6.
- 14) Work with communities to stop girls from dropping out of school.

## Chapter 3 --Politics and Decision Making

### 1. Situation

Cambodia has instituted a number of laws and mechanisms that are meant to ensure equality in the areas of governance and political participation. Although these laws are neutral in respect to gender, they also interact with society's conceptions about the roles that men and women should play in society. Leadership, for example, is considered to be the domain of males in most Southeast Asian cultures.

The home is considered the place where Cambodian women make decisions for their daily sustenance, but the administration of the rest of society is in the hands of men. The notion that women can have social responsibilities beyond their homes is often challenged on the grounds that women do not have tools or time to carry them out. Southeast Asia has one of the world's lowest representations of females in decision-making arenas. The customs and social conceptions about the position of women is one of the biggest impediments to their political participation.

In Cambodia, a so-called code of conduct for women – “Chbab Srey” – is prevalent. It legitimizes the submission of women and encourages unconditional respect to the husband and other men. It requires obedience, discretion and silence within households, schools and day-to-day community experiences. At the same time, the state legally recognizes the rights of women have their own voice to take part in decisions that affect their lives and their communities.

Obviously, submission and participation are contradictory concepts, and the prevailing social conventions for women tend to be more powerful than the actual legal rights. The Philippines and Vietnam face a similar situation.

Thus, the implementation of legal rights and obligations alone does not necessarily have a direct causal effect in eliminating gender inequality. The right of women to vote, for example, does not guarantee that they can exercise it freely, since in many cases family and husbands are the ones who decide the fate and function of that vote.

#### 1.1 Laws and Policies

The State has adopted a wide range of strategies to encourage women to take part in public and political decision-making. These include the Rectangular Strategy and the National Strategic Development Plan (NSDP). The government has also set quantifiable targets and timeframes for women in decision-making through its Millennium Development Goals and the Ministry of Women's Affairs' strategic plans Neary Rattanak I + II. Neary Rattanak III is currently being developed. According to Cambodia's Rectangular Strategy for Growth, Employment, Equity and Efficiency, gender equity – as part of one of its four central strategic growth rectangles – is a policy priority. The document states that “women are the backbone of our economy and society”.

In addition, the entire Rectangular Strategy attempts to build upon the principle of good governance to ensure “the voices of the most vulnerable in society [are] fully heard and considered in decision-making processes” (RGC 2004). Neary Rattanak II was based on the Rectangular Strategy and states that placing women in decision-making positions was one of its priorities for the period 2005-2009. Sub-programme 2.3 in Neary Rattanak II aims to “develop the skills and confidence of women to make a greater contribution to decision-making at all levels of governance” and sets out a clear strategy how to achieve this (RGC 2005). Likewise, NSDP and the Organic Law show a strong general commitment to women in decision-making.

Cambodia has ratified the Beijing Platform for Action and taken steps to implement it, setting clear targets for achieving increased representation of women. However there have been few government efforts to reform the electoral system and encourage parties to adopt measures to achieve equal representation of men and women.

Cambodia has, nevertheless, introduced some special measures to ensure women’s representation at the sub-national level. In 2008, the Prime Minister announced the important decision to appoint one female deputy governor in each district and province (Sub-decree January 12, 2009) and in fact 24 female deputy provincial governors and 185 female district deputy governors were appointed. Another important step is Art. 118 of the Organic Law (2008), which states that Sub-national councils should ensure representation of women in all committees – including as chairpersons and deputy chairpersons.

At the village level, one out of three village leaders must be female and each Commune Council must have a Women and Children Focal Point and a Commune Committee for Women and Children (CCWC). Because of missing or insufficient budget allocations, there remain councils without Focal Points and committees, and the existing ones are often lacking capacity (Thon, Ou, 2009).

It is important to note that the RGC has failed to introduce any special program to strengthen women’s representation in the judicial branch, even though this was clearly requested by the CEDAW Committee in its concluding comments on Cambodia’s past periodic report (MOWA 2008).

Almost all ministries have developed Gender Mainstreaming Action Groups (GMAGs) and Gender Mainstreaming Action Plans (GMAPs). GMAPs from 10 ministries refer to plans to place women in decision-making positions and to establish important targets, e.g. for the increased promotion of women to senior positions (MOWA 2008). While gender mainstreaming has been given a lot of attention and is an important tool to achieve a critical mass of women in decision-making positions, it usually focuses on achieving greater gender balance within the institution itself, but not affect its policies or programs. Also, GMAPs often do not follow structural approaches and pay little attention to the root causes of gender inequality when formulating their mainstreaming strategies (Haile 2007). There would be more entry points for women’s political participation if GMAPs included these aspects and paid more attention to reconciling family and professional responsibilities as stated in the Beijing Platform for Action.



There is no evaluation or monitoring of results to demonstrate how effectively GMAPs have been implemented so far. Accordingly, some observers have noted that legal improvements remain mainly paperwork and do not result in effective and accountable action.



As recommended by the CEDAW Committee, MOWA has been active in promoting women leaders and has supported NGOs and networks that have successfully built the capacities of (future) women leaders through activities such as MOWA's leadership programme and CPWP's capacity building for local women leaders, party candidates and councillors. Many activities are implemented and developed by NGOs and financed by international donors with the support of government ministries. There are also activities to raise the understanding and awareness of men with regard to this issue.

However, those trainings and activities that directly target men are not attended by high-ranking decision-makers. In a hierarchical society like Cambodia it is difficult to achieve change when working only with lower- and mid-level officials.

In programs that have no direct gender objective, there tends to be a significant lack of participation by women. For women in senior decision-making positions, it is crucial to build professional skills and capacities and not just their understanding of gender concerns (MOWA, 2008; Haile, 2007).

## **1.2 Female Representative in Politics**

In its concluding comments in 2006<sup>23</sup>, the CEDAW Committee acknowledged that the participation of women had increased, but it was still concerned about the under-representation of women at all levels of decision-making. The committee has urged the Royal Government of Cambodia to implement a strategic plan with clear indicators and timetables for increased participation and representation of women. The committee also recommends adopting temporary special measures<sup>24</sup>, and delivering training programmes on leadership awareness-raising on the importance of women's participation in decision-making (CEDAW 2006).

Significant progress has been made toward official recognition of the importance of women's representation, with institutional and legislative provisions showing an increased awareness for gender concerns. The Ministry of Women's Affairs (MOWA), in particular, has strongly and successfully encouraged the promotion of women in decision-making at all

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<sup>23</sup> Concluding Comment No 23

<sup>24</sup> Concluding Comment No 24

levels. Ministries have increasingly cooperated, adopted gender mainstreaming strategies and sought to consult civil society.

Cambodia's Millennium Development Goals (CMDG) set clear targets regarding the political participation and representation of women. By 2015, 30% of National Assembly and Senate seats should be held by women. The envisioned proportions of women in other decision-making positions are: 15% of ministers, 18% of secretaries of state, 20% of undersecretaries, 10% of provincial governors and 25% of commune councillors (RGC 2005).

Even though the number of women representatives in the National Assembly increased to 22% after the 2008 election (from 19% in 2003), women remain marginalized in their political participation. There are still too few women in higher governmental positions. Only two ministers (7.7%), 16 secretaries of state (8.1%) and 30 undersecretaries (15.4%) are women. Six ministries include no women at all within their highest levels of decision-making (CPWP 2008). Likewise, only nine out of 61 (14.8%) Senate members are women. Therefore, Cambodia has failed to achieve its CMDG milestone of 17% in 2005 and is unlikely to increase the proportion to reach the 2010 targets.

Cambodia still has no women in the role of provincial governor. At the most recent district and provincial elections in May 2009, only 37 women representatives (13%) were elected as councillors in the capital and provinces, and 362 women (10%) as councillors of municipalities, districts and Khans (sub-districts) (NEC 2009). The representation of women in commune councils increased to 14.6% (1,662 total) in 2007 from 8% in 2003. The target of 15% in 2010 has nearly been reached. The share is lower for female commune chiefs, with only 69 (4.3%) of Cambodia's commune chiefs being women (UNDP 2007). There are even fewer women as decision-makers in the judiciary, with one woman in the Supreme Court and one in the Court of Appeal. Only 8.5% of Cambodia's judges are women, while for prosecutors the percentage is only 2.7% (MOWA 2008).

Cambodia's decentralization reform could provide a helpful framework to strengthen women's political participation at all levels of decision-making. At the same time, the framework requires a broad and thorough understanding of its underpinnings, as well as increased awareness of gender equality issues, especially in higher positions.

Cambodia's legislation still has some weaknesses, yet the main problem remains poor implementation and enforcement of existing provisions. Details, budget allocations and





clear strategies to achieve meaningful improvements are often missing or not well established. Implementation of existing strategies is not evaluated and monitored in an open and transparent way, which prevents citizens and civil society from holding the government accountable for its actions.

### **1.2.1. 2008 Cambodia Elections and Women's Participation**

The July 2008 National Assembly election was the fourth legislative election held in Cambodia since the Paris Peace Agreement in 1991. Cambodia's political system is a parliamentary monarchy and the National Assembly is the lower house in the Cambodian legislature. In 1993, the United Nations Transitional Authority in Cambodia (UNTAC) organized and administered the country's first post-conflict election, effectively managing the transition from violence and conflict to peace and stability. However, an assessment of the political environment in Cambodia 15 years later raises the question of whether the country is planted firmly on the path to democratic consolidation.

Women voters outnumber men voters. In the 2008 National Assembly election, 54% of registered voters were women, and of the 75% of registered voters who went to vote, most were women<sup>25</sup>. In the 2008 election, 21% of (both men and women) voters who went to the voting booths could not exercise their right to vote due to problems with voter lists and registration, resulting in problems that seriously hindered the full participation of women (and men)<sup>26</sup>.

Major political parties with a number of seats in parliament and commune councils raised similar issues relating to candidate nomination. Some political party leaders complained about a decrease in the total number of ballots received and of not receiving ballots or parliamentary seats after they had appointed more women to run in the elections. Putting women's names on the candidate list is seen as a "waste". The strength of political parties' electoral lists depends on capacity, popularity, high commitment and long-lasting political background.

Prior to the candidate registration period, the government and civil society organizations (CSOs)<sup>27</sup> encouraged political parties to alternate the names of men and women at the top of their respective political party candidate name lists (the zipper method) to ensure better visibility for female candidates.

As a result, according to figures obtained from the 2008 NA elections, among the three major political parties (CPP, SRP and Funcinpec<sup>28</sup>), the CPP increased the number of female candidates listed at the top of its candidate list from 3.61 % to 10.27%. The SRP slightly increased the total number of its female candidates from 12.22% to 13.06%. Some female

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<sup>25</sup> COMFREL 2009

<sup>26</sup> COMFREL 2009

<sup>27</sup> The Committee for Promoting Women in Politics (CPWP). 7 NGOs set up this committee: the Committee for Free and Fair Elections in Cambodia (COMFREL), the Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC), Women for Prosperity (WFP), Gender and Development/Cambodia (GAD/C), Cambodia Development Resource Institute (CDRI), Silaka and the Cambodian Women for Peace and Development (CWPD).

<sup>28</sup> CPP (Cambodian People Party, SRP (Sam Rainsy Party) and Funcinpec (Royalist party).

candidates and political party members revealed to observers that discrimination against female candidates had taken place within the party during candidate nomination and candidate selection. Most male politicians stated that they had had difficulties promoting and motivating more women to take part in politics.

Other male candidates may have felt threatened by the increased competition that resulted in putting female candidates' names at the top of the candidate list. Additionally, the political atmosphere during the election process was thick with intimidation, a factor which may have caused some women to hesitate to participate in politics.

Notably, female politicians participated sparsely in a meeting with European Union (EU) election observers, political party leaders and high-ranking government officials to discuss the 2008 elections. Only 172 female candidates participated in this meeting, or 14.80% of the 1,162 total candidates.

In the 2003 parliamentary elections, 27% of all candidates were women; they represented 23 political parties. This means that there was a 12.20% decrease in female candidates for the 2008 election. In spite of this, the CPP increased its total number of female candidates from 14 (11.38% of all 2003 election candidates) to 20 (16.26 % of all 2008 election candidates). Similarly, the SRP increased its female candidates from 15 (12.19% in 2003) to 17 (13.82%) in 2008).



The total number of directly-elected female candidates in the 2008 parliamentary elections slightly increased compared with the 2003 elections (18, or 14.63% in 2008 versus 15, or 12.19% in 2003). Civil society applauded the newly formed RGC for replacing some of the directly-elected male candidates appointed to government positions with female candidates listed below them. Thus, after the start of the fourth mandate, the RGC was formed with a total of 27 female MPs, which represented 22% of the 123 contested seats. Among these, 21 of 90 MPs are from the CPP (23.33%) and six of 26 MPs (23.07%) are from the SRP. The other parties (Funcinpec, NRP and HRP<sup>29</sup>) with seats at the NA have no elected female candidates.

The total number of female MPs in the third mandate (2003-2008) increased gradually from 15 equal, or 12.19% of all directly elected MPs, to 25 or 20.32%. This figure appears impressive, but it includes MPs elected to partial-terms. It is questionable whether some of

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<sup>29</sup> NRP: Norodom Rannaridh Party; HRP: Human Rights Party

these female MPs were able to fulfil their roles effectively when there was only one, two or three years left on their terms. Inadequate time and opportunities to execute tasks not only caused women difficulties, but also decreased the value of their job performance and confidence in women.

There was a slight (2.44%) increase in immediately-elected female MPs between 2003 and 2008 (18, or 14.63% in the 2008 elections versus 15, or 12.19% in 2003), with an increase by the end of the process of only 1.68% (25 equal to 20.32% in 2003 and 27 equal to 22% in 2008 up to now). This is a small and slow increase, short of the CMDGs, which aim for at least 30% of women to be included in decision-making at the national level by 2015. There remains only one more parliamentary election until then, in 2013. If the rate of increase remains at 1.68% for the fifth mandate elections, the total number of elected female MPs will be equal to only 23.68% (assuming that strategies and political platforms of registered parties and the government are the same as those in the fourth mandate).

