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EXECUTIVE SUMMARY

Cambodia has experienced deep social and political changes since the 1970s including three decades of warfare and civil disruption which devastated the country, caused enormous suffering, and left a deep emotional scar on the population. The most significant social change in Cambodia occurred during the Maoist inspired Khmer Rouge regime (1975-1979) which was responsible for the deaths of an estimated 1- 2 million people through forced labour, killings and starvation; and created hundreds of thousands of refugees and displaced people. Even after the collapse of the Khmer Rouge regime, civil war continued for almost another 20 years until the last of the Khmer Rouge insurgents joined the Royal Government of Cambodia in 1998. The prolonged civil war, externally imposed economic sanctions and political isolation further devastated and decimated resources, both human and economic, leaving the country weakened and almost exhausted.

Non-governmental organizations (NGOs) are playing an increasingly active and important role in Cambodian society. Since the early 1990s, there has been an emergence of an estimated 800 Cambodian and international NGOs in both urban and rural areas that have been fostering social action, community solidarity and development in the entire country. They bring communities together around specific issues and concerns. Women's groups in particular are striving to make their voices heard. They assist communities not only in improving their living conditions and livelihoods, but also in encouraging participatory processes that lead to greater openness, trust, confidence, and self-reliance within communities.

The 1993 Constitution of the Kingdom of Cambodia, with amendments, provides for the principle of equality between women and men, guarantees equal rights between women and men, and especially promotes the elimination of all forms of discrimination against women. Although Cambodia ratified CEDAW in 1992, discrimination against women is still a part of their daily reality. There is a lack of priority and resources supplied for initiatives to equalize women and men which means that women in Cambodia continue to experience inequality, to be restrained, and to face discrimination at all levels and in all parts of society.

Major issues that weave their way through this report and that impede progress towards the equality of women and men in Cambodia are systemic in nature and include traditional attitudes about the roles and abilities of women, insufficient salaries for the civil service that impede development in general and women's progress in particular, corruption in the public and private sector, and poor enforcement of laws and regulations. There is also evidence of growing levels of distrust especially regarding abuse of power by police and soldiers.

Trafficking of Women and the Commercial Sex Industry

Article 46 of the Constitution of Cambodia prohibits commerce of human beings and a number of laws have been passed in compliance with United Nations Conventions regarding human trafficking. Two laws currently in existence are transitional criminal laws promulgated in September 1992 during the UNTAC period and the law against human trafficking which came into force in January 1996. Enforcement of existing laws is limited

and the strength of those behind the sex trade impedes prosecution and perpetuates the industry.

NGOs working in the Mekong sub-region estimate that hundreds of thousands of women and children are being trafficked from rural areas to cities and between neighbouring countries such as Vietnam and Thailand for the purpose of prostitution. There are highly sophisticated cross-border operations involving powerful international figures and girls and women as victims.

The nature of the commercial sex industry is constantly changing with brothels, massage parlours, karaoke bars, clubs, casinos, and informal arrangements made between clients and service providers, all a part of the industry. There is criminality, cruelty, torture, violence, abuse of human and women's rights within and surrounding the industry which is cause for major concern and action.

Politics and Public Life

The right of women to participate actively in political, economic, social and cultural life of the nation is guaranteed by Article 35 of the 1993 Constitution and Article 34 (as amended) of the Constitution guarantees women both the right to vote and the right to be elected. However, despite Constitutional provisions the number of women holding leadership positions is small. The Ministry of Women's and Veterans' Affairs and many non-governmental organizations are actively encouraging women to take more political responsibility, run for elected office and to inform women about their rights through training and publications.

In the current 1998-elected government, there are only two out of 24 full-fledged ministers who are women and they are in the roles often traditionally defined as "female-oriented"—the Minister of Culture and Fine Arts and the Minister for Women's and Veteran's Affairs. The 1998 national elections saw an increase to 11% of women elected (14 women out of 122 members) to the National Assembly from the 1993 level of 6% (7 women out of 120 members).

Currently, of the total of 61 appointed members of the Senate, eight of them are women or 13% of all the members. Even with the opportunity to appoint members the Royal Government did not provide balanced gender representation in the Senate. There are three women who are Secretaries of State from among 46 such positions in the 1998 government and there were none in the 1993. Of the 26 ambassadorial level diplomatic postings overseas, there is not a single one held by a woman.

As a general rule, women are better represented in NGOs than in most other organizations or agencies. They play leading roles in several of them and have been effective in affecting changes, particularly in women's rights, as many NGOs are specifically set up to advocate for women's rights.

As of 1999 there were 169,000 persons employed in public administration, defence and the social security workforce of which only 8% were women. Female civil servants seem to be concentrated in non-decision making positions in their ministries. The same situation

prevails in both the military and police where women are in the vast minority and usually hold only token or minor positions.

Women's lack of self-confidence, a male-dominated political system and lack of economic means prevents most women from engaging in electoral politics, in addition to prevailing attitude that electoral politics is not an appropriate role for women.

Education

Of particular concern in Cambodia is the situation of women with disabilities of whom there are an estimated 69,500. They especially experience discrimination and have poor access to education, training, and employment opportunities resulting in a poor standard of living, lower possibility of marriage, lack of self-confidence and general sense that life has no meaning for them.