#### **Number of women standing for the fourth mandate NA election from 11 registered parties**

	<b>Political Party</b>	<b>N° of female titular candidates</b>	<b>%</b>	<b>N° of female alternate candidates</b>	<b>%</b>	<b>N° of constituencies</b>
1	CPP	20	16.26	26	18.30	24
2	Hang Dara Democratic Movement	10	8.13	17	12.05	24
3	NRP	11	8.94	15	10.64	24
4	Funcinpec	10	8.13	16	11.34	24
5	HRP	6	4.87	3	2.12	24
6	Society of Justice Party	14	30.43	18	39.13	7
7	League for Democracy Party	24	19.51	43	30.49	24
8	SRP	17	13.82	16	11.34	24
9	Khmer Anti-poverty Party	14	23.33	29	48.33	7
10	Khmer Democratic Party	37	30	53	35.81	24
11	United People of Cambodia	9	12.50	14	19.44	9
	<b>Total of parties</b>	<b>172</b>	<b>14.80</b>	<b>250</b>	<b>19</b>	

#### **Female candidates to the 2008 parliamentary elections: 422 of 2,478**

- Titular female candidates: 172 or 14.8% (TOTAL 1,162 titular candidates)
- Alternate female candidates: 250 or 19% (TOTAL 1,316 alternate candidates)
- (The candidates competed to gain the 123 National Assembly Seats)

#### **Number and distribution of elected female MPs in the fourth mandate:**

	<b>Elected female MPs in 4<sup>th</sup> mandate</b>	<b>N° of seats</b>
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	Political Party	N° of elected female MPs	%	
1	CPP	21	23.33	90
2	SRP	6	23.07	26
3	HRP	0		3
4	FUNCINPEC	0		2
5	NRP	0		2
<b>Total</b>		<b>27</b>	<b>22</b>	<b>123</b>

Elected female parliamentarians: 27, equal to 22% of all elected 123 seats in the 4th mandate elected in 2008

#### Number of women in Senate:

	Number and type	%
Senate members	9 out of 61	14.8

#### Number of women in higher governmental positions after 2008 election – chairs selected according to Cambodia's Millennium Development Goals:

	Number and type	%
Ministers	2	7.7
Secretaries of the State	16	8.1
Undersecretaries	30	15.4
<b>Total</b>	<b>48</b>	<b>31.2</b>

#### Number of women on provincial and district level after May 2009 elections:

	Number	%
Provincial governor	0	0
Councillors of capital and provinces	37	13
Councillors of municipalities, districts and Khan/sub-districts	362	10
Councillors of Commune/Sangkat	1,662	14.6

#### District/khan deputy-governors: 169 women (in all districts / khans)

	Places	Number	%
Commune chiefs		69	4.3

### 1.3 Political Participation of Indigenous Women and Disabled Women

Indigenous women face the same general obstacles to political participation that all Cambodian women face, but they also confront additional issues. For instance, minority rights are not sufficiently established and indigenous women face language barriers that prevent their participation. They also face stereotyping and biased approaches to inclusion that fail to acknowledge the different needs of indigenous women. There have been few efforts by the government to ensure the full participation of indigenous women by linking gender and indigenous needs (Maffii, Hong 2008).

Disabled women are in a similar situation. According to a 2005 study by the Ministry of Social Affairs, 4.7% of Cambodia's population are disabled, and there are an estimated 46,367 disabled women (Ministry of Social Affairs, 2009). The majority of disabled women live in miserable conditions due to poverty and societal discrimination. Many disabled

women abandon their studies at low levels, resulting in increased difficulty in seeking employment and making a living. According to the reports of a provincial disabled persons' network, disabled women are at special risk for sexual abuse, particularly disabled women who are mute and deaf. Only a small number of these cases are resolved, partially because of the lack of communication between authorities and victims.

Most disabled women do not participate in social activities due to shame. Most importantly, the majority of disabled women are not considered suitable to work, as society perceives them as lacking competence and initiative. Moreover, the Chbab Srey puts pressure on women to withdraw when faced with problems. The Cambodian Disabled People Organization believes this is a significant factor affecting the development and participation of disabled people in society.

Disabled people's issues (particularly disabled women) have been incorporated into the 2009-2013 National Development Strategy. A Law on Protection and Promotion of Disabled People's Rights has been adopted. The national action plan for victims of mines and explosive objects has been adopted and introduced. Representatives of disabled women have been sent to participate in the meetings of the Women and Development Organization Network.

The instructive circular on the strengthening of vocational training for disabled people has been adopted. According to a report from the Ministry of Social Affairs, vocational training was provided to 115 disabled women in 2007, 117 disabled women in 2008 and 110 disabled women in 2009. The training was provided at the Disabled People's Training Centre, which is a cooperative program between the Ministry of Social Affairs and nongovernmental organizations. The Ministry of Women's Affairs has participated in the creation of disabled women's activities, especially during International Women's Day on March 8. Disabled children's policy has been implemented by granting priority to disabled girls for access to education.

Social services for disabled women remain limited however, and there are no accurate and reliable statistics relating to disabled women. The adoption of the Law on Protection and Promotion of Disabled People's Rights by the Government and the signing of the Convention on Disabled People's Rights have been carried out, but the ratification and the implementation stages have yet to be started. Under CEDAW, any promotion program concerning women's issues shall include disabled women.

The government must also develop policies and strategic action plans that include both indigenous and disabled women in decision-making.

## **2. Challenges**

In Cambodia, men set the rules and women are expected to live under them, despite not participating in their creation and often not knowing of their existence. As an example of this situation, the former Philippine president Fernando Marcos once said, "Filipino women

should be intelligent but submissive. They can advance with their husbands, but they should advance with them toward the bedroom”.

Corruption, personal political patronage and the aversion toward long-term change can lead to the collapse of a political system. These practices also prevent men and women from different population groups from entering into the political arena. Discrimination against women within the political context is manifest in different ways in Cambodia – they lack of parliamentary duties, they have limited access to campaign financing and they are excluded by established political networks.

Essentially, male dominance of the political keeps women within their traditional “triple roles” (productive, reproductive and communal) and prevents their access to decision-making forum. Moreover, the male power structure does not welcome women as political agents of change.

Throughout Cambodia, there is a common perception that politics is a dirty field, a difficult game whose participation gives very low benefits at high cost, especially for those who are not introduced into this world with enough resources and contacts. The women who have achieved important positions in politics, have done so only because they belong to political dynasties or powerful families. Some may even be regarded as puppets, merely representing the wishes and values of others without any real decision-making on their part. At the other extreme, politicized women – particularly those belonging to low-income groups or linked to marginalized populations – have been faced with threats for trying to change the status quo.

Elected women also face many obstacles to expressing their viewpoints in the political arena. Their proposals and issues may be dismissed, trivialized or denied, while at the same time they are derided as “weak” for their poor leadership (measured as against male patterns). As personal attacks mount, they find that the only solution is to adopt an aggressive “masculine” role to win respect. In addition, women in politics may face an undue emphasis on their “maternal” roles, which hides their political achievements. Gender roles incorporate assumptions as to the abilities and qualities of men and women, and these assumptions guide people’s analysis of their work, thereby perpetuating stereotypes.

Poor implementation and enforcement of existing laws stands out as one of Cambodia’s foremost problems in achieving gender equality. The existence of legislation is often unknown on the ground. Insufficient communication between national and sub-national administrators impacts the implementation of activities, as local officials are not aware of programs, even when they are promoted by national government officials (WFP 2009). Local capacities remain too weak to achieve implementation and enforcement, and budget allocations are almost non-existent. Some committed public servants can be found, but few of them have a clear understanding of gender-related issues (NGO Working Group 2009). The budget of MOWA remains low in comparison to other ministries. Ministries have developed GMAPs, but have not considered budget items for their implementation (GAD/C 2009). Human resources and capacities to make GMAPs functional are missing.

Likewise, Women and Children Focal Points at the local level often do not function and do not even exist when there is no woman councillor in the commune (Thon, Ou 2009). Interviews with CCWC<sup>30</sup> members present a very mixed picture. While the majority of reports show improved conditions and strong support from the outside, there are still issues that restrain CCWC from becoming fully functional. Lack of confidence, limited capacities and little cooperation within commune councils often hinder the effective participation of CCWC in local decision-making. A primary concern is low budgets for CCWCs. Most CCWC have an annual budget of only 200 USD, which is not sufficient to actively fulfil its role and to conduct activities. Some CCWC members report that they receive no budget at all. In fact, CCWCs that lack additional support from national and international organizations are often not functional (CPWP 2009).

While the government is supporting NGOs that try to promote women's rights and build the capacities of women to participate in public life, it is very difficult for these NGOs to monitor the implementation of government policies, especially budget planning and allocations on the sub-national level. Even though Cambodia shows a strong commitment to a gender-responsive decentralization process, procedures lack transparency and the transfer of real decision-making power and financial allocations to the sub-national level are extremely limited. This makes it almost impossible to hold sub-national levels of government accountable.

Insufficient confidence to become politically active is often coupled with lower capacities. Fewer women than men receive higher education, and their access to professional development opportunities is restricted by the design of training programs and women's other social responsibilities. Educational opportunities for girls and young women often do not ensure employment and sufficient income, which in turn also limits participation (WFP 2009).

Cambodia's women already make up 49% of the economically active population, despite the fact that their overall work burden (i.e., the "care economy") is not even considered in official government statistics. Women's income, however, is much lower than that of their male counterparts, and many women cannot participate in political and social activities due to their poverty. Low salaries in the public sector may also keep economically disadvantaged women from being seeking political positions. Engagement in local politics is only an option for a few women, namely those with financial independence, limited household burdens or strong support from their families and husbands (Thon, Ou 2009).

As in many post-conflict societies, an unacceptably high degree of domestic and sexual violence is prevalent in Cambodia. The legal foundations and their enforcement are not sufficient to protect women against domestic violence or to protect their sexual rights in general. Overall, women's participation is limited by unequal power relations within the family, public and economic spheres. Insufficient protection, time constraints and financial hardship restrict women's opportunities to participate in public and political life. Costs to participate in public and political life are disproportionately higher for women than for men.

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<sup>30</sup> Commune Committee for Women And Children (CCWC)



This is exacerbated by a sharp rural-urban divide; the above-mentioned restrictions apply with much more intensity to rural women.

The social framework has further implications for women who assume decision-making positions. Even if elected, women may often feel lost, unconfident, excluded from decisions and marginalized within their councils (Maffii, Hong 2008). Some male politicians report that they would appreciate increased participation of women, but that they cannot give more responsibility if women don't contribute and show more confidence in participating. Meanwhile, women report that they have to perform better than their male colleagues to be respected.

Cambodia's political sphere is characterized by a high degree of patronage structures and polarized party politics. As this is basically a patriarchy-structured patronage system, it remains difficult for women to enter Cambodia's politics (Oxfam, WFP 2008). It is almost impossible for women to participate and get placed in high party list positions without becoming part of these structures. Cross-party dialogue and cooperation in order to achieve improvements for the society as a whole – beyond party lines – is a huge challenge. A recent case study showed that women village chiefs work ineffectively because councillors from other parties simply refuse to cooperate with them (Thon, Ou 2009).

Some NGOs have received reports from women who feel discriminated against and intimidated when running for office or participating in political processes. Scepticism about judicial independence is prevalent, and many women doubt that the judiciary has a genuine commitment to safeguard the rights of women to represent their constituencies in a manner that does not undermine their safety, dignity and equality. This seriously hinders the participation of women in public decision-making. A culture of impunity is still present, and many women lack the confidence and courage to speak out against acts of discrimination within this environment. This situation is reinforced through laws that are insufficiently gender-responsive and do not guarantee genuine protection against discrimination within the judicial system, economic sphere, workplace and family.

The above-mentioned structures are not fertile ground for the successful implementation of the valuable legislation that has been adopted. Cambodia must take a more structural approach in order to understand and eliminate sources of discrimination against women in decision-making. The country must also show a clear willingness to improve the plight of women by providing sufficient budget allocations in areas that will encourage the implementation and enforcement of relevant laws.

## **2.1 The Spreading of the Woman's voice: Social Transformation through Participation**

Political participation means undertaking a group of actions, with varying degrees of organization, designed to achieve transformations of the social power framework. If Cambodian women represent over a half of the population and cannot participate in real decision-making and remain governed by purely masculine needs and visions, gender equity is not possible. In order to participate in politics, women must possess self-esteem, autonomy, freedom and security.



The concept of “participatory politics” envisions the involvement of all citizens in politics and policy making. This requires a relationship between the government and society in which the participation of citizens and a plurality of views are encouraged. This can be supported by strengthening political parties or encouraging the participation of marginalized groups, including women (Garcia, 1993 as cited in Naz, 2002).

## **2.2. Women’s Political Participation**

Throughout the world, women’s participation in politics is often marked by the legacy of female underrepresentation. This has occurred historically for a number of reasons, including discriminatory social attitudes, lack of education, lack of preparation and structural barriers to women’s democratic participation (Powly, 2004). In Cambodia, under the CEDAW requirements, women’s participation in politics is defined as the right for women to:

- Join and participate in political parties
- Stand for the election as a candidate at the lowest level
- Be elected/promoted to office
- Act as a decision-maker in government at all levels equally with men and without discrimination
- Participate in non-governmental organizations and associations concerned with the public and political life of the country
- Seek educational opportunities to enhance self-capacity and knowledge
- Make use of their rights as citizens

The United Nations Development Programme (UNDP) notes that “politics and participation range from the home, through to the locality, to the national level. Women need to participate at the micro level of the home, the meso level of community organizations and local level government and at the macro level of national party, parliamentary and governmental politics. Decentralization, with its devolution of power and resources, appears to be opening more scenarios for the meaningful participation and representation of women” (UNDP, 2000).

## **3. Recommendations**

Guidelines recommended for eliminating any form of discrimination against women in politics and decision-making in Cambodia must include three lines of action:

1. Working on the construction and reinforcement of the basis of citizenship, i.e., women’s active participation in forums and decision-making aspects in their communities, in their right to vote freely (and awareness of the importance of exercising this right) and implementation of measures to improve both their status and position within society.
2. Training of future women leaders with the aim of reversing and deconstructing the established considerations about the male model of leadership and work; in the process, new values such as solidarity, responsibility and autonomy should be encouraged.
3. Training in gender awareness focused on reducing gender inequality and empowering women.
4. Civil society should be vigilant and insist that all passages from the school curriculum that still reinforce female stereotypes and prevent women’s full participation in decision-

making are removed. It should insist that media agencies refrain from negative stereotyping.

5. Pay more attention to the actual enforcement and effectiveness of legislation. Use qualitative and quantitative methods to monitor and evaluate existing provisions and ensure sufficient budget allocations as well as transparent financial management.
6. Support women and women's groups in holding the government accountable for its commitments through women's active participation in data collection and monitoring, among other things.
7. Aim for better coordination of training activities, with special attention paid to the relation between women's rights and Cambodia's cultural obstacles to women's rights.
8. MOWA and the Ministry of Justice must develop and implement programs to increase the number of female decision-makers in the judicial branch through special measures and encouragement of female law students.
9. Political parties should develop policies to alternate candidate genders in their electoral lists.
10. High-level male officials and men in general need to be increasingly integrated into training and awareness-raising activities by focusing on mutual support between men and women. Gender-sensitive awareness training must be considered for men at the workplace.
11. Focus on cross-party dialogue in order to achieve better cooperation and integration of women's voices and needs instead of focusing solely on advantages for the party and patronage structures.
12. All GMAPs should refer to women in decision-making and leadership within their own ministries and within their policies. GMAPs should take a more structural approach when assessing barriers to women's advancement. Budget items to ensure their implementation are crucial.
13. Increase salaries in the public sector to enable participation of poor and rural women. Salaries must be paid in a timely manner. Increasing salaries will help ensure that a woman's investment in education will lead to employment and increased income. Poverty will be less likely to prevent women's participation in the public sector.
14. Strengthen gender-sensitive minority rights to ensure the full participation of indigenous and disabled women to the political process.
15. Insure indigenous populations have access to all government services in their own language and make interpreters available at no cost.
16. Take concrete measures to prevent violence and threats of violence against women running for office and participating in political activities; impose effective and independent legal remedies to safeguard their rights.

Our knowledge of the situation in Cambodia suggests that women politicians, activists and voters must participate in the construction of a regional policy agenda that promotes participation and representation at all levels of government and allows all women the right to enjoy the full benefits of citizenship. Gender equality and democracy should be built through political participation, but this is never easy, fast or straightforward. Men and women must work together to develop a process of deep change to effectively address the root causes of inequality.

## Chapter 4 -- Health Rights, Including Sexual and Reproductive

### 1. Situation

The current state of Cambodia's health infrastructure is exceedingly poor, with huge gaps that affect all Cambodians, not just women. In order to improve the situation, the Royal Government of Cambodia has developed the *2008-2015 Health Strategic Plan*.

According to the RGC report on achievements in the health sector in 2008, health centres, health stations and hospitals have increased in numbers. Also, the number of emergency medical service vehicles has increased and they have been distributed in various geographical areas. The Government has also afforded national and international organizations as well as the United Nations agencies every possibility to jointly use equity funds to be provided to the poor in receiving health service at public health bases. This has been implemented in 98 health centres (out of 967 health centres throughout the nation) and 47 referral hospitals (out of 77 referral hospitals) of which 6 national hospitals and 9 referral hospitals are sponsored by the national budget and the rest are supported by the budgets of development partners.



However, despite some steps taken in order to improve the care of Cambodian women in the field of sexual and reproductive health, one of the main obstacles remains the mentality of Cambodians toward sexuality. There is a social taboo to speak about female sexuality. This has a significant impact on the risk of contracting sexually transmitted diseases (STD) and in the number of unwanted pregnancies and consequent abortions.

In Cambodia, there is an image of female purity linked to the absence of sex. Thus, virginity is considered a virtue for an unmarried woman, while sexual promiscuity brings social rejection.

There is a lack of reliable data provided by the government regarding most aspects of women's health in Cambodia. According to official reports, female life expectancy has increased from 58 years in 1998, to 65.6 years in 2004. However, the absence of recent data does not allow one to establish conclusions and to assess real progress. According to the latest data, it appears that female life expectancy is 6.3 years more than that of males (NIS 2004). According to other data, child mortality under five years of age also decreased from

2000 to 2005 and continues to be higher for boys than for girls. All other available indicators that include health issues date from 2005 at the latest. There is a need for more recent data to better understand women's health issues in Cambodia today, including women's access to medical resources and the effectiveness of these resources.

### 1.1 Laws and Policy

Cambodian health policy is nominally that "All people in Cambodia, of whatever gender, age, place of residence or ability to pay, should have equal access to good-quality, basic and essential specialized health services, staffed by competent health professionals and at a cost people can afford; that they should have information that empowers them to make informed choices about matters affecting their health and well-being of themselves and their families" (HSP, 2003). In line with this policy, the National Strategic Development Plan (NSDP) states that improving the health status of the people is a top priority for the country. Priorities include reproductive health, maternal health, child health, HIV/AIDS, communicable disease control and water and sanitation.

The Ministry of Health's family planning policy states that every person shall have the right to receive quality reproductive health service. Its "Sector Strategic Plan 2008-2015" prioritizes:

1. Reducing maternal, perinatal and child mortality/morbidity. Improving reproductive health.
2. Reducing mortality and morbidity due to communicable diseases.
3. Reducing the burden of non-communicable diseases and other health problems.
4. Harmonization and alignment.

In addition, the "National Program on Reproductive Health" confers young people the rights to<sup>31</sup>:

1. receive information and education about reproductive health;
2. privacy when receiving healthcare;
3. receive treatment in dignity, respect, politeness and care;
4. be assured that their personal information will be kept confidential;
5. explanation through the process of receiving healthcare service;
6. receive treatment from trained and qualified providers;
7. continuum of care if needed;
8. receive treatment from accredited providers;
9. express opinions about the service delivery and complain about the dissatisfaction over the health service;
10. receive health services in a safe environment;
11. freely make decision on issues related to reproductive and sexual health;
12. receive quality and acceptable reproductive healthcare regardless of sex, race, colour, marital status or place;
13. self-control and self-protection;
14. right and freedoms to fight against abuses, discrimination and coercion on his/her decisions about sexual life.

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<sup>31</sup> Extract from the Adolescent Reproductive Health Manual of the National Reproductive Health Program 2007

The Royal Government of Cambodia has also recognized the need to prevent the spread of HIV/AIDS by adopting:

- The Law on Prevention and Control of HIV/AIDS, promulgated by Royal Kram No. NS/RKM/0702/015 dated 29 July 2002; and
- The Second National Strategic Plan for Comprehensive and Multi-Sectorial Responses to HIV/AIDS (2006-2010), which recommends increased coverage of effective prevention interventions for sex workers and clients, men who have sex with men, substance users, and husband-to-wife transmission, the major modes of HIV transmission in the country.

Despite this remarkable list of intents and purposes, there is a clear discrepancy between the designed strategies and their implementation.

There is an absence of materials, resources, training and qualified staff for working on these issues in a comprehensive way. Consequently, the data reveals a high prevalence of female mortality, unwanted pregnancies and the spread of sexually-transmitted diseases. The lack of effective health care resources poses risks to women who cannot afford the cost of delivering their babies in a health centre. To address this, efforts and progress should be focused in three areas: awareness raising, prevention and treatment.

## **1.2 Sexual and Reproductive Health**

“Reproductive health” is a state of complete physical, mental and social well-being, and not merely the absence of reproductive disease or infirmity. Reproductive health means people have achieved safety in the sexual life they choose. “Sexual health” refers to responsible and safe sex between partners, regardless of their sexual orientation. “Safe sex” is a condition protective of sexually-transmitted diseases, including STDs and HIV/AIDS, and unwanted pregnancy. “Reproductive health” addresses the reproductive processes, functions and systems at all stages of life. It is aimed at enabling men and women to have responsible, satisfying and safe sex lives, as well as the capacity and freedom to plan if, when and how often to have children.

Serious efforts must be made toward the dissemination of sexual health information in Cambodia, as well as towards increasing awareness and changing social behaviour. Efforts must be developed strategically to ensure that reproductive health is understood in terms of security and freedom for Cambodian women. Knowledge of their own sexual rights and the autonomy to make decisions about this concern are also important.

Among the Cambodian female population there is a remarkable ignorance about sexual issues and also a pervasive fear of being shunned within their community if their sexual behaviour is viewed negatively. In this sense, sexuality does not fully belong to individual women, but is subject to scrutiny by their relatives, spouses and neighbours. For women, there is also a pressure to marry; girls who remain unmarried at a certain age are not viewed positively. Moreover, although there is no official data, many current marriages are family arrangements or proposals made and accepted based on certain mutual interests. In these marriages, the bride’s virginity is considered a key element and guarantees their entry into adult life as a woman. The rate of early marriage of women in Cambodia remains high.

According to UN data from 2007, 10.5% of women married between ages 15 and 19, compared to only 1.6% of men.

When a woman becomes pregnant, there may be an interesting shift of responsibilities. After lacking control over their sexual and reproductive rights, women must suddenly assume all responsibility for the pregnancy and childbirth process. Husbands are left out of this process, and pregnancy care falls on women, who must also continue their normal duties in the household. Given the poverty of many Cambodian households and the absence of community health care resources, routine prenatal checkups rarely occur. Babies are frequently delivered at home because women lack funds to pay for transportation to the hospital. As a consequence, the mortality rate of Cambodian women in childbirth remains one of the highest in Asia and the Pacific. According to official UN data the mortality rate is 540 per 100,000 live births (UN, 2005) compared to 472 per 100,000 live births recorded by the government for the same period (CDHS 2005) and 437 per 100,000 in 2003 and 461 per 100,000 in 2008<sup>32</sup>.

Given the risks involved, it is important to emphasize the need to develop strategies for the inclusion of sex education at various levels in society. It seems, however, that an important aspect of sex education for women must not be solely linked with reproduction and motherhood. It is also essential to address the concept of sexuality and work to change attitudes about a woman's right to live freely and without guilt or social rejection over her sexual life.

### **1.2.1 STD and HIV/AIDS Issues**

The relationship between HIV/AIDS and sexual and reproductive health is well recognized. The overwhelming majority of HIV infections are sexually-transmitted or associated with pregnancy, childbirth and breastfeeding. Underlying social and economic factors such as poverty and gender inequality contribute in Cambodia to both HIV transmission and poor sexual and reproductive health. Linking initiatives for sexual and reproductive health and HIV issues will multiply opportunities for preventing and treating sexually-transmitted infections, including HIV. Other priorities include family planning, maternal and child health services, and providing care for people living with HIV.

In Cambodia, key considerations for reproductive health include the treatment and control of sexually-transmitted infections, including HIV, and the prevention of mother-to-child transmission of these viruses. Adolescents are another important focus for reproductive health services, as they have special needs during the transition to adulthood and the initiation of sexual relationships. These needs that require an even more urgent response since the emergence of HIV/AIDS. Yet for a variety of reasons, the reproductive health of young people is particularly neglected in Cambodia. Many adolescents lack the information, skills and equipment to avoid unwanted pregnancies and to prevent contracting or passing on sexually transmitted diseases.

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<sup>32</sup> Fourth and fifth National Report on implementation of the International Convention on the Elimination of All Forms of Discrimination Against Women in Cambodia (May 2010)



In 1994, the International Conference on Population and Development (ICPD) outlined a Programme of Action (the Cairo Consensus) focused on empowering women and meeting people's needs for education and health, including reproductive health. Since then, the international community has actively developed and monitored a series of policies, strategies and actions to actualize the goals of the Cairo Consensus. Central to these policies is addressing the impact of HIV on individuals and on national development overall.

UNAIDS and its partners actively promote a range of policies, strategies, and action plans designed to strengthen the links between programming for HIV and sexual and reproductive health. For example, the United Nations recommends a broad approach to preventing maternal-to-child HIV transmission, including not only the provision of antiretroviral therapy for pregnant women and infants, but also preventing HIV infection in women and unintended pregnancies in women living with HIV. Measures like these must be considered in Cambodia.

According to the official report from the National Centre for HIV/AIDS, Dermatology and Sexually-Transmitted Diseases (NCHADS) in 2008, 43% of HIV-positive married women in Cambodia contracted the virus from their husbands.

The Asian Epidemic Model (AEM) estimates that in Cambodia in 2010 there will be 51,200 HIV carriers, of whom 26,800 will be women and 24,400 men<sup>33</sup>. This situation is a consequence of misinformation and the lack of access to contraception measures such as condoms.

In Cambodia, men can maintain relationships outside of marriage without taking precautions. Men usually consider it their right to enjoy sexual relations with their wives without taking precautions to prevent the transmission of disease. A woman, meanwhile, has little say in the use of contraceptives – or in refusing unsafe sex – even when she knows that her husband has had sex with other women. Thus, wives are extremely vulnerable to contracting sexually transmitted diseases through their husbands.

### **1.3 Maternity**

In 2008, in an effort improve maternal health, the Ministry of Health announced plans to establish 967 health centres nationwide. On a population proportional rate basis, one health centre should serve 12,000 people. Nationwide, there are currently 8,986 hospital beds – that is in average of one bed for every 1,613 people.

While these numbers may appear adequate, they look less impressive when geography is considered. The number of health centres works out to one per 10 square kilometres. Ten kilometres may be difficult to cover for some pregnant women in areas with difficult road, sea and river access. Further compounding the problem, many health centres do not have the means to transport women to a provincial referral hospital should complications arise during pregnancy. This is a problem that must be addressed.

Many health centres also lack adequate bed space and waiting areas for pregnant women. They simply do not fully meet the needs of pregnant women being prepared for delivery.

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<sup>33</sup> Report of the National Center for HIV/AIDS, Dermatology and Sexually-Transmitted Diseases in 2008, page 9



The rural areas of Oddar Meanchey, Banteay Meanchey, Preah Vihear, Siem Reap and Preah Sihanouk provinces, for example, only have a total of 12 delivery rooms among all health centres. This number must be increased to ensure improvements in women's health outcomes.

A case study illustrates the danger: in March 2009, a woman living in the Rohal Suong commune at a distance of six kilometres from the health centre was in labour. She arrived at Prek Luong Health Centre in Battambang province in the morning. Staff examined her and determined that she was not yet ready to give birth and sent her home, since there was no space to keep her. At 12 a.m., the woman returned to the health centre and delivered her baby moments after arriving. Following the child delivery, she suffered from serious haemorrhage and discharged chunks of black coagulated blood. The medical practitioners at the health centre immediately transferred the woman to the provincial referral hospital. Unfortunately, the woman died on the way to the hospital, only one hour after giving birth. According to the conclusion of Medical Doctor I.M. Chetra, office chief of the Sangke operational district, Battambang province, the death "was caused by the absence of a waiting room making us unable to follow up ... perhaps there was coagulated blood in the cervix making the womb fail to contract and finally resulting in a serious haemorrhage".

Unofficial fees also continue to play a role in women's reluctance to give birth at health centres. The Royal Government has set fixed prices for child delivery at public facilities: 60,000 riels at a health centre and 40,000 riels at a referral hospital. Nevertheless, some medical practitioners continue to demand additional payments from patients. This practice has a disproportionate negative impact on the poor.

Some women have not been educated about danger signs during pregnancy, or about the danger of delivering at home (alone or assisted by a traditional midwife who may not have received proper training). A number of organizations have helped disseminate educational materials on these matters, but awareness is far from 100%.

The practice of demanding unofficial fees persists primarily due to the poor salaries paid to public health practitioners. We recommend that the Royal Government immediately address the issue of poor salaries paid to health officials and staff. After sufficient salaries have been arranged, the corruption law and medical code of ethics should be strictly enforced at public health centres. If these steps are not taken, women's safety during childbirth cannot be ensured, and Cambodia will continue to see a high rate of maternal deaths during pregnancy, delivery and post-delivery. This rate is already nearly six women per day, according to a World Health Organization estimate.

The Royal Government should also extend professional training to traditional midwives nationwide, to ensure the safety of women who cannot reach health centres to give birth. The Royal Government should also consider providing more medical equipment to health centres, not only referral hospitals.

The government should also expand its efforts to provide reproductive health education services. Women need more information about the benefits of birth spacing, pregnancy checks, pregnancy care, blood testing for HIV and the Law on Prevention of Domestic

Violence and Protection of Victims. Education will yield benefits both to public health and to the national budget, in the form of a healthier population. Birth spacing, for example, could significantly reduce child and maternal mortality rates.

The Royal Government has disseminated health information via national radio and television, but private media should be encouraged to participate as well. Advertising space used for the dissemination of health information should be provided at a discount rate – or free of charge. The Royal Government should also provide health awareness training to select hosts of radio and television programs, so that they can use their positions in the media to educate the public.