A formal public school system was not introduced to Cambodia until the 1950s and prior to this education was available only for boys at the pagoda. By the 1960s girls formed one-third of students in school. However, the achievements that were made in the field of education from the 1950s until the early 1970s were erased during the Khmer Rouge regime. Schools were closed down and teaching personnel killed as enemies of the regime. The education system was non-functional for the four years of the regime and it is still in the process of being re-built.

Today there are wide disparities in the literacy and educational levels of Cambodians with large differences according to gender, age and location. Girls are under-represented in formal education at all levels. Girls in particular have less opportunity in schooling. The decision is made at home to enrol a child in school and is determined by a complex combination of social and economic factors, regardless of laws. Expectations are rooted in traditional perceptions of gender role ideals: male as breadwinner, female as housewife and mother. The parents will estimate that the girl child would not be able to utilize her education as well as the boy child and place a low value on her education. A daughter is more likely than a son to be removed from school when a family needs someone to work at home looking after children or in productive work.

The percentage of girls in primary school (grades 1-6) is 46.2 % and is 37 % in the first phase of secondary school (grades 7-9); the second phase of secondary school (grades 10-12) has 31.8 % girls. Girls form only about one-quarter of the students enrolled in the state-run tertiary education institutions which is a contributing factor to the few females in professional and decision-making positions and perpetuates the lack of females as role models for girls. The proportion of rural girls enrolled in school is lower than that of urban girls and the rural-urban gap widens as the educational level increases.

Literacy rates for women are lower than those for men across every age group and across all socio-economic strata showing both social and economic barriers to education for females. The 1999 Cambodia Socio-Economic Survey showed the national rate of literacy for men and women is 71%, with almost half of all rural women illiterate (41%).

Attitudes and perception of gender roles, stereotyping of aptitudes, and the expectations about a child's future role are strong factors in parental decisions about when a daughter or son will enter or leave school. These traditional attitudes are barriers of steel preventing daughters from receiving equal opportunity in their schooling with their brothers.

The formal and unofficial fees and expenses to enrol and maintain a girl in school places an extra burden on poorer families and may prevent them from placing a priority on their daughters' education, especially when there are other priorities such as ensuring there is sufficient food in the household.

Employment and Labour

According to Cambodian Labour Law women are supposed to have the right to the same employment opportunities as men, however traditional attitudes and educational opportunities continue to prevent women from taking equal roles in the workplace with men.

Some progress has been made since 1997 as far as working conditions of women are concerned. The Royal Government has ratified all the major International Labour Organization conventions relating to women and equality of treatment. A Labour Law was enacted in 1997 which guarantees that women's and all workers conditions should be adequate, however there is little enforcement of violations as too often women are not aware of their own rights resulting in no complaint being filed.

Cambodia currently has a shortage of employment opportunities and a large supply of unskilled labour. Combined with the lack of enforcement of the Labour Law workers and women in particular are vulnerable to low wages and poor working conditions. It is estimated that about 200,000 women work in the textile and garment industries. Nine out of ten women in the labour force are working in the agriculture sector, with 2/3 of these women doing unpaid work contributing to the family's agricultural outputs.

The Constitution of Cambodia and CEDAW require the government to ensure equal pay for equal work. However, there are no penalties for employers who violate any of these provisions. The Ministry of Labour is responsible to set a minimum wage for workers. However, the RGC has only passed Declaration Number 17 which provides only for a minimum wage and bonus system in the garment sector. Therefore, men generally continue to receive higher pay than women in other employment sectors.

Only the public sector has a retirement program which is supposed to provide a little financial support to retired workers and soldiers. Therefore most women (unless married to a civil servant or a soldier) do not benefit. Some private companies and NGOs provide some social security benefits

The Labour Law provides for a guarantee of the right of female employees to healthy and safe workplaces and requires employers to provide medical care to regular employees and compensate them for on-the-job injuries or illnesses. Workers are also allowed paid leave for injuries sustained from accidents at the workplace, but very few workers ever receive this benefit.

The Division of Labour Inspection has the responsibility to monitor work conditions in private enterprises and report any non-compliance with existing regulations back to the Ministry. In many instances, it is observed that employers flagrantly violate the workers rights or at the very least deliberately ignore them. Often there is a serious lack of will by government labour inspectors to enforce the Labour Law and because of their low levels of pay they are more vulnerable to bribery from the employers they are responsible to inspect.

The Labour Law lacks true effectiveness since there are few sanctions for non-compliance that are incorporated into the Law and that are applied. Without adequate willingness on the part of the government to impose sanctions for non-compliance or violations of the provisions of the law, these guarantees remain empty promises at best. The law as it is written provides provisions for equality of the sexes in employment, but there are several loopholes, vague terminology, and power retained within the Ministry of Labour and Social Welfare to stipulate working conditions and to arbitrate in disputes.

Even though Cambodian law allows women to sue employers, it is not likely that such recourse is to be taken by most women because of their low levels of education and lack of knowledge about their labour rights and when they have the right to complain.

Health

Health services in general and health services for women in particular, have improved somewhat in Cambodia over the past decade. There is progress on health indicators which points to the success of policies and programmes put in place by the Royal Government and the RGC working together with international health organizations and non-governmental organizations. Health initiatives are paying off in terms of longer lives and better health. However, infant and maternal mortality rates are still among the highest in the world, and together with the alarming spread of HIV/AIDS, there is cause for concerted action.

Systemic problems contributing to poor health for women relate to limited access to family planning resulting in too-frequent pregnancies; seasonal shortage of food and poor nutrition; lack of access to sanitation; poor understanding of principles of hygiene; and limited access to basic and emergency health care services outside of the capital. Common diseases among women include diarrhoeal diseases, anaemia, tuberculosis, other respiratory diseases, pregnancy-related complications, and malaria.

There is a concentration of health workers in towns and cities and a lack of staff in rural areas. Generally, the levels of knowledge, practical skill and management capabilities of health staff are not adequate at the rural level. Both rural and urban women show lower rates of access to health care services than their rural and urban male counterparts. In the *Cambodia Demographic and Health Survey 2000* more than 90% of women reported having one or more big problems in accessing health care for themselves.

Proper medical attention and hygienic conditions during delivery can reduce risk of complications and infections that can cause death or serious injury to the mother, child or both. Therefore, the 89% of Cambodian women who deliver at home are placed at higher risk than if they were to go to a health facility. The level of a woman's education is associated with her likelihood to access services: of women with some secondary or higher

education 70% received antenatal care from any trained personnel, while only 37% of less educated women and 25% with no education accessed antenatal care from trained personnel.

Use of contraception is still limited in Cambodia with 24% of women reporting current use of a family planning method. There are encouraging signs that access to contraception is increasing especially for uneducated women and women in rural areas whose current use of a modern method of contraception increased by 4% and 3% respectively from 1998 to 2000.

Generally there is good acceptance of family planning in Cambodia with over 65% of rural and urban couples approving of family planning. However, about one-third of currently married women have an unmet need for family planning.

Cambodia has now surpassed Thailand with the fastest growing HIV/AIDS epidemic in Asia. At the end of 2000 there were an estimated 169,000 Cambodians living with AIDS, which is greater than 1% of the population and will be an increased burdens on families, the state and the social services sector.

Access to Economic Services and Social Benefits

A limited number of people have the personal resources to access commercial banking facilities. Accessing small loans is the main obstacle for women who wish to start up or expand a business. The large commercial banks are not interested to meet the needs of a typical female micro-entrepreneur. The Cambodian banking system is still being established and is somewhat unstable. Most people have low levels of trust in the banking system due to periodic banking closures and lost investments.

The concept of exercise for personal health, fitness and well-being is not part of Cambodian women's culture or practise. Access to public parks and sporting facilities are extremely limited in the cities and virtually non-existent in rural areas.

Men are able to play sports such as volleyball or football in public, but these are not traditionally acceptable activities for girls and women to play in public. For most rural women their limited leisure time is most often spent participating in community events such as weddings, religious activities at the pagoda or with friends and family. A minority of urban women (especially younger women) engage in informal light athletic exercise such as badminton.

Rural Women

Cambodia is an agrarian-based economy with 85 % of Cambodia's population living in rural areas engaged in subsistence agricultural activities (primarily growing rice) as their main source of economic production. Women make up 55% of the agricultural workforce. Seventy-eight per cent (78%) of women are employed in the agriculture sector which is the primary economic activity for Cambodia and is critical for the livelihoods of the majority of the population and the development of Cambodia. Yet in 2000 the Ministry of Agriculture,

Forestry and Fisheries received only 2.0% and the Ministry of Rural Development received only 0.63% of the government's budget expenditure.

The rural areas have the poorest segment of the population and there is an unequal distribution of resources and services between the rural and urban areas. The urban areas have better access to education facilities, health services, safe drinking water, sanitation, and electricity.

Traditionally rural Cambodians had fairly easy access to common natural resources including grazing land, forests, rivers and lakes. This contributed to the livelihood and food security of rural communities, especially poor households. Access to these resources is rapidly being restricted and privatized through the selling off of concession rights by the government to outside groups for them to exploit large areas of forests and wetlands. This has a direct negative effect on rural livelihood and food security. Female-headed households are most vulnerable to pressures to sell land or intimidation to leave their land. For three to six months of the year many rural families are short of food and are forced to borrow money to buy food or go hungry.

On average women-headed households own land of just over 0.5 hectares. Some of these households have less than 0.5 ha for a family of six. For Cambodia the Food and Agriculture Organization has estimated that food security becomes a problem when households have less than 0.75 ha of land.

Faced with lack of farm income or landlessness, poor and unskilled women from the countryside are more and more compelled to look elsewhere for employment. One study in three villages in different provinces found a growing dependence of the poor on the wage labour market. Increasing landlessness among the poor, and the resulting loss of control over production, leaves the poorest with no assets except their own labour. Women are at a disadvantage in terms of earning power, because they receive lower wages in the labour market. Women are drawn to the city by the prospect of more opportunities, often in the clothing factories or in the service sector as hotel clerks, waitresses or beer girls.