## 2. Challenges

The biggest challenge to sexual and reproductive health in Cambodia is that society must accept the fact that women's sexuality is not something to be ashamed of. The process of empowering women to have a free and safe sexual life – without being socially stigmatized or endangering their health – must be accompanied by an increase in men's awareness. Men must respect and care for their sexual partners. In addition, the health infrastructure is severely lacking. The gap between what the law says and what actually happens on the ground remains large, and is not shrinking fast enough.



Poverty and geographic isolation prevent women from accessing both information and medical resources. The cost of delivering a baby in a health centre is unaffordable for many women, who also must pay for transportation to these centres. Meanwhile, women do not have real awareness of the potential health risks they face during pregnancy.

## 3. Recommendations

1. Substantially increase the national health budget.
2. The health of the people should be guaranteed. The State shall give full consideration to disease prevention and medical treatment. Poor citizens shall receive free medical

consultation in public hospitals, infirmaries and maternities<sup>34</sup>. As a special temporary measures, as per article 4 of CEDAW, the government should provide assistance and support to pregnant women.

3. Every health centre must provide consultation and treatment services with confidentiality, disseminate health issues widely and encourage citizens to receive these state services.
4. Every referral hospital must provide medical consultation and treatment for all citizens with an appropriate level of care.
5. Service providers (which can be service providers in health centres, referral hospitals and clinics) must support and encourage all citizens to get up to date information on reproductive health issues.
6. Service providers must explain and provide knowledge to people – especially younger people – on health, social and economic issues so that they can avoid unwanted pregnancies.
7. Service providers must provide services and consultation for citizens (especially youth) concerning birth control, medical check-ups and treatment of communicable diseases, antenatal care, nutrition and drug addictions.
8. The Ministry of Health must build adequate health centres in all rural areas.
9. To establish medical treatment and transportation service for poor citizens free of charge.
10. The Department of Women's Affairs must design a dissemination program on health and sexual rights knowledge for citizens, especially women and adolescents.
11. To create programs to involve men in pregnancy and the delivery process and to share common responsibility in ensuring their wives' welfare.
12. Insure implementation of the law on paternity leave equivalent to women's to allow them to help mothers and to participate in early childcare.
13. To create support programs focused on social and attitudinal change related to condom use.
14. To disseminate and promote discussions on the Law on the Prevention and Control of HIV/AIDS and its implementation guidelines.
15. Establish free prenatal care and free delivery care for all pregnant women.
16. Provide information, prevention, services and treatment to women victims of drug, alcohol and tobacco abuse.

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<sup>34</sup> Article 72 of the Cambodian Constitution

## Chapter 5 -- Economy and Access to resources

### 1. Situation

The Cambodian economy has improved significantly since 1992, when, after more than two decades of isolation and internal conflict, the economy started to work within a more stable macroeconomic framework and within a free market regime. The Gross Domestic Product growth rate was high until 2008, with an annual average growth of almost 9% over 10 years.

However, the world economic crisis had a significant impact on the national economy. By 2009, the country experienced a significant decrease in GDP of -2.0%, compared with a 5.2% increase in other Southern Asian countries. In 2009, the inflation rate was 6.7% (Asia Development Bank, AEM Economic Update, 2010). The internal demand for products and textile exports has decreased, causing a contraction in economic activity, whose slow recovery is predicted to continue. Regarding the last available data (UNDP, 2009), the average annual income per person is 1,848 USD; the average is 2,158 USD for men and 1,465 USD for women.



Concerning specific gender indicators, Cambodia is ranked 113<sup>th</sup> on the GDI<sup>35</sup> list and in 91<sup>st</sup> in GEM<sup>36</sup>, according to UNDP's 2009 Human Rights Report. The economy's recent contraction, together with the difficulties faced in the exploitation of resources from rural areas, have caused Cambodian development indicators to be among the lowest of the continent. According to UNDP's 2009 Human Development Report, the country's Human Development Index is 0.593, placing Cambodia 137<sup>th</sup> among all the studied countries, below Congo and Myanmar. The Human Poverty Index is 30.4% and the Gross National Product per capita is 1,802 USD, which places Cambodia in 143<sup>th</sup> position among all studied countries.

Analyzing the socio-economical context from a human rights perspective, Cambodia presents strong disparities. Some 20% of the national population keeps control of half of

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<sup>35</sup> Gender-related Development Index

<sup>36</sup> Gender Empowerment Measure

national wealth (World Bank, 2008). Inequality in the access to services between urban and rural areas remains a problem. Health services in northern provinces are almost non-existent, creating such disparity that a woman delivering a child in Phnom Penh is six times more likely to be assisted by qualified staff than in either Ratanakiri or Mondulkiri provinces. Meanwhile, 40% of men and 60% of women from these two areas have no formal education, compared to only 15% in the capital city (Centre for Economic and Social Rights, 2009).

There are several root causes for these disparities, including the ineffectiveness of the legal framework for the protection of basic rights, the lack of governmental action to reduce inequalities and the high level of corruption that affects both the public and private sectors. Cambodia is ranked 166<sup>th</sup> in the world regarding the level of perceived corruption, with a score of 1.8 out of 10<sup>37</sup>. The effects of this corruption on the national economy and wealth distribution are devastating. Corruption also facilitates misappropriation of resources reserved for public expense, pushing Cambodia near the bottom of the list of countries in terms of public spending as a percentage of the Gross Domestic Product (World Bank, 2008). Spending on infrastructure investment and public services such as health and education is lacking as a result. Corruption also contributes to increased social inequality, as key resources are concentrated and controlled by a small segment of the population.

Up to 81% of Cambodian women between 15 and 64 years old participate in economic activities – one of the highest rates in Southeast Asia. However, participation of Cambodian women in the formal economic sector is still limited. Only approximately 17% of Cambodian women are employed and receive remuneration, while 83% of Cambodian women participate in the informal economic sector, which includes self-employment (mainly small-scale farming and household business operations) or family work without remuneration. The literacy rate of employed women is only 69%, compared to 84% for men. This gap strongly influences employment opportunities for women. In addition to the education gap, other factors contribute to depress the economic status of women. These include the lack of experience and enterprise skills, lack of awareness about marketing, their mindset, social discrimination, lack of resources such as credit and lack of production means. Customary roles also influence women's participation in the economic sector in that they are expected to spend most of their time carrying out traditional roles.

On the other hand, women's domestic roles are undervalued. Over 90% of the time spent on household and family care is provided by women. Women between 18 and 60 years old dedicate three more hours to household work per day than men (3.3 hours compared to 0.3 hours). As a result, women have no free time for personal activities or to attend classes that improve their job skills. The responsibilities of being caretakers for their relatives and doing all the housework prevents women from engaging in productive work, community decision-making and planning processes.

### **1.1 Laws and Policy**

Women's rights are fully guaranteed by the Constitution and a number of international legal instruments that have been ratified by the Kingdom of Cambodia. Article 31 of the

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<sup>37</sup> Transparency International, Global Corruption Report, 2009

Constitution acknowledges equal rights between men and women to actively participate in the economy, society, politics and culture of the nation without discrimination. Article 36-1 of the Constitution states that, “Cambodian citizen of both sexes shall be entitled to choose their occupations according to their capacities and social needs”. This principle fully complies with the Convention on Women’s Rights by CEDAW, as stipulated in Articles 11, 13 and 14. The right to work is also guaranteed by the Cambodian Labour Law and the Law on the Socio-Economic Regime. A number of sub-decrees have been subsequently introduced by relevant ministries, such as those relating to minimum wage, social security and workplace health and safety.

In its final comments in 2006, the Committee<sup>38</sup> requested that Cambodia accelerate and ensure equal participation of women and men in the labour market. The Committee requested that measures be taken to ensure that women receive equal salary for the same work, equal access to social services and other interests. The committee also requested that the Kingdom of Cambodia provide definitions of the terms, “similar work” and “equal value work” and asked for punishment of discrimination against women in the labour sector, including provisions specifying punishment of sexual harassment in both the public and private sectors. Lastly, the Committee recommended better enforcement of labour standards and more public outreach on the contents of the Labour Law, so that women would understand their rights.

The Royal Government of Cambodia (RGC) has continued its commitment to promote gender equity by acknowledging that women are the backbone of the economy and society. The RGC has placed high priority on the strengthening of roles and ranks of Cambodian women in the economic sector by focusing on gender mainstreaming in all sectors of the national strategic plan. This strategy mainly focuses on capacity building, the elimination of discriminative attitudes against women and the guarantee of women’s rights to actively and equally participate in the nation’s economic development.

The Ministry of Women’s Affairs has played an important role in introducing gender integration into national economic strategies, policies and plans, with the aim of increasing women’s participation in the economic sector. The main thrusts to remedy discrimination against women in the economic sector come under the following policies:

- The National Strategic Development Plan (NSDP), which includes several priority actions as to the role and status of women in the economy. It includes actions aimed at reducing gender-based discrimination in the labour market and encouraging greater entry by women into high-level jobs.
- The Strategy for Agriculture and Water 2006-2010 (SAW), which recognizes the need to empower and enhance women’s role in agricultural development. The aim is to allow women to fully benefit from governmental assistance programs, to provide for their own “food security safety nets” and to represent their own interests. The strategy also calls for improving women’s access to irrigation, and the expansion of water-user committees to ensure efficient and equitable water use.
- The Ministry of Commerce (MoC) and the Ministry of Industry, Mines and Energy (MIME) Gender Mainstreaming Action Plans (GMAPs), which include: building the

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<sup>38</sup> UN committee on CEDAW



capacity, skills and confidence of women in the informal economy; increasing women's access to microfinance; promoting registration of businesses owned by women; and increasing women's access to information, trade and services.

## **2. Women in the Formal Economy**

### **2.1. Women in the Garment Sector and women as Union Leaders**

The garment factory industry has been seen as a main source of employment for young women from rural areas. Although women make up 85% of garment factory employees, they rarely hold positions as union leaders. Low education levels, lack of time, skills and experience, and lack of support from families and factory owners are among the factors that have prevented women from assuming union leadership positions.

In some cases, personal safety concerns may also prevent women from becoming union leaders. Due to the gaps in the law and a lack of protective measures from the Royal Government, union leaders have recently faced difficulties such as threats and humiliation from employers. Mrs S., a union leader, has revealed that she faces many difficulties in terms of funds, time, capacity and skills. She added that, "I need to use a computer to prepare a complaint to sue the company [for violating workers' rights], but I do not know how to use a computer and I am not well aware about the law. Therefore, it is difficult for me to prepare such a letter to fully protect the rights and interests of workers".

Mrs D, vice-president of a union in a Phnom Penh factory said that, "The manager has never invited me to attend a meeting in order for me to have the opportunity to voice the hardships of workers". She added, "The boss has not treated male and female leaders equally. Men seem to work less but get higher pay while women put all their efforts on work but get lower pay. ... Another issue that prevents good communication is that I have no time to join with the advisor and factory manager, who always go to the restaurant and sing Karaoke together".

Mrs. N, a union leader at another factory in Phnom Penh revealed that "Being a union leader is difficult. Sometimes, it creates trouble for me with my husband and family". She added, "When any labour dispute occurs, I have to rush here and there in order to help resolve the dispute, thereby missing work and having no chance to work overtime. Moreover, if the dispute requires intervention from the Ministry of Labour, I have to spend more time and cover the costs of motorbike taxis and telephone at my own expense in order to communicate with labour dispute organizations and officials".

A high-ranking official of the Centre for Labour Rights of Cambodia mentioned his actual experiences as a labour rights activist saying, "I used to meet and discuss with wealthy and powerful persons in Cambodia in dealing with worker issues," but the meetings were not always straightforward. He has said that he was once threatened by a factory advisor in Phnom Penh, while a high-ranking official in the Government once told him, "To me, if you want to fight we can fight; if you want money I have money to be given, but if you talk about the law I am not scared".



Another woman, a union leader, Ms. R says she has been mocked by a female factory manager, who says, “she consents to be eaten by *chhdor* (shark) fish but will never let *changvar* (small fish) fish bite her”. Ms O, a young labour rights activist, decided to abandon her work as worker network organizing and arranging official since her family is scared that she would be killed like Chea Vichea, a union leader who was killed in the centre of Phnom Penh in 2004.

### **2.1.1. Women’s Working Conditions and Environment**

Corruption, ineffective law enforcement and the lack of legal standards lead female workers to face difficulties on the job, ranging from excessive overtime to the lack of clean drinking water at work. A factory union leader claims that since base salaries are too low, female workers are obliged to work overtime – usually between two to four hours per day – in order to afford basic amenities like housing, food and medicine. Still other female factory workers turn to the so-called “entertainment industry”.

Sexual harassment is another concern for female factory workers. One out of ten female garment factory workers has reported being the victim of sexual harassment at the workplace<sup>39</sup>. The number of vulnerable females is expected to increase due to the global economic crisis that has led to the closure of approximately 70 factories and the loss of more than 51,000 jobs. Although sexual harassment cases arise constantly, to date, not a single victim has filed a complaint in Cambodia’s courts. This is because women lack awareness of the laws which supposedly protect them, lack confidence in the judicial system and there is no proper mechanism in place to help the victims file a complaint.

### **2.2. Women in the Construction Sector**

The awareness of labour rights by female workers serving in the construction sector is even more limited than in the garment industry. In general, female construction workers have little opportunity to receive educational training and information on the right to establish a union, to access to health services and to have a safe working environment.

Construction worker unions are still weak compared to garment worker unions and worker unions in the tourism sector due to the difficulties in organizing this network<sup>40</sup>.

Construction work is considered difficult and dangerous work. Most workers seek employment via construction foremen, contractors or by direct contact at the various construction sites. During breaks, they cannot gather easily – unlike garment factory workers who work together and have the chance to share information about health issues or talk about union matters. According to officials at the Centre for Labour Rights of Cambodia, many female construction workers have been victims of economic exploitation and sexual abuse by the foremen. A contractor hired for the construction of a house’s fence at the perimeter of the Canadia Park factory said that women are able to work as well as men in jobs such as wiring rebar to erect columns, mixing quicklime and transporting cement. He continued, “Seeking female workers for employment is not difficult even though the daily wage is between 3,000 Riels and 5,000 Riels less than male workers”. He added that

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<sup>39</sup> CARE 2005, ILO and World Bank 2006

<sup>40</sup> Mr. Chan Borey, a high-ranking official of the Construction Worker Union Federation of Cambodia (WoFiCi-Cambodia)

he has been working as a construction contractor for nearly 10 years and has never seen any authorities or organizations come to inquire about payment differences. The Phnom Penh Post, reported unequal wages between female and male workers in March 2009.

Construction work can bring special dangers for female workers, who are often outnumbered by men. One young woman from Kampong Speu province came to Phnom Penh with her younger sister, aged 19, and found work on a construction site near the Ministry of Interior. She described what happened, “[W]e were both sent to paint an apartment in the vicinity of the Central Market. But the foreman ordered us to work at different locations. My younger sister worked upstairs while I worked in a room downstairs. One evening, I went upstairs to invite my younger sister back home, and saw her sitting, weeping, holding her shirt to her chest. She told me that the foreman had raped her. The foreman always pursued her and had tried to ask her to go out with him on many occasions, but she refused. The foreman always offered to give her money, but she never accepted it. The foreman consequently got angry with her and finally raped her”. The woman was clearly still afraid and stated “I did not file any complaint since I was afraid of being retaliated against”.