Human poverty is greater among Cambodian women than men across all economic groups. Rural women have a Human Poverty Index (HPI which measures deprivations in longevity, knowledge and standard of living) of 42.12, compared to rural males 40.51, urban females 29.0, and urban males 26.57 who show the best HPI in the nation.

Access to new agricultural techniques, low knowledge about food and crop diversification, and affordable rural credit remain out of reach of most women agriculturalists. Women tend to have a low participation rate in agriculture training activities because of the constraints they face such as distance from the venue, they lack extra time to spend away from children and income-earning opportunities training, or lack of confidence in their own ability.

Cambodian demographics point to the likelihood that there will not be enough land for all of the young people reaching maturity in the next decade (a possible half million newly married households could be formed from 2001-2010). These families and unmarried women and girls are likely to migrate away from their home village to the city where they

are vulnerable to abuse or exploitation since they are separated from family and without a village support network.

Women tend to have a low participation rate in agriculture training activities because of the constraints they face such as distance from the training location, they lack extra time to spend away from their children and income-earning work, and they may lack confidence in their own ability to understand a training session.

The traditional hierarchical social relations in place in the village can prevent women from speaking out and keeps them marginalized on committees such as Village Development Committees. Domestic constraints often prevent women from taking the necessary time to actively engage in community work and their own lack of confidence in their abilities often prevents active participation.

Family Relationships, Civil Law and Domestic Violence

In the court system women mainly are involved in civil cases such as in divorce, land conflicts, and labour-related disputes. Cambodian law provides Cambodians free legal defenders only in criminal cases. Some NGOs, NGO legal aid offices and the Bar Association provide free legal aid to poor people or for people in conflict with powerful people or officials. However, all the provinces in Cambodia are not covered by those services.

The law requires the signature of both the wife and the husband for the sale of common property. However, in practise if a wife were to try to sell land or a motorcycle the buyer would not go through with a purchase without the husband's signature, but would likely make the purchase if there were only the husband's signature on an agreement. When signing a contract a husband is often the only signatory, but when there is a problem then the common property is vulnerable even though the wife was not part of the contract agreement.

The Cambodian legal and judiciary system is vastly under-resourced especially regarding human expertise. There are not enough trained lawyers or judges. There are also restrictions placed on paralegals and the entry of new lawyers into the legal system that could be of assistance to women involved in civil cases.

Many women face aberrant forms of male behaviour such as polygamy and extra-marital sex. For some women it is preferable to have their husbands follow the tradition to go to prostitutes as it may be preferable to him taking a second wife or mistress and using family resources to support a second family. Society sanctions these behaviours, even though the Cambodian Constitution does not allow these activities. The law has not been used to punish anyone who engages in polygamous behaviour.

While a woman may say that she has freely entered into marriage, there are many forces at work that have given her little choice but to agree to a husband chosen by her parents. Cambodian tradition gives men or parents the authority to select a "proper" Cambodian woman for a man. Parents still follow the tradition of arranging marriages, sometimes when their children are still very young. A Cambodian woman is taught to be obedient to

her elders, and it is unlikely she would rebel against her parents or later rebel against the man her parents have chosen as her husband.

Most Cambodian women do not know they have the right to divorce their husbands. Others do not want to divorce their abusing husbands for fear that they would be ostracized or criticized or because they are afraid that they would not be able to support themselves and their children, that their children would be "orphaned", or simply because they would not know how to proceed.

Shifting societal norms are not yet being addressed through laws that could help to protect the rights of women. After divorce or during separation there are no systems in place to ensure that alimony support is provided for the dependent spouse or children. Of particular concern is the lack of legislation to protect women and children affected by domestic violence and divorce, so that they are not doubly penalized by divorce (socially and economically).

Domestic violence is a very serious problem in Cambodian society, but it is one that is rarely reported by the Cambodian media. A female victim frequently sustains severe injuries which are a cost both to the family and to the nation's medical services. Until the first study on domestic violence by a Cambodian NGO in 1994 there had been virtually no public or official acknowledgement of domestic violence as a serious social problem.

In one survey of ever-married aged 15-49 year old women 17% of them identified themselves as having experienced physical or sexual violence by their current or most recent husband. While many social factors trigger and exacerbate domestic violence, it is traditional attitudes and social mores which cause and perpetuate it. Cambodia society awards men more value and power than women due solely to their biological gender. As the head of the family, the husband is regarded as having the right to discipline other members of his family—through violence if necessary.

The law on Marriage and Family prohibits forced and under-aged marriages, but they still occur. There have been no prosecutions for this breach of the law. In the Marriage and Family Law, Article 78 there are no consequences stated for failure to provide support for dependents after a marriage break-up.

Domestic violence is, in essence, sanctioned by a pre-trial dispute resolution process in which women often are persuaded by male mediators in their local communities to reconcile with their abusive husbands. The Criminal Code is not yet understood and used as a tool which is applicable for domestic violence intervention by law enforcement officers, unless the woman has been killed. Generally it is up to the woman to complain about domestic violence and this is unlikely if she is not aware of the law and her rights. A law has been drafted on domestic violence by the Ministry of Women's and Veterans' Affairs in cooperation with NGOs. This draft has not yet been submitted and approved by the National Assembly.