Mrs. M, age 35, works with her husband as a construction worker at Tuol Sangke Villa City. She reported, “My husband and I did the same work such as transporting tiles, mixing quicklime and transporting items. My husband was paid 15,000 Riels per day; I was paid only 9,000 Riels. I think that I was paid less than my husband because I am a woman with less strength”. Wages paid to construction workers are not the same from one workplace to another. Wages depend on the workers’ negotiation skills and the foreman’s ability or willingness to pay. Mr. Chan Borey, of WoFiCi-Cambodia, has noted that construction workers at some places are paid up to 5 USD per day, while others may receive as little as 7,000 Riels per day (about 1.75 USD). There are two main reasons for this. First, construction workers have no certificates certifying their capacities or experience. As a result, they often have no firm basis upon which to claim higher wages. Second, laws or guidelines on minimum wages for construction workers have yet been created; current law only specifies a minimum monthly salary for workers in the garment, textile and shoe industries.

### **2.3. Women in the Entertainment Industry**

In rural areas, poverty, landlessness, unemployment, trafficking, rape or even the loss of virginity force many young women to leave their hometowns and travel to the cities in search of work. But the garment factory industry, which has been seen as an important source of employment for young women from rural areas, cannot absorb the entire flow of rural women into the labour market. This has drawn many women, especially young women, to alternate employers in the so-called “entertainment industry.” This category of employment includes beer promotion girls, massage girls and karaoke parlour staff. It also includes those who work as direct sex workers. This type of work puts young women at great risk of economic exploitation and sexual abuse. Four out of five women in the entertainment industry report that they have been victims of sexual harassment<sup>41</sup>.

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<sup>41</sup> Care 2005, ILO and World Bank 2006

## **2.4. Work in the Public Sector**

The participation of women in the public sector is low. Men represent 77%, whereas women represent only 23% - and even less in high-ranking positions.

There has been a steady decline in the number of women as ministers from 8% in 2003 to 7.6% in 2005 and to 6% in 2007. However, there has been a remarkable increase in the percentage of women as Secretaries of State – from 6% in 2003 to 16% in 2007; the position of Undersecretary of State has increased from 5% in 2003 to 30% in 2007. No women had held the position of provincial/district vice-governors until 2008 when 11% of women held the position. There are not yet any women holding the position of provincial or municipal governor, and less than 25% percent of provincial and district office managers are women. In the 14 ministries, women represent only 20% of the total number of civil servants.

In the judiciary, women represent only 8.5% of judges and 2.7% of prosecutors and general prosecutors. Women represent a larger share of attorneys-at-law (17.8%).

There has also been a remarkable increase in the number of women serving as representatives at the National Assembly and in commune councils. Female representatives have increased their representation in the commune councils from 8% in 2002 to 14.6% in 2007, and in the National Assembly from 19% in 2003 to 22% in 2007. However, the number of women as representatives in the Senate has dropped. In 2004, 21% percent of the Senate was female; the number then dropped to 15%.

## **3. Women in the Non-Formal Economy**

### **3.1. Female Household Workers**

According to a 2007 IOM study, up to 89% of young girls serve as household workers in the provinces of Koh Kong, Preah Sihanouk and Siem Reap. Their work conditions could be described as difficult, in that they average 13.5 hours of work per day. Only 64% percent of young girls receive direct salaries.

Even more troubling, up to 16% reported being tortured and raped by a male employer. Some 31% reported that they have never received their salaries, meaning that the money was paid to their relatives – if at all.

There is little awareness and support for those working in the non-formal economy. Women in this area do not receive legal and social protection under the current labour law, putting them at high risk of exploitation on the issues of wages and working conditions. The least fortunate may also become de facto sex slaves.

### **3.2. Women in the Agricultural Sector**

Women, as a group, own less land than men in Cambodia. About 34% of families with a female head of household occupy agricultural plots covering less than half a hectare, whereas only 18% of families with a male head of household occupy such plots. Conversely, one third of families with a male head of household occupy plots of two hectares or more compared; only 17% of families with a female head of household occupy a plot of this size.

According to a qualitative study<sup>42</sup> on the systematic land registration process in Kompong Thom and Kandal in early 2008, the Royal Government has been trying to mainstream gender concepts into the law and land reform policies. Yet some concerns remain about women losing opportunities to legitimately register and occupy their land. Many factors influence this issue, including women's lack of education and limited access to accurate information regarding land registration. The problem is compounded by a lack of information relating to divorce procedures, residence desertion, and the customary attitude that perceives men as the head of household with exclusive rights to control and manage all of the family's property.

### **3.3. Women in Small Enterprises**

Many Cambodian women have been active breadwinners since their youth, even while continuing their unpaid household duties. Their economic activities tend to focus on daily basic needs, but lack of resources and poor management of resources often hinder the success of their enterprises.

Cambodian women participate significantly in the small business sector, but their contributions are rarely acknowledged or valued. There is no reliable data on the number of women operating small businesses. Most are limited to unskilled and ordinary work.

The government and civil society organizations have arranged many development programs in this area, but those programs have failed to meet the real needs of women. The lack of data makes it impossible for policymakers to understand women's difficulties and to make appropriate plans. The Government's current strategy is to promote long-term and medium-term credit services, mostly for farmers, by boosting rural microfinance institutions. In the meantime, it has also disbursed credit funds to a number of provinces for the purpose of agricultural product development and to link products with domestic and overseas market demands.

Eleven development centres have been established in provinces with the aim of training women on vocational skills, services and business information to strengthen entrepreneurship and increase opportunities. However, we have observed that poor Cambodians, especially women who have received small loans, seem to be increasingly swamped in debt, while financial institutions have thrived.

Furthermore, when enterprises based on the collection and processing of natural resources such as resin, fish, bamboo, *traing* leaf and rattan have been established, the operators have been faced with a number of issues relating to registration, permits, corruption, tax payment and inspection. These bureaucratic issues greatly reduce profits for small enterprises. Complicated procedures for starting and running businesses represent significant, often insurmountable, obstacles for poor women with low education levels.

### **3.4. Difference in Incomes**

The Constitution of Cambodia fully ensures work equality between men and women and is committed to eliminating all forms of discrimination against women. Cambodia is a signatory to International Labour Organization Convention No. 100 on equality of wages

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<sup>42</sup> Study conducted by Heinrich Boll Stiftung Cambodia and the Gender and Development for Cambodia Organization

between men and women for work of the same value. Article 104 of the Labour Law states that “The wage shall be at least proportional to the minimum wage to ensure that all workers and employees have appropriate living standards according to human dignity”. The Government of Cambodia has failed to fulfil people’s rights in this regard as mentioned above in such as the construction sector. Cambodia still does not have a national minimum wage.

Women working in the informal economy receive average wages 30% less than men for similar work. In the formal economy, the difference in wages is even greater, since men hold such a disproportionate number of managerial positions. To date, besides the notification issued by the Ministry of Labour on the minimum wage for the garment, shoe and textile sectors, no other legal standards have been established to ensure equality of wages received by men and women. Women in the construction sector previously received average wages between 5,000 and 7,000 Riels per day while men received between 7,000 and 8,000 Riels. Wages are now higher – approximately 13,000 to 15,000 Riels per day for women and 17,000 to 20,000 per day for men. No policy measures have been instituted to reduce the gap. No complaints have been filed for discrimination, and no mechanism is in place to monitor and encourage women to make claims in response to the wage gap.

### **3.5. Women and Migration**

Joint Recommendation No. 26 of the Women’s Rights Convention on Migrating Women requires member States to undertake to protect the rights and security of emigrating women. In the 2008 Fair Share for Women report from the Ministry of Women Affairs, it was reported that the migration of women in and out of Cambodia is caused by economic pressure, poverty and the lack of economic opportunities in rural areas, among other factors.

More than 9,000 Cambodians have registered to work overseas, of whom 5,309 are women. Migrating women are not equipped to work for high wages due to their low education and lack of technical skills. Migrating women also face a multitude of challenges, including health issues, forced employment, punishment, murder, pressure to engage in prostitution, trafficking, drug abuse, immigration issues, language barriers, confiscation of documents and dangerous working conditions. Workers who migrate overseas may also encounter difficulties in seeking help from law enforcement agencies and nongovernmental organizations in the countries where they are working.

In order to promote labourers who leave the country to work abroad – and protect them from exploitation and trafficking – the Government has taken a number of measures to establish coordination policies with Thailand, Malaysia and the Republic of Korea. Various agreements have been initiated. There is now a memorandum of understanding (MoU) on the prevention of human trafficking and rescue of victims with the network of countries in the Greater Mekong Sub-region. A memorandum on cooperation signed between Cambodia, Thailand and Vietnam also contains provisions on the prevention of human trafficking, particularly women and children. A Law on Suppression of Acts of Human Trafficking and Sexual Exploitation has been adopted, and a working group fighting human trafficking, labour exploitation and sexual exploitation of women and children has been created as well.



The Ministry of Women's Affairs responded to the final comments from the Women's Rights Convention Commission by developing a joint data collection system to control migration. The Ministry of Labour and Vocational Training was established in 2004 in order to assist the labour market and to provide workers with skills. This Ministry also created a strategic plan to help facilitate the flow of legitimate migrant workers abroad. However, protection measures for these workers are not yet adequate, since there is no specific law on overseas migration to date. Moreover, the present Labour Law of Cambodia does not cover the rights of overseas migrating labourers. Presently, the Royal Government is planning a project to monitor and improve the work conditions of Cambodians who have migrated abroad.

### **3.6 Indigenous Women and Disabled Women**

Most of the indigenous residents in the north eastern highlands are subsistence farmers, practicing slash and burn cultivation. Many families are beginning to shift production to cash crops such as cashews, mangoes and tobacco – a trend that has accelerated in recent years. Larger-scale agriculture occurs in rubber, coffee, and cashew plantations. Other economic activities in the province include gem mining and commercial logging. The villagers are almost all working in paddy rice, *Chamkar* and vegetable gardening. Vegetable fields tend to be close to housing and water sources and products are usually grown for home consumption, with the excess being sold. Most indigenous people grow corn (46%) and paddy rice (40%).

Indigenous women play a major role in agriculture and the collection of forest products. While men mostly do the hunting and fishing and undertake more physical agricultural work, women have to be more knowledgeable and hard-working than men as their work involves the maintenance and the supervision of the field crops, and regular harvesting visits to the forest areas. Women also have to collect firewood and water, take care of the children and farm animals and manage all traditional activities. In addition, women usually collect forest vegetables (Tompeang, Kduoch, Pset, Damlong, Sleak Reang etc.) and forest fruits (Svay, Sau Mao, Ple Kamping Reach, Mak Prang, Pring etc... )<sup>43</sup>.

As more lands are taken for orchards, cash crops, palm oil plantations and rubber plantations, women are severely affected. They lose control of an important part of the surrounding village area which they use to cultivate and collect food.

In an impact assessment of the Yali Falls dam on the Se San River in Ratanakiri, indigenous women complained about the loss of their livelihoods. The women previously fished using scoop baskets and nets, which they used to catch small fish and shrimp along the river. They also collected wild vegetables and bird eggs from riverbanks during the dry season. After the dam was built, they could no longer safely carry out these activities. This contributed to a feeling of lost independence and increased reliance on men to supply fish and other food resources.

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<sup>43</sup> NTFP Study, 1997

We were unable to locate any data or reports regarding the situation of disabled women in the labour market. It is reasonable to presume, however, that their situation as a whole is worse than other women. The lack of development opportunities for these women may place them in neglected and marginalized positions. Furthermore, disabled women face additional obstacles to personal and economic autonomy, which hinders their ability to be heard, made visible or taken into account.

## 4. Challenges

One of the main obstacles for Cambodian women in the labour market is the recognition of their important role in the economic system. Since the Cambodian population is overwhelmingly rural and the purchasing power of households is low, many girls do not have access to education and are only educated in female-specific tasks. This results in high rates of illiteracy, low skill levels and reduces opportunities for paid work. As a result, many Cambodian women choose the “traditional” woman’s role.

Other challenges include:

- Having inadequate access to information related to business  
Major gaps in knowledge management, money management and the process of launching a business leads to women’s exclusion from some entrepreneurial activities, as women are not considered responsible agents.
- Receiving less pay for the same job as men, especially in the informal labour market  
The wage gap between men and women persists and legitimizes an underestimation of the capacities of female workers.
- The separation of masculine and feminine work still exists.  
The fortress of gender roles in Cambodia and the persistence of stereotypes about gender-based capabilities limits women’s access to many types of work. Women are perceived as being inadequate or unable to perform certain jobs. This in turn perpetuates stereotypes and limits possibilities for future action and development.
- Rural areas lag behind in terms of professional development, as jobs and training programs are limited. Women often do not own resources – or are not allowed to access them – which makes it difficult to start a business without relying on others, usually men.
- The lack of legal protection for workers in the informal sector.
- Women working in the informal labour sector are extremely vulnerability to exploitation, abuse and harassment. These problems are not only common but also invisible to society, since they are not reported and the authorities rarely intervene.
- The lack of women who participate and express opinions regarding economics and policymaking.
- The lack of women in key decision-making positions undermines the labour rights and economic needs of the female population. There has been virtually no action to improve the position of women in the Cambodian labour market. There are also very few associations or networks that represent the voice of women in this area. The possibilities for action are limited.



## 5. Recommendations

The Government should:

1. Effectively implement existing legislation and conventions on women's rights in order to improve economic policy and ensure that women receive equal benefits and access to new employment opportunities.
2. Prioritize women's involvement in the agriculture sector, and ensure that they actively participate in and benefit from resulting economic growth. The government should also ensure women have equal rights to men in all sectors, including right to property and joint property. They should enjoy protection and support against unlawful evictions, land grabbing and issues relating to water or other natural resources sharing.
3. Include a plan to close the gender gap in the agricultural sector and enable women to hold decision-making position at all levels. It is necessary to link the principle of gender equity with overcoming social obstacles for women.
4. Prioritize the conversion of informal small enterprises into formal small enterprises and conduct business planning training to ensure sustainability of these businesses. It should also pay special attention to quality, health issues, registration, legal standards, and development of human resources and management. Encourage the availability of business development training for women through workshops and seminars.
5. Protect by the Labour Law those who work in the informal economy, including domestic work (where a large number of young women are employed), in order to ensure that they are not victims of exploitation, poor working conditions or abuse.
6. Provide technical materials and other production resources to farmers who have smaller plots of land, particularly female farmers, so as to increase agricultural productivity.
7. Establish a system to disseminate work-related information in order to reduce risks and expenses incurred in employment searches and to help women to make appropriate work-related decisions.
8. Create programs to increase employment opportunities, such as vocational training programs, self-employment support and promotion of mobility (e.g. resettlement, construction and establishment of new villages).
9. Take a number of measures regarding overseas migration of workers, such as ensuring a safe regional transfer and return system and establishing close ties between ministries concerned with overseas migration and trafficking.
10. Ensure that more people, especially poor women, receive benefits from a governmental microcredit service to borrow amounts up to \$1,000 without being requested to provide collateral assets.
11. Create policies that encourage women, especially poor women, to create and sustain businesses – e.g., streamlined business registration policies and simplified tax payments.
12. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

## Chapter 6 -- Gender-Based Violence: Domestic Violence

### 1. Situation

For many Cambodians, home remains a place where terror reigns. What these women fear most is not harassment from strangers, but the daily brutality perpetrated by relatives, friends and lovers. Abuse at home is the most common form of violence against women and is a significant cause of injury to women of childbearing age. However, coverage of this issue in media is very limited, as events within the domestic sphere – no matter how horrible – are considered to be a private matter.