INTRODUCTION

Cambodia ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in 1992 with no Reservations. Cambodia committed itself to the application of the Convention and to preparing and providing national reports on the implementation of the Convention within one year after the document was signed and every four years afterwards.

The Cambodia NGO Committee on CEDAW was created in 1995 to monitor and to promote the Royal Government's implementation of the CEDAW Convention in order to contribute to the improvement of gender equality across Cambodia. The NGO Committee is dedicated to working to overcome the obstacles preventing gender equality, development, and peace.

The members of the NGO Committee on CEDAW meet on a regular basis to network and advocate for the implementation of the principles of CEDAW and have worked on various initiatives such as:

- providing training on the CEDAW Convention to NGO and government representatives
- training women from Cambodia, Laos and Vietnam on the implementation, monitoring and reporting of the CEDAW Convention
- organizing a forum on sex trafficking and prostitution called "Women for Women"
- participating on an ongoing basis as a member of the Royal Government Committee on CEDAW to write the government report
- cooperating with the Ministry of Women's and Veterans' Affairs (MoWVA) to organize a one-day conference to debrief the official delegation and NGO observers after Beijing + 5

In 1997 the NGO Committee on CEDAW submitted a report to the UN Committee on CEDAW and this is the second report. This current report was prepared through the collaboration of a network of 62 Cambodian NGOs. A list of the NGOs is attached in the Appendix.

COUNTRY CONTEXT AND BACKGROUND

Cambodia's history includes a rich and ancient culture set within the historic temples of Angkor. It has still-strong, traditional village and family networks set in the context of subsistence agriculture. The national religion is Buddhism practised by the vast majority of the population. The land and natural environment is rich in forests, rivers and lakes.

However, by the mid-twentieth century Cambodia was experiencing the politics of the Cold War, including the war in Vietnam, and began to experience deep changes, especially from the 1960s to the end of the 1980s. Those decades profoundly affected the nation's social, political, cultural and economic structures. Three decades of warfare and a Maoist inspired political regime devastated the country, caused enormous suffering, and left a deep emotional scar on the people.

The most significant social change in Cambodia occurred during the Khmer Rouge regime (1975-1979), possibly one of the most brutal in the history of humankind. That regime oversaw the deaths of an estimated 1- 2 million people through forced labour, killings and starvation; created hundreds of thousands of refugees and displaced people; and resulted in the loss of about one-fourth of Cambodia's 1975 population.

During that regime the Cambodian people suffered severe physical and human rights abuses and lost nearly all of their human dignity. Even after the collapse of the Khmer Rouge regime, civil war continued to rage for almost another 20 years until the last of the Khmer Rouge insurgents joined the Royal Government of Cambodia in 1998. The prolonged civil war, externally imposed economic sanctions and political isolation further devastated and decimated resources, both human and economic, leaving the country weakened and almost exhausted.

The United Nations Development Report for 2001 ranks Cambodia's Human Development Index at 121 out of 162 countries and the per capita GDP in 1999 (PPP) was \$1,361.¹ Despite the billions of dollars in aid money that has been loaned and donated to the country 36 per cent of the population lives below the national poverty line.²

Cambodia's value on the Human Poverty Index (HPI) is 45.0% and its ranking is 78 out of 90 developing countries.³ In 1995, life expectancy at birth was 47 for males and 49 for females. The expected life expectancy in 1999 was 54.1 years for men and 58.6 years for women.⁴ Cambodia ranks 109 out of 146 countries on the Gender Development Index with a value of .534.⁵

¹ Human Development Report 2001, UNDP, p. 143. The HDI is a summary measure of life expectancy at birth, knowledge, and a decent standard of living.

² Ibid., p. 150.

³ Human Development Report 2001, p. 150. The UNDP HPI for developing countries measures deprivations in the three basic dimensions captured in the Human Development Index (longevity, knowledge and standard of living).

⁴ Human Development Report 2001, p. 212.

⁵ Ibid., p. 212. The Gender-related Development Index (GDI) measures average achievement in the three basic dimensions captured in the human development index—a long and healthy life, knowledge and a decent standard of living—adjusted to account for inequalities between men and women. Compare the GDI .534 of Cambodia to that of neighboring Vietnam .680 or Thailand .755.

The land area of Cambodia is 181,035 square kilometres with a population of about 11.5 million. Its average population density is 64 persons per square km which is significantly lower than that of neighbouring Vietnam or Thailand. There has been an increase in cultivated land from 1.6 million hectares in 1980 to 2.4 million hectares in 1999 (47% increase), but there has also been about a 70% growth in population over the same period. However, this increase in arable land has not been equitably distributed to farming or rural households. Instead it has become increasingly concentrated in fewer and fewer hands.⁶ The agricultural sector is the source of jobs or livelihood for four out of five Cambodians, with the industrial and service sectors providing only 20% of jobs.⁷ Cambodia is an agrarian, subsistence-based economy and 85 % of Cambodia's population lives in rural areas engaging in basic agricultural activities (primarily growing rice) as their main source of economic production. As 52% of Cambodia's 11.5 million people are women and girls, and 26% of families are headed by women, the burden of economic responsibility falls heavily on them. Women are actively engaged in traditional agricultural activities as well as small trade and production. Most girls and women are working in subsistence agricultural activities either as family members, day labourers or migrant agricultural workers.