Because domestic violence is officially considered a private family matter, it is seen as having little relevance in terms of social justice and human rights. Incongruously, while physical abuse is seen as a crime outside the home and perceived as bad, it is not the same when the violence takes place within the domestic sphere – even when there are specific laws that explicitly condemn it. There appear to be many factors preventing women from reporting domestic violence: the permissiveness of the community, the fear of being stigmatized, social rejection, the isolation of victims, and ignorance of laws prohibiting domestic violence.

Most studies in Cambodia over the past decade reflect that roughly one in five women has experienced some form of domestic violence (including sexual violence). Yet it is also believed that domestic violence is underreported. A 2005 study by CDHS (Cambodian Demographic and Health Survey) revealed that 22% of women had experienced physical abuse, sexual or emotional abuse from their husbands. One in 10 women had experienced actual physical abuse from their partners during the twelve months that the study covered.

Research into the causes of domestic violence in Cambodia has suggested that many men feel a need to establish control over their wives, regulating their attitudes, behaviours and actions. Some 85% of women who reported being victimized said their husbands were “very controlling”. Exposure to domestic violence as a child may also play a role: In a study by MoWA, 25% of men and 20% of women said that they had witnessed their fathers abusing their mothers.

#### 1.1 Definition and Types of Domestic Violence

Domestic violence is the use of force – whether mental, physical, sexual or economic – by one individual (or a group of people) to control other people living in the same house<sup>44</sup>. Types of domestic violence include any action that can cause bodily harm, physical damage or death, such as slapping, beating, kicking, boxing or any action injurious to health. The possible forms of such gender-based violence are as follows:

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<sup>44</sup> Gender Terminology from MOWA, Ministry of Women’s Affairs

**Sexual Violence:** Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts otherwise directed against a person's sexuality using coercion. An example is a husband coercing his wife to have sex.

**Psychological Violence:** Acts or words that cause direct pressure on someone's mentality or cognitive process especially on women such as threats, threats to get money, insults, defamation, isolation from relatives, or forcing of any activity against an individual's will, for example, to watch a pornographic film.

Acts or words which cause fear by intimidation, such as threats, insults, terrorizing and forced isolation from friends and family.

**Economic Violence:** Any act limiting or withdrawing a person's rights to property, usage, management of a household, food, clothes, income or resources; can include destroying or forcibly limiting access to property or economic resources.

## 1.2 Laws and Policies

Over the past 30 years, Cambodia has seen a great deal of development in all fields – the economy, social work, culture, health, education and tourism. Respect for human rights has also improved in some areas with the assistance of civil society NGOs. Yet serious gaps



remain, particularly in the area of women's rights and domestic violence.

Cambodia enacted a law on domestic violence in 2005, with the aim of curbing domestic violence, protecting victims and of strengthening families. The contents of the law are promising, but implementation has been weak.

One major obstacle has been the "Chbab Srey". The Chbab Srey is the informal code which sets forth proper behaviour for

"respectable" girls and women. Reporting domestic violence – i.e., airing the family's dirty laundry – runs counter to the code. Enforcement of the law has also been hindered by a lack of material and infrastructure such as shelters, qualified lawyers, systems of psychological support to victims, sensitive judges and training programs. Moreover, the majority of Cambodian women are unaware of the law, given its limited dissemination and the high rate of female illiteracy in the country. The problem of domestic violence seems poorly understood; some may even see violence as an appropriate way to resolve and face conflicts. The climate of amorality and permissiveness results in a lack of empathy. Cambodian society assumes that women must submit to men, who are entitled to exercise control over women – even violent control.

### 1.3 Indigenous Women and Disabled Women

The PSF-ONGD<sup>45</sup> (2008) shows that 15% of the indigenous women interviewed have suffered domestic violence. About 25% of these women justify domestic violence (compared to 55% nationwide, CDHS<sup>46</sup> 2005) and 67% do not seek help (compared to 81% nationwide, GTZ-PWR<sup>47</sup> and MoWA2009). The majority of domestic violence cases are alcohol-related (58%). Some women complain they “are forced to have sex with their husbands even if they are sick or have just delivered a baby”.

More than 90% of villagers, both men (94%) and women (95%) report that they are aware of domestic violence in their villages. Law Enforcement Officials’ (LEO) knowledge of incidents of domestic violence in their villages is higher than that of the villagers, probably because of their leadership role.<sup>48</sup>

Physical assault and verbal abuse were the most common cases cited by LEOs and villagers; more villagers cited verbal assault (95%), although physical assault was not far behind (75%). Awareness of the various types of domestic violence is higher among LEOs than among villagers<sup>49</sup>. The baseline survey also revealed that the most common resolution to domestic violence was an informal or traditional intervention by neighbours or village leaders. Neighbours play an important role in intervening when domestic violence occurs. Almost all LEOs said neighbours or other villagers will intervene in such cases; 62% of villagers and 85% of LEOs mentioned that neighbours have tried to stop violence. Village chiefs seem to play an important role – 82% of LEOs and 68% of villagers said village chiefs intervened in the past in cases of domestic violence.<sup>50</sup>

Almost all LEOs (97%) said they would take action to intervene in a domestic violence incident, compared to only 72% of villagers. The most common intervention cited was to go to victim’s house and stop the perpetrator (71% of women, 48% of men and 69% of LEOs)<sup>51</sup>. Three other intervention types were noted by the respondents: i) counselling, ii) seeking medical help and iii) seeking legal assistance.

There is no reliable data for women with disabilities allowing us to establish their status in terms of domestic violence. But given their invisibility and lack of voice, they remain a very vulnerable group.

### 1.4 Law Dissemination and Implementation

Although the government and civil society have taken some steps to prevent domestic violence, problems persist because of:

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<sup>45</sup> Psicólogos Sin Fronteras ONGD

<sup>46</sup> Cambodia Demographic and Health Survey

<sup>47</sup> Gesellschaft für Technische Zusammenarbeit (German Federal Ministry) - Promotion of Women’s Right

<sup>48</sup> UNDP (2009). Community Conversations Project: Baseline Survey Report, Green Goal, Phnom Penh.

<sup>49</sup> Ibid

<sup>50</sup> Ibid

<sup>51</sup> Ibid

**Problems in Law Dissemination:** Laws are generally not well-known or understood in rural areas. A number of law enforcement officials in the countryside have yet to receive the domestic violence law, and many people are unaware of the law because dissemination has been limited.

**Problems in the Law Implementation:** Some local authorities continue to require mediation in domestic violence cases so as to avoid divorce. These authorities do not seem to know that according to the marriage law only the courts have the authority to conduct such activities. The law does not delegate power to local authorities to mediate in marital disputes. Civil society groups also report that domestic violence cases are not referred to prosecution, which is contrary to Article 15 of the marriage law. Authorities often force couples towards mediation without regard to the seriousness of the case.

**Reconciliation:** Authorities persist in forcing women to surrender to their abusers; authorities believe that the man is the leader of family and usually tell victims of domestic violence to not make their husbands angry. They may also offer inappropriate advice, such as telling women she should “smile more” at their husbands and “speak softly and sweetly” to them. The goal of this “assistance” is to encourage survivors of domestic violence to continue living with their abuser. This attitude stems from the influence of traditions and customs, but it poses a serious danger to survivors of domestic violence as well as to their children.

**Domestic Violence Case Representation:** The Cambodian Defenders Project has collected substantial information about domestic violence cases. Out of 100 cases, not one victim of domestic violence has ever filed charges against her husband, despite being aware of her right to do so. Criminal procedures were only implemented when the victim lost his/her life.

**Sexual Abuse:** Most victims of sexual abuse experience shame. They cannot or do not dare speak out. These women are discriminated against indirectly by not being given the chance to meet with female officials who may be more sympathetic. Some civil society organizations have provided training to authorities in dealing with sexual abuse, but thus far the impact of this training has been minimal.

## 2. Main Reasons to Combat Domestic Violence in Cambodia

Gender-based violence within the domestic sphere is often projected onto the next generation. Children of violent physical abusers tend to perpetuate the cycle of domestic violence, whether as a perpetrator or as a victim. Studies also show that children of violent parents are more likely to use violence toward their children and commit violent acts outside the home. This vicious cycle must be broken.

There are strong parallels between behaviour inside and outside the home. If the systematic oppression of women and girls is tolerated within the family, then this will also be tolerated in the broader society. Studies on this issue repeatedly indicate that domestic violence is a



key factor of social problems such as children living on the street, child labour and child prostitution.

This is also a public health issue. Violence has debilitating – sometimes lifelong – effects on the physical, psychological and social lives of women and girls.

Gender-based violence in the family affects the development and productivity of every society. Today, women are generally considered as the cornerstone of sustainable development. The protection of their rights and promotion of their social status is essential for a variety of processes, from family planning to food production. The aspirations and achievements of women are adversely affected by violence and the implicit threat of violence. The negative power of violence can take root very early in childhood, when the shape of violence begins to restrict a child's imagination about what she can do and what she can become. This lesson is never forgotten.

### 3. Challenges

**Inherent Attitudes:** In all societies, poverty, discrimination, ignorance and social unrest are factors that lead to an increase in violence against women. However, the most persistent enemies of the security and dignity of women are the cultural forces which maintain male dominance and female subjugation. These forces are often cloaked as "tradition." However, there is nothing immutable about the violent



oppression of women and girls. It is an instrument of power, as was apartheid; it can be changed. However, due to strong cultural roots involved, efforts to dismantle the negative attitudes toward women will require action not only through legal channels, but through creative, strategic and patient measures applied on many fronts.

**Authorities:** According to a 2009 DCA-CA study, corruption is the primary obstacle to legal intervention in domestic violence cases. Authorities such as village chiefs, commune chiefs and local police persist in thinking that domestic violence is a minor offense, which leads them to misapply the law and make the situation worse. More importantly, though, many officials essentially work on a fee-basis. Many women are unable or unwilling to bribe authorities to solve their problems. Therefore poor women are discriminated against in getting effective and timely help from the authorities.

**Victimized Women:** Most women depend entirely on their husbands' support, which may influence them to avoid confronting their husbands through legal avenues. Women may also lack confidence in the authorities to make an effective intervention, since the authorities

rely excessively on reconciliation, which can cause domestic violence to become worse. Still other women may fear retribution from their husbands.

**Women's Affairs Officials:** Provincial Women's Affairs Departments have been established in 20 provinces and cities, and are composed of a chair, vice chair and two to three bureau chiefs of district/province women's affairs offices recruited by provincial governors. Some women's affairs officials are recognized by the law as "judicial officials", but many have yet to take an oath of office or receive a legitimate appointment by sub-decree. The government is still making efforts to maintain these positions, but five provinces have yet to appoint and recruit these officials – Koh Kong, Sihanoukville, Mondulhiri, Preah Vihear and Oddar Meanchey. Progress has also been slow in developing legal mechanisms for the prevention of abuse.

**Commune/Sangkat Chief:** Commune chiefs are required by law to intervene in domestic violence cases and must issue administrative decisions to maintain the safety of the victims. Yet according to most research, very few commune chiefs do this. Many still believe that they do not have to act because they have yet to receive a Prakas (announcement) from the government. This situation has negatively impacted victims' confidence in the ability of authorities to make successful interventions.

**Safety and Refuge:** Female victims need safe refuge when they escape domestic violence. Local authorities find it difficult because of the lack of safe shelters.

## 4. Recommendations

The government should:

- 1) Disseminate relevant laws to people from all walks of life.
- 2) Increase the number of women in decision-making positions at all levels of government, so that victims of domestic violence feel more comfortable in seeking assistance.
- 3) Provide training in relevant domestic violence laws for all competent authorities across the country.
- 4) Work to increase the number of female judges, lawyers and police officers.
- 5) Increase the number of safe refuges and social services, including vocational training when needed, for victims of domestic violence.
- 6) Request an increase in the national budget for proper implementation of anti-domestic violence programs.
- 7) Foster female-owned businesses, so that women can become more financially independent
- 8) Fund more programs to provide legal aid to domestic violence victims and programs to educate women about their rights.
- 9) Promote vigorous and non-gender-biased follow-up by authorities for domestic violence complaints.
- 10) Enforce free education for girls and women.
- 11) Provide free health care to poor families.



# Chapter 7 -- Gender-Based Violence: Rape, Trafficking and Sexual Harassment

## 1. Situation

Gender-based violence is prevalent in Cambodia despite also being under-reported. Incidences of domestic violence remained high over the past decade, while reported cases of rape have increased. Reliable data on the frequency of sexual exploitation is unavailable, although it appears to be entrenched in Cambodian society<sup>52</sup>. Traditional gender relations assign women lower status than men, with women receiving lower levels of education and occupying fewer positions of power. Gender-based violence is usually hidden by the veil of silence and shame; there is a misconception that reporting could bring stigmatization. The problem must also be viewed in the context of Cambodia's wider culture of violence and impunity, where violence is an accepted way of resolving conflicts and perpetrators are rarely punished<sup>53</sup>.

The government and non-governmental organizations have been working to protect women's rights on issues such as domestic violence, trafficking, rape, etc. The government's National Action Plan to Prevent Violence on Women has been adopted by the Council of Ministers as guidance for further intervention. Significant progress has been achieved in strengthening the legal framework used to address violence against women. A total of eight laws have been adopted to protect women's rights, not including the Cambodian Constitution, which also contains provisions protecting women's rights<sup>54</sup>. Cambodia has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>55</sup>, it is a member of the International Labour Organization (ILO) and it has ratified more than 10 international instruments providing fundamental protection for female workers. Cambodia has pledged to fulfil the Millennium Development Goals (MDGs).

Despite these efforts, the reality is that Cambodian women still face an unacceptable risk of rape, trafficking, sexual exploitation and sexual harassment.

### 1.1 Laws and Policies:

#### *Rape and Sexual Harassment:*

Rape, physical assault and sexual assault are all crimes under Cambodian law. The Law on Prevention of Domestic Violence and Protection of Victims establishes the responsibility of local authorities to intervene in cases of domestic violence and allows courts to issue protection orders to protect victims from further violence. Sexual harassment and indecent behaviour in the workplace are prohibited by Article 172 of the Cambodian Labour Law. A

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<sup>52</sup> "A Fair Share for Women-Cambodia Gender Assessment" Ministry of Women's Affairs of Cambodia, April 2008

<sup>53</sup> "A Fair Share for Women-Cambodia Gender Assessment" Ministry of Women's Affairs of Cambodia, April 2008

<sup>54</sup> <http://www.embassy.org/cambodia/government/constitution.htm>

<sup>55</sup> <http://www.un.org/womenwatch/daw/cedaw/states.htm>

Protocol to prevent, suppress and punish trafficking in persons, especially women and children, has recently been approved by the National Assembly<sup>56</sup>.

There is a range of penalties that apply to these types of offences:

- Rape: imprisonment of 5 (five) to 10 (ten) years.
- Indecent/sexual assault: imprisonment of 1 (one) year to 3 (three) years and are subject to a fine of 2 million Riel to 6 six million Riel.
- Sexual harassment and indecent exposure: imprisonment of 6 (six) days to 3 (three) months and are subject to a fine of 100,000 Riel to 500,000 Riel.
- Article 351 on the rape of a minor committed by a relative establishes that: the rape of a minor who is under 18 years of age shall be punishable by imprisonment from 5 (five) to 10 (years) if the offender is the victim's relative. Relatives by blood such as grandparents, parents, aunts and uncles who commit sexual intercourse with their grandchildren, children, nieces and nephews who are under 18 years of age shall be punished as stated, whether the act took place with or without consent.

### *Trafficking:*

Article 46 of the Cambodian Constitution prohibits trafficking of human beings for the purpose of prostitution and obscene purposes.

Article 3 of the Trafficking Law defines the offense of trafficking as, *"Any person who lures a human person, male or female, minor or adult of whatever nationality by ways of enticement or by any other means, by promising to offer any money or jewellery, even though upon where there is or no consent from the concerned person, by ways of forcing, threatening or using of hypnotic drugs, in order to kidnap him/her for trafficking/sale or for prostitution. ... Those who are accomplices, traffickers/sellers, buyers, shall be subject to the same punishment term as that of the perpetrator(s). ... Those who provide money or means for committing offences shall also be considered as accomplices."*

Although the definition of trafficking appears to be detailed, it fails to take into account the multitude of acts that can be considered trafficking. The definition covers some of the more common forms of trafficking involving the promise of money, the use of threats, force or drugs and deceit.

In order to suppress all forms of trafficking, the definition needs to be comprehensive enough to take into account every possible way in which a person may be trafficked. For example, the current definition does not explicitly cover the situation where a girl is sold by her parents in order to pay a debt, a common occurrence in Cambodia. The girl who is being trafficked is not lured or promised money and may not even be forced to go with the trafficker; she may merely be obeying her parents' wishes and helping her family. Clearly she is being trafficked, but the current Trafficking Law is silent on this point. In 1996, Cambodia passed the Law on the Suppression of Kidnapping, Trafficking and Exploitation of Human Beings (Trafficking Law) in response to a rapidly expanding trafficking industry which was fuelled by the demand for sex workers. Again, this law does not clearly consider a girl sold by her parents to be a victim of trafficking.

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<sup>56</sup> Articles 239, 246, 249 and 250 of the criminal code of 2009:

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children provides a very comprehensive definition of trafficking which is the internationally accepted standard. (a) "*Trafficking in persons*" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (a) of this article."

This definition takes into account the complexities of recruitment which can also involve abuse of power, particularly power exerted by men over women, deception which plays an important role in most trafficking cases and exploitation of the vulnerability of the person.

Despite this list of legal devices, the implementation of a comprehensive strategy to combat the aforementioned forms of violence against women suffers from the lack of a real infrastructure to tackle trafficking effectively.

## 1.2 Rape

Rape is a serious problem in Cambodia. It is reported almost daily in the local newspapers. Most victims do not dare to denounce their abusers because they are afraid of being stigmatized. The loss of a girl's virginity before marriage is viewed as bringing shame on her family's honour and status. Due to the lack of reporting and the culture of impunity, rapists often remain at large, potentially committing more offenses.

Available data indicates that rape and other forms of sexual abuse – including violent rape, gang rape and child rape – are extremely prevalent, though it is impossible to know the full extent of the problem. Rape in Cambodia must be viewed within the context of Cambodian cultural and social attitudes towards women and sexuality. Men are perceived as having more value than women and women are supposed to be subservient to them<sup>57</sup>. In this context many men do not respect women's rights to be free from sexual or other violence and many women are not confident in asserting their rights. Traditionally, women are expected to remain virgins until marriage and a girl who loses her virginity beforehand (even through rape) is often considered to be "unmarriageable". The shame and trauma of being raped (felt by victims of rape in many countries) is exacerbated in Cambodia by prevailing societal attitudes.

« The new Penal Code provides that "All acts of sexual penetration, of any kind whatsoever, or an act of penetrating any object into sexual organs of a person of either the same sex or different sexes by violence, coercion, threat or surprise constitutes a rape." (Art 239).

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<sup>57</sup> Chbab Srey

It strengthened the wording of the previous law, known as the UNTAC Law, which defined rape as “any sexual act involving penetration carried out through cruelty, coercion or surprise”, into the clearer “acts of sexual penetration” involving “violence, coercion, threat or surprise”. The new law, then, brings some clarity by replacing the vague “cruelty” with “violence” and “threat”. It also sets the age of consent to 15 years old, which was previously not regulated by law.

The drafters of the new Penal Code, however, failed to incorporate language to demonstrate clearly that rape signifies an absence of truly and freely given agreement to engage in sexual acts. This shortcoming is particularly serious as it may increase prejudice towards rape victims and could serve judges who only focus on tangible attempts by the victim to resist an attack, rather than the lack of consent. The addition in the new law of “threat” may go some way to counter this shortcoming, but it is imperative that the authorities, and in particular the courts, clarify this. They should also demonstrate that Article 239 admits of no exceptions, including for instance for rape within marriage. Moreover, the drafters of the new Penal Code missed the opportunity to explicitly state that rape and other sexual violence are crimes against the physical and mental integrity of the victim<sup>58</sup>.

The research paper “Violence against women and sexual exploitation”<sup>59</sup> from the Ministry of Women’s Affairs indicates that incidence of rape is underreported and it is difficult to estimate prevalence rates. However, reports of rape to NGOs and media have increased from year-to-year. LICADHO<sup>60</sup>, a local human rights NGO which works in 12 provinces and Phnom Penh, reported an increase in the number of rapes it documented, from 66 in 2005 to 297 in 2010 (including 222 cases involving minors and 6 murder-rape cases).

Gang rape appears to be more commonly practiced by specific groups of men, including young urban men and university students. But the number of cases is not as high as those by individual men. According to the paper mentioned above, gang rape of sex workers, garment workers and women working in vulnerable occupations such as beer promotion and karaoke continues to be reported to NGOs and in the media. The incidence of gang rape appears to be increasing both among sex workers and other women. In 2010, 14 instances of gang rape have been documented by LICADHO.

### **1.2.1 Reported Incidence of Rape and Sexual Assault**

Despite the known high incidence of violations, the fight against rape in Cambodia is complicated by the following factors:

- Most Cambodians consider rape a serious offense, but the level of social condemnation may be weaker when the perpetrator is a boyfriend or a relative.
- Marital rape is criminalized by the Law on the Prevention of Domestic Violence and the Protection of Victims. This law, however, does not have penalty provisions, but crimes are punishable under the new penal code.<sup>61</sup>

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<sup>58</sup> Breaking the Silence - Sexual Violence in Cambodia, Amnesty International 2010

<sup>59</sup> Violence against women and sexual exploitation, the Ministry of Women’s Affairs

<sup>60</sup> <http://www.licadho-cambodia.org/>

<sup>61</sup> Breaking the Silence - Sexual Violence in Cambodia, Amnesty International 2010

- Gang rape or “Bauk” is seen as a game or sport among some young people. The participants’ lack of empathy with the victim’s total social rejection helps promote this practice.
- Many rape victims fail to even begin the legal process due to ineffective legal devices, lack of rape assistance infrastructure and the costs of legal proceedings.

There are no provisions concerning victim assistance or rehabilitation contained within any rape legislation. General Recommendation 19 of the CEDAW provisions states, “Protective measures, including refuges, counselling, rehabilitation and support services for women who are the victims of violence or who are at risk of violence should be implemented”.

### **1.2.2 Case Studies**

#### **Case Study 1**

A 19-year-old woman, “CS”, reported being raped by her father and her brother when they went to look for firewood in a forest. She was then 13 years old. The victim said that she went to find firewood in the forest alone and while she was collecting firewood her brother raped her. She wanted to tell someone but he threatened further punishment if she told anyone. Ten days later she was again raped by her brother. She told no one about it out of fear. As a result of the rape she became pregnant and her aunt found out about it (she lived with her aunt during that time). The aunt helped her get an abortion. A month after aborting the baby, her father brought her to live with him. There she was raped again by her brother. Two months later, she was raped and threatened by her father in a field.

Later on, her brother brought her to live with him in another province where he raped her two more times. She decided she could not endure the situation any longer. She decided to run away to Phnom Penh, where she could register with a company which provided domestic labour work in Malaysia. However while in Phnom Penh, she suffered internal haemorrhaging and was hospitalized. She was then sent back home where she reported the rape case to the village chief who then sent her to LICADHO.

Her father was questioned by the Deputy Chief of Human Trafficking and Juvenile Protection on August 1, 2009. He was sent to pre-trial detention after being questioned. The other perpetrator, her brother went into hiding and remains at large.

#### **Case Study 2**

A 29-year-old woman was raped by three men. She was found trying to commit suicide by jumping off a bridge in Kampot but was stopped by passing fishermen who notified the police. The police initially investigated the suicide case, but with the assistance of LICADHO, Epic Arts and the Human Development of Deaf People Organization, the police was able to communicate with the woman and discovered that she was raped.

The crime occurred on August 2, 2009, while she was waiting outside a nightclub. The woman was abducted and taken to a house where one man raped her. Three days later two more men came to the house and raped her. Two days later the three men released her. At that point, the woman decided to kill herself and went to the nearby bridge. Police were able to locate the house where the victim was raped. The landlord of the house confirmed that on the day of the incident he saw the perpetrator bring the victim to the house. The suspects were never arrested.

### 1.3 Trafficking and Sexual Exploitation

Trafficking and exploitation take place in a number of forms:

**Human commercial trade:** this form involves an illegal offer of management of a person by another person or illegal acceptance of the offer of management of another person in exchange for money. Women and children are the most likely victims.

**Being cheated through job opportunity:** refers to migrants seeking jobs in the absence of substantive information. Usually such trafficking happens with the help of brokers.

**Fake marriage:** refers to marriage with foreigners forced by parents or with consent from the bride but without access to clear information. Usually this takes place through brokers.

**Adoption:** refers to situations in which children (usually female) are adopted and later sold to become prostitutes, to work, or even used for the harvesting of human organs.

**Child labour exploitation:** refers to coercion of children, especially girls, to work without wages, or to work to pay a parent's debt; the child is then deprived of the opportunity to study and have a healthy childhood.

**Domestic violence:** refers to situations where children leave homes plagued by domestic violence; such children are at greater risk of being trafficked. Girls, in particular, may be trafficked for sexual exploitation.



Cambodian men, women and children are trafficked for sexual and labour exploitation in Thailand, Malaysia, Macau and Taiwan. Women employed as housekeepers in such situations are often forced into having sex with their employers. Men are also trafficked for forced labour in fishing, construction and other industries. Cambodia is a transit point for victims trafficked from Vietnam to Thailand and a destination for women and

children who are trafficked from Vietnam and China<sup>62</sup>.

Internal trafficking is also a very serious concern in Cambodia. There are many cases of trafficking of women and children from rural to urban areas for sexual exploitation. In many cases, young girls are sold by their own families, believing that they would be employed as domestic servants; they are later coerced into sexual slavery.

Human trafficking is a form of slavery. The main factors affecting the trafficking of women in Cambodia are poverty and migration, both of which are interlinked. Families that struggle to survive and live in poverty may feel forced to sell their daughters to cover the

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<sup>62</sup> <http://www.humantrafficking.org/countries/cambodia>



debts of a family member. Once trafficked, the victim is forced to work in order to pay off her family member's debt. Women, especially those living in border areas, are often vulnerable to trafficking during the migration process, as they travel to different areas in search of work. During this migration, women are often deceived into procured work through a trafficker, who also promises assistance to a destination in exchange for a fee. This process is known as "recruitment". The woman becomes completely reliant on the recruiter for transport, accommodation, food, work and (if she is going outside of Cambodia) language. It is at this point that she may be trafficked and sold into forced labour. Debt-bondage may also occur, where the victim is told she owes funds to the person who arranged for her travel and other expenses. In order to pay these costs back, she must work as a sex worker or in other forms of forced labour.

Traffickers prey upon the most vulnerable women – those who are often poor, uneducated and unaware of their rights. Trafficked women usually suffer multiple violations of their rights. A trafficked woman sold into the sex trade for example, is essentially raped on a daily basis. She will also likely be beaten or given narcotic drugs by her pimp, to keep her submissive and less likely to escape. Similarly, a woman forced into domestic labour can be extremely vulnerable to physical or sexual abuse by her employer and others in the house.

#### **Case Study: Sophea's Story**

"My name is Sophea and I am 19 years old. It was the end of 2003 and my aunt was visiting my family. My aunt was quite rich compared to my family and she would often come to visit and to give my family some money because we were very poor. This time during her visit she mentioned that I should go to the city and find work. She said I could earn more money and that she would help to find me a job working in a food store. I didn't want to go, because I was scared to leave my family and live in the city. I only had been to the city a few times but I always went with my parents. But because my family was poor, I knew they needed the money. I obeyed my parents' wishes and went with my aunt to the city. When I arrived in the city my aunt brought me to a karaoke bar where she said she worked. I thought maybe I would serve drinks and clean tables. However my aunt brought me to a room in the back and said that I had to have sex with men and she would pay me \$20 a month. I was totally shocked and didn't know what to do. I just stayed in the back room and cried. Later I told my aunt that I wouldn't have sex with any men and that I wanted to go back home. I said that my parents wouldn't want me to do this. My aunt then said she didn't care and she beat me with an electrical cable on my back until I bled. I cried all night. The next day I had to have sex with many men. I lost my virginity and I was very ashamed at what happened.

"After seven days I could not bear to stay there any longer. So one day I told my aunt that I wanted to go to the market to buy shoes. I think because I had sex with many men already she didn't think I would leave and she let me go to the market alone. I had arranged to meet my brother-in-law at the market and we were able to drive away to his house where I told him about my situation. I was scared to tell him but he was very kind and believed me. He said it was very bad of my aunt and that we should tell the police. So with his help we went to the police station that day and made a complaint. My brother-in-law then contacted my parents and told them what had happened.