A multi-party parliamentary democracy has been in place since Cambodia had national elections in 1993 and again in 1998. At each election there was very high voter participation with over 90% of the eligible population casting its vote.

Cambodian NGOs have worked diligently for women's rights and continue to train women to advocate for their rights recognizing that if women are able to contribute their abilities and skills the benefit to Cambodian society is greater than if women continue to be silenced and restrained. Activities have included training women to run for elections, roundtables to discuss strategies and legislation to increase the number of women in leadership positions, management and good governance training for women, and numerous other initiatives. It is Cambodian tradition and custom to protect the virtue of female members of the family, but the rapidly shifting world culture is also affecting the typical Cambodian family and its female members. World media and culture is intersecting with Cambodia's rural and urban societies changing the social practices resulting in continued lack of social stability in a country that has not been stable since the 1960s.

Progress to realize the objectives of the laws protecting and improving the rights of women has been slow. Although women are guaranteed equal rights with men under the Cambodian Constitution their ability to access these rights is subject to the strong tradition and attitudes about hierarchy, power and gender relations. A major obstacle is the perception that many people see the promotion of women's rights as a threat to the power, values and interests of the status quo and those people in power. In general, attitudes towards gender roles place great importance on women's role as household managers and men's role as providers for the family.

Despite several years of economic growth since 1993 over 36% of Cambodia's population still lives under the poverty line. The Asian economic crisis and the political instability in

⁶ Cambodia Development Review, Sept. 2000, p.9-10.

⁷ Cambodia Development Review, Sept. 2000, p. 7.

Cambodian in 1997 led to further deterioration of Cambodia's fragile recovery from the tumultuous decades of the 1970s and 1980s.

Since the economic development of women requires major structural changes, the pace of these changes depends on the ability and commitment of the Royal Government to implement programs to benefit women. Some of the necessary changes have already been imposed by the international community, while others are more voluntary or internally induced.

Facts and statistics cannot clearly reflect the impact of social disintegration and the devastation of a murderous regime and civil war on the entire population and how it was most severe for Cambodia's women. Today war widows and abandoned or divorced women are the sole support of one-quarter of Cambodia's families and these women-headed households are often the poorest members of their communities.

ATTITUDES, CULTURE AND STEREOTYPES RELATING TO WOMEN

Article 1

For the purposes of the present Convention the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field.

Article 2

States parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;**
- b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;**
- c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;**
- d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;**
- e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;**
- f) To take appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practice which constitute discrimination against women;**
- g) To repeal all national penal provisions which constitute discrimination against women.**

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

- 1. Adoption by States Parties of temporary measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the Convention, but shall in no way entail, as a consequence, the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality or opportunity and treatment have been achieved.**
- 2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity, shall not be considered discriminatory.**

Article 5

States parties shall take all appropriate measures:

- a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;**
- b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.**

The Situation

The 1993 Constitution of the Kingdom of Cambodia, with amendments, provides for the principle of equality between women and men, guarantees equal rights between women and men (Chapter 3), and especially promotes the elimination of all forms of discrimination against women (Article 45).

Although Cambodia has ratified CEDAW, discrimination against women is still a part of their daily reality. Non-discrimination and equality may be formally recognized in law, but there is still a lack of priority and lack of resources supplied for initiatives to equalize women and men. Cambodian women's present situation as compared to men's in regards to economic, social, culture, and political situations is not yet equal.

In Cambodia the movements for the principle of equality of individuals and human rights has been driven by individual women, along with women's organizations and human rights organizations and in partnership with the Royal Government. They have effectively worked together to begin to empower women through education, advocacy and legislation.

The Royal Government upgraded the State Secretariat for Women's Affairs to a Ministry in 1996 and in 1998 appointed a female minister for the Ministry of Women's and Veterans' Affairs (MWVA). A positive first step for MoWVA was an action plan for 1999-03 called "Women are Precious Gems" (*Neary Rattanak*). The Royal Government and MoWVA

recently created the Cambodian National Council for Women. The Cambodian National Council for Women (CNCW) was originally initiated by the Ministry of Women's and Veterans' Affairs. It is a mechanism to coordinate and give point of view to the Royal Government of Cambodia for advancing Women status and healthy of Cambodian women to decrease and eliminate all forms of discrimination against women and violence against women. The budget for the MoWVA for fiscal year 2000 was 4.5% of the total budget expenditure compared to the spending for the Ministry of Defence, which is estimated at 37% of budget expenditure.⁸

The first-ever commune-level elections in Cambodia are scheduled for February 2002. The inclusion of a clause in the election law that would set a quota for women on the candidate lists was debated, but not passed by parliament despite the fact that women constitute over half of the Cambodian population.

Although Article 115 of the Cambodian Marriage and Family Law states that it is the parents' responsibility to feed and educate their children, it is mothers who take primary responsibility for ensuring that the family income is stretched far enough to feed and raise their children.