“When my parents heard about what happened they were very shocked but they told me not to tell the police and that I should withdraw my complaint. When I asked why, they said that my aunt was very rich and that we should not anger her, otherwise she would cause trouble. I was still very angry at my aunt and I did not agree with my parents. So with the support of an NGO, I continued with my complaint to the police. However, later that week a photo of me and my story was published in a newspaper, apparently the police had given my details and story to the newspaper. I knew everyone in my home village would find out what happened to me and I felt very ashamed for my parents. In the end I had to go to court three times to explain what happened to me. The NGO helped me to find a lawyer but I still found it very difficult each time I went to court. I kept repeating what I was forced to do and there were only men in the court who asked me questions which made me feel very ashamed and embarrassed. My lawyer encouraged me to continue and said that I was not alone; many other girls had gone through the same experience. Even though I went to court so many times, my aunt has still not been arrested and I don’t know what is happening with my case.”

#### 1.4. Sexual harassment

Sexual harassment means any act in which a person abuses power given to them to put pressure on other person in a bid for sexual favour. Available data on sexual harassment is limited to very few sectors, with specific studies conducted only in the garment sector and among beer promotion women. The research paper on “Violence against women and sexual exploitation”<sup>63</sup> by the Ministry of Women’s Affairs reports that one in 10 garment workers had experienced sexual harassment in the workplace, and four in five of beer promotion workers. Some 80% of beer promotion workers had experienced unwanted sexual contact, and 38% had to perform a coerced sexual act in the workplace. Commercial and indirect sex workers typically experience very high levels of sexual harassment, including rape and sexual assault.

#### 1.5 Challenges

**Blaming the victim or the silent system:** In situations of sexual violence (rape, trafficking, sexual exploitation and sexual harassment) there is a perverse shift of responsibilities and an unequal and unfair distribution of the consequences for men and women. While perpetrators may continue their lives without social stigma, the victim is marked as used and worthless woman, a situation that leads to shame and guilt. In Cambodian society, sexual purity for females is considered essential for marriage and motherhood. As a result, victims of sexual violence are perceived as tainted. It does not matter that the sexual contact was non-consensual or violent. The Chbab Srey makes clear that such “misfortunes” are their own fault and due to their own unseemly behaviour – a most unfair view.

Given the potential personal destruction that a victim can suffer if she reports a sexual crime, it is understandable that many choose to suffer in silence and seclusion. Cambodian women do not find an environment of psychological support, nor a community that empathizes with their situation. In this sense, the most significant obstacles encountered in ending this untenable situation are:

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<sup>63</sup> Violence against women and sexual exploitation, the Ministry of Women’s Affairs

- 1) Violence against women is often not considered a criminal act and has no consequences for the perpetrator; this deeply discourages victims from denouncing their aggressors and from overcoming the psychological trauma associated with the violence.
- 2) Victim protection mechanisms are very limited; training is poor and resources are minimal.
- 3) Legal process costs are borne by the victim; as many women lack financial means, legal action is rarely pursued.
- 4) The lack of prosecutions for rape and sexual trafficking leads perpetrators to feel entitled to commit such crimes. Some rape victims may feel that their perpetrators will not be punished, and this hopelessness may deter them from reporting rapes. But the most serious obstacle to the prosecution of rapists is the unlawful practice of compensation payments. These payments are effectively out-of-court settlements between the rape victim and the perpetrator. Rapists pay their victims not to pursue legal proceedings against them. These situations are more likely to occur when the perpetrator is wealthy or holds a position of authority.
- 5) There is no infrastructure to investigate and prosecute trafficking and sexual exploitation cases, which makes it difficult to arrest perpetrators and present cases in court.
- 6) The sexual harassment problem remains below the radar, with virtually no organizations – except the ILO – addressing the issue.

## 2. Recommendations

The government should:

- 1) Ensure that all laws related to violence against women are enforced in accordance with the CEDAW and other international instruments.
- 2) Implement the new penal code on rape legislation that comprehensively defines the element of “consent”.
- 3) Implement the new penal code in the case of marital rape.
- 4) Implement the “Law on Suppression of Human Trafficking and Sexual Exploitation”, including labour trafficking, cross-border trafficking and trafficking of minors. Perpetrators should be prosecuted and punished according to the law. The protection clause for victims of trafficking including rehabilitation and repatriation where necessary, as well as other support services should be implemented too.
- 5) Embark on a sustained advocacy campaign to educate Cambodians (focusing on women) on the subject of rape, the rights of rape victims, rape laws and the criminal process.
- 6) Educate legal and judicial officials on the correct interpretation of rape legislation.
- 7) Prosecute those officials who misinterpret and abuse the law, including those who participate in or facilitate the brokering of compensation settlements.
- 8) Provide counselling and rehabilitative shelters for victims of rape and trafficking.
- 9) Provide continuing training on trafficking crimes for police and border officials working in proximity to trafficking and sex trade centres.
- 10) Cooperate with civil society to bring attention to the most urgent issues regarding violence against women and use every opportunity to insist that the Cambodian Government fulfils its obligations under the *Convention on the Elimination of All Forms of Discrimination Against Women*.

- 11) Design a working strategy based to make positive changes in Cambodians' perception of female sexuality.
- 12) Disseminate the knowledge of a woman's right to be free of suffering; that women deserve to retain their physical and moral integrity; that women's dignity must be preserved; and that women should not be forced to act against their will.

## Conclusion

A famous Cambodian proverb says “Men are gold, women are white linen”. It is very much alive nowadays in the ideology of the country. It legitimizes the idea that men are more valuable than women who are beautiful, vulnerable and susceptible to staining. If linen is “soiled”, it will never be as immaculately



pure and clean as it was before. Hence the slogan of the Ministry of Women's Affairs, gives a twist to this popular phrase searching female empowerment: "Men are gold, women are gemstones." The ministry has launched also a five-year strategy to include a gender perspective in all government bodies. The main objective of the government along this line is to reduce poverty among women<sup>64</sup>.

A country like Cambodia, struggling to fight poverty, cannot achieve harmonious development without the full contribution of women in every part of society.

Conditions to promote the Status of Women in Cambodia are:

- 1) Good health, which provides physical and mental resilience;
- 2) Solid education, which is the precondition for a better understanding of their social and professional environment;
- 3) Access to justice and to a proper job, which provides economic autonomy and is, along with education, the best asset for protection against violence and other abuses.

We would like to urge the government to continue its efforts targeting the weak health system which still allows a catastrophic rate of maternal mortality. Much needs to be done to improve the awareness and training of health workers, midwives and the general public in order to achieve health security of women. They are especially at risk during pregnancy or during sexual intercourse, if their husbands or partners are infected with HIV or STD.

Awareness and dissemination programs on radio and TV should be sponsored by the government instead of being paid the same rate as commercial advertisements. Along with awareness and dissemination programs, efforts should be undertaken to improve and increase the numbers of health centers in remote areas. Attention should be given to supply basic equipment in order to better react to health emergencies including pregnancy and

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<sup>64</sup> Cambodian women have four times as less resources as men

childbirth. Awareness campaigns and promotion of the use of condoms with free distributions, could allow women to better protect themselves and their partners from HIV or STD. Hospitals and health centers should be subsidized and encouraged to provide free HIV or STD tests.

It is time to continue efforts in order to improve the current grim situation of education in Cambodia (decreasing resources, teacher shortage and lack of training, corruption, low quality teaching, half day schooling, overcrowding, high drop-out rate). As usual, the situation of girls is worse than that of boys and girls' dropout rates are higher. In spite of largely publicized government efforts, results do not match expectations.

The Minister of Education has already done a lot to increase the number of female students at all levels, however current figures shows that the number of girls enrolled each year still lags behind the number of boys.

In the discriminatory situation of women in Cambodia, due to economic pressure, schooling for girls aged 15 – 17 is more likely to be replaced by work.

The inequality between men and women impacts negatively on the situation of women at work. It reduces their access to information and their ability to defend their rights, to protect the level of their wages and to resist harassment. Since there is no specific law to punish gender discrimination at work, women are often paid less than men, and face constant difficulties in making managers respect their rights, such as maternity leave.

Poverty, low education and lack of employment opportunities in rural areas encourage young women to leave their homes and work in high-risk labor markets (entertainment, massage and karaoke parlors, brothels), making them subject to exploitation and sexual abuse.

We conclude therefore, that there is still a long way to go for which it is strongly recommended that the government effectively assumes its responsibilities regarding the recommendations of the UN Committee on CEDAW.

Let us work together to improve the situation of our women in Cambodia, and prepare the future of our country.



## Annexes

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## Acronyms

CCC	Cooperation Committee for Cambodia
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CHRAC	Cambodian Human Rights Action Committee
CMDGs	Cambodia Millennium Development Goals
CNCW	Cambodian National Council for Women
CRC	Convention on the Rights of the Child
HIV/AIDS	Acquired Human Immune-Deficiency Syndrome/Virus
HSS HIV	Sentinel Surveillance
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICTs	Information and Communication, Technologies
IMR	Infant mortality rate
IWRAW	Asia Pacific International Women's Rights Action Watch
MoH	Ministry of Health
MoWA	Ministry of Women's Affairs
MoSVY	Ministry of Social Affairs, Veterans and Youth Rehabilitation
NCHADS	National Centre for HIV/AIDS, Dermatology and STD
NIC	National Institute of Cambodia
NIS	National Institute of Statistics
RGC	Royal Government of Cambodia
STD	Sexually Transmitted Disease
UNCOHCR	Cambodia Office of the High Commissioner for Refugees
UNDP	United Nations Development Program
UNHCR	High Commissioner's Office for Refugees
UNIFEM	United Nations Development Fund for Women
UNTAC	United Nations Transitional Authority in Cambodia
WTO	World Trade Organization

## List of NGO-CEDAW members

	<b>Acronym</b>	<b>NGO Full Name</b>
1	ADHOC	ADHOC
2	AFD	Association of Farmer Development
3	AFESIP	Agir Pour les Femmes en Situation Précaire
4	AHRDHE	Association for Human Resources Development and Health Education
5	AMARA	AMARA
6	ARR	Arun Reah Organization
7	BSO	Banteay Srei Organization
8	BWAP	Battambang Women AIDS Project
9	CADPP	Cambodian Association for Development of Poor People
10	CARAM	Coordination of Action Research on AIDS and Mobility
11	CAREPO	Cambodia Right and Justice Protection
12	CCIM	Cambodian Center for Independent Media
13	CCPCR	Cambodia Center for the Protection of Children's Right
14	CDCam	Conservation and Development on Cambodia
15	CDP	Cambodian Defenders Project
16	CDPO	Cambodia Disable People's Organization
17	CDRCP	Cambodian Development Relief Center for the Poor
18	CODO	Community Development Organization
19	COSECAM	NGO Coalition to Address (Sexual) Exploitation of Children in Cambodia
20	CPWP	Committee to Promote Women in Politics
21	CRD	Cambodia Researchers for Development
22	CSD	Center for Social Development
23	CSP	Crom Sovann Phum
24	CWCC	Cambodian Women's Crisis Center
25	CWDA	The Cambodia Women's Development Agency
26	CWPD	Cambodian Women for Peace and Development
27	DAC	Development Association of Cambodia
28	DOCS	Development Organization Cambodia Society
29	E.D.C.O	Economic Development Community Organization
30	FAA	Fine Arts Association
31	FLO	Future Light Orphanage
32	FLOW	Future Light Organization of Women
33	GAD/C	Gender And Development for Cambodia
34	GGAC	Girl Guides Association of Cambodia
35	IDA	Indradevi Association
36	KHEMARA	KHEMARA
37	K.I.F.H.R.D.A	Khmer Intellectuals For Human Resource Development Association
38	KKKHRA	Khmer Kampuchea Krom Human Rights Association
39	KWCD	Khmer Women's Cooperation for Development
40	KWVC	Khmer Women's Voice Center
41	KYA	Khmer Youth Association

42	LAC	Legal Aid of Cambodia
43	LICADHO	Cambodian League For The Promotion And Defense Of Human Rights
44	MEC	Médecins de l'Espoir Cambodge
45	ML & NV	Mother Love and None Violence
46	NAPA	National Prosperity Association
47	NEP	NGO Education Partnership
48	NGO Forum	NGO Forum
49	NICFEC	Neutral and Impartial Committee for Free and Fair Elections in Cambodia
50	OGB	Oxfam Great Britain
51	OI	Open Institute
52	PADV	Project Against Domestic Violence
53	PCC	Positive Change for Cambodia
54	PYD	Paz Y Desarrollo
55	RAA	Ramsey Agriculture Association
56	RHB	Rachana Handicrafts Battambang
57	RHAC	Reproductive Health Association of Cambodia
58	SABORAS	SABORAS
59	SERRC	SERRC
60	SILAKA	SILAKA
61	SK	Star Kampuchea
62	USG	Urban Sector Group
63	VAWCC	Violence Against Women and Children of Cambodia
64	VIGILANCE	Human Rights Vigilance of Cambodia
65	VYCD	Volunteer Youth Congress for Democracy
66	WDA	Women Development Association
67	wfp	Women For Prosperity
68	WLA	Women Light Association
69	WMC	Women's Media center of Cambodia
70	WODAC	Women in Development And Community
71	WOSO	Women Service Organization
72	YRDP	Youth Resource Development Program

## List of CAMBOW members

	<b>Acronym</b>	<b>NGO Full Name</b>
1	Banteay Srei	Banteay Srei
2	LICADHO	Cambodia League for the Promotion Defend of Human Rights
3	CWCC	Cambodia Women Crisis Center
4	CCPCR	Cambodian Center for the Protection of Children's Rights
5	CDP	Cambodian Defenders Project
6	CDRCP	Cambodian Development and Relief Center for the Poor
7	ADHOC	Cambodian Human Rights and Development Association
8	CLO	Cambodian Labor Organization
9	CWLD	Cambodian Women League for Development
10	CWCD	Cambodian Women's Culture Development
11	CWDA	Cambodian Women's Development Agency
12	CSD	Center for Social Development
13	CARAM Cambodia	Coordinator of Action Research on AIDS and Mobility
14	DAC	Development Association of Cambodia
15	GAD/C	Gender and Development for Cambodia
16	HAGAR	Hagar Project
17	OUTREACH	Human Rights and Community Outreach Projects
18	IDA	Indradevi Association
19	KHEMARA	Khemara
20	KID	Khmer Institute for Democracy
21	KWCD	Khmer Women's Cooperation for Development
22	KWVC	Khmer Women's Voice Center
23	LAC	Legal Aid of Cambodia
24	MKD	Meada Khmer Development
25	MLNV	Mother's Love and Non Violence
26	WVC	Neavea Thmey Center
27	NICFEC	Neutral and Impact Committee for Free and Fair Election in Cambodia
28	CWARO	Organization for Children and Rural Women
29	PADV	Project Against Domestic Violence
30	STAR Kampuchea	STAR Kampuchea
31	CHRTF	The Cambodian Human Rights Task Force
32	USG	Urban Sector Group
33	VAWCC	Violence Against Women and Children of Cambodia
34	VYCD	Volunteer Youth Congress for Democracy
35	WOSO	Women Service Organization



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