Culture

Traditionally in Cambodia there is very little involvement by women in public life, whether political or in community leadership positions such as in the pagoda. The domain of a girl has been looking after her younger siblings. For an adult woman her traditional realm is to stay in the family home raising children, working in the fields, or engaged in buying and selling in the market. Older women will spend their extra time at the pagoda often serving food to the male Buddhist monks.

In earlier times there had been the custom within Cambodian society that women were considered the head of the household; the wife was a respected member of the household who resolved family and social problems and had much influence over her husband. This power and prestige was reinforced by the practise that land was handed down to daughters and by the fact that a husband would often go to live in the house of his wife's family.

However, the set of rules that girls are taught called "Rules for Women" (*Cbapp Srey*) outlining the "proper behaviour" for girls and women on how to be a good wife or head of household also praises behaviour that does not promote the equality of men and women such as speaking quietly, walking slowly and generally restrained behaviour. There is also a Cambodian proverb that says "the letter cannot be bigger than the envelope". This proverb is used to control girls and women within the family and to ensure that daughters obey their parents and wives obey their husbands

This negative set of rules and customs prevents equality within male and female relationships and reinforces the attitude that women are inferior to men and must follow the direction of the men in their lives, whether it is father, husband, or brother. These attitudes seem to have become entrenched and have contributed to emerging statistics about severe

⁸ Ministry of Finance, Royal Government of Cambodia.

problems of domestic violence where it has become accepted practise for a husband to beat his wife or children. Due to intensive education campaigns it is becoming less socially acceptable within a community or family to allow this practise. The Cambodian Constitution states that there should not be the use of corporal punishment.

Tradition has meant that parents control all aspects of a daughter's life beginning with whether her childhood is spent working more than playing (whether helping with cooking and household chores, selling products to contribute to the family income, minding her younger siblings) and then her parents deciding when she will start and finish school and then her parents arranging a marriage for her. In contrast, a rural boy's life will be spent primarily independent of responsibility and direction from parents. Although the custom is slowly changing in the urban areas most Cambodian women are generally not allowed to select the man they will marry.

Through a variety of educational campaigns, primarily by NGOs, some women have begun to become aware that they have equal rights as members of society under the Cambodian Constitution and the Universal Declaration of Human Rights.

Obstacles

1. Any organization or society is commonly resistant to change. Regarding the equalization of women and men in Cambodia, men in families and male decision-makers may perceive that there could be a shift in power and relationships between men and women. Men may perceive that they would have to give up some of their own authority in order to include the equal participation of women in society.
2. Citing the Cambodian Constitution the Royal Government refused to establish a quota system for the 2002 Commune Council elections because the RGC believed this would be discriminatory against men.
3. Progress has been slow in equalizing the rights of women and men in Cambodia. A major obstacle is the competition for scarce resources and priority-setting in a country that is dependent on foreign aid for a large portion of its national budget.
4. Most women do not know how their rights can and should be applied or how to think about changing the structures and attitudes of inequality within their family, village or society in general or how to change discriminatory situations.

Recommendations

The Royal Government of Cambodia should:

1. Ensure that the Cambodian National Council for Women reports regularly about its progress according to its mandate.
2. Apply the principle of Special Measures as outlined in CEDAW to establish a quota system to ensure that women are proportionally represented in all elections.

TRAFFICKING OF WOMEN AND THE COMMERCIAL SEX INDUSTRY

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution.

The Situation

Trafficking and sexual exploitation may be one of the worst forms of violence that can happen to women and children. In the age of globalization, it is a common occurrence in an economically poor country like Cambodia. The commoditization of sex makes it a lucrative source of income for traffickers and those people who profit from it will go to great lengths to protect their interests.

Article 46 of the Constitution of Cambodia prohibits commerce of human beings and Parliament has passed a number of laws in compliance with United Nations Conventions regarding human trafficking. Two laws currently in existence are transitional criminal laws promulgated in September 1992 during the UNTAC period and the law against human trafficking which came into force in January 1996.

There are not yet firm statistics on sex trafficking. NGOs working in the Mekong sub-region estimate that hundreds of thousands of women and children are being trafficked from rural areas to cities and between neighbouring countries such as Vietnam and Thailand for the purpose of prostitution. There are highly sophisticated cross-border operations involving powerful international figures. There is no confirmed source of information on how many Cambodian women are trafficked outside of Cambodian borders.

The nature of the commercial sex industry is constantly changing and brothels may no longer be the mainstay of the industry. Massage parlours, karaoke bars, clubs, casinos, and informal arrangements made between clients and service providers, are all changing the face of the industry quite rapidly.

Although not all of Cambodia's prostitutes were originally trafficked and not all of them are restrained in brothels against their will, many of them were trafficked. Several counts of prostitutes working in brothels have been conducted since 1992 that have produced widely different results. The figure of 50,000 – 55,000 may be a fair estimate.

It is not prostitution, itself, that is the problem. Rather it is the criminality, cruelty, torture, violence, abuse of human and women's rights within and surrounding the industry which should be cause for concerted action. The prostitutes themselves are not the problem nor are they criminals. Prostitution and trafficking are so intertwined in Cambodia at present and part of the web of organised crime that it is virtually impossible to separate the two.

About 90% of the clientele of prostitutes are Cambodians. This figure may change as Cambodia is being publicized over the internet as a destination for sex tourism including child sex tourism. The official government response is to try to dispel the perception of the country as a sex tourism destination. Both the Ministry of Tourism and the Ministry of

Women's and Veterans' Affairs are making a special effort to eliminate this problem. About 15% of Cambodia's prostitutes are under 18 years of age.⁹

Research has shown that of those women forced into prostitution, most were deceived by the promise of a high-paying job; about one-third were forced into it by their own or their family's poverty; and others were sold by parents, relatives or friends into conditions of debt bondage.

Brothel owners are sometimes arrested and punished. However, traffickers themselves are rarely identified, charged and sentenced. In a well-publicized case involving several young women from Romania and Moldavia who were smuggled into Cambodia and forced to work as prostitutes, no punitive action was taken against the people responsible because of "lack of evidence." Local authorities periodically raid and temporarily close down brothels in efforts to work against trafficking and HIV/AIDS. Such actions often create more cases of violence and abuse, and put the lives of prostitutes at greater health risk because they are in hiding after raids and cannot be found by health workers.

Pedophilia, has lately received widespread publicity following the prosecution by the government of some well-publicized cases. It involves not only Cambodians but foreigners as well.

In March 2000 a project on Law Enforcement against Sexual Exploitation of Children was implemented. It is a joint project between the RGC (Ministry of Interior) and five multilateral and international organizations. Between March and October 2000, about 200 children were rescued.

The most serious risks facing a commercial sex worker are contracting HIV/AIDS, violence and experiencing social stigmatization. Stigmatization sometimes occurs when the young woman returns to her family/village community. In Cambodian society, the degree or absence of stigmatization depends on several factors, especially her demeanour when she returns. She will be critically scrutinized but if she "behaves well" – that is, more or less pretends that she never left and continues to work and interact as she did before she left – she will be reintegrated. For many of the girls, this critical and grudging social attitude is enough to drive them back to the city and the sex industry.

If a woman makes a decision to leave her family to seek work outside of the community she may leave her children in the care of parents or other relatives. This lack of supervision means children have less security and are vulnerable to abuse or at minimum they may lose their sense of being supported and loved. Cambodia's already fragile social and family relationships are further threatened by absent mothers.

Many organizations in Cambodia have direct and indirect strategies towards resolving the problem of forced prostitution and young prostitutes. There is good cooperation and joint activities in providing messages concerning trafficking. In addition to community-based programs, there are research and monitoring teams for laws relating to women and for showing the situation of women through the media.

⁹ Report on the Problem of Sexual Exploitation and Trafficking in Cambodia, May 1997, p. 2.

There are currently about 10 NGOs and a number of International Organizations (IOs) working in the area of trafficking. There are many programs and activities to prevent trafficking, ranging from raising awareness, to rescuing victims with cooperation from police and other authorities, to provision of shelter and counseling services to help those rescued reintegrate into the society. There are 17 women's shelters throughout the country when in 1995 there were none. The NGOs, IOs and agencies advocate with and on behalf of the sex workers and provide emotional and other support.

Obstacles:

1. Enforcement of the trafficking laws is still limited because local authorities and monitoring teams for implementation of these laws at all levels say that they do not know and understand the laws well enough or have enough necessary information for their implementation. This contributes towards the authorities avoiding their responsibilities.
2. An underlying obstacle may also be the refusal of the authorities to get involved because of fear of retaliation from powerful people connected with the sex trade. Cambodia's culture of impunity means that powerful people are running well-organized trafficking networks, often protected by government officials, the military or police, and are immune to prosecution.
3. Some NGOs have set up shelters for young women, victims of trafficking and sexual abuse, where they have access to education and support. However, these institutions have limited resources and limited experience and techniques to deal with such a big problem.
4. The Trafficking and Criminal Laws do not correspond and allow the courts to apply lesser sentences according to the Criminal Law (when the few court procedures do take place).

Recommendations

The Royal Government should:

1. Ensure that all police and authorities understand the Trafficking Law, so that it can be implemented when necessary.
2. Continue the project on Law Enforcement against Sexual Exploitation of Children. This will increase the numbers of children being rescued. It will also improve transparency within the police system and reduce opportunity for bribery and pay-offs by powerful people.
3. Ensure that programs are implemented at the local level to expand education and provision of information about women being trafficked that is part of a national strategy. This will raise public awareness about the violation and abuse of women's human rights, and help to prevent trafficking.

4. The RGC along with humanitarian and development organizations should promote and support community shelter projects for girls and women who wish to leave brothels and provide vocational training and reintegration initiatives for women back into their home communities. This should include education campaigns to reduce the stigmatization and labels such as “broken woman” that are used to describe prostitutes.
5. Ensure that the Criminal Law and Trafficking Law correspond so that the courts are not able to reduce perpetrators’ sentences by following the weaker Criminal Law.

WOMEN IN POLITICS AND PUBLIC LIFE

Article 7

State Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;**
- b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;**
- c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.**

The Situation

The right for women to vote in Cambodia was acquired in 1947 with the introduction of parliamentary democracy. The first woman to become a parliamentarian in Cambodia was elected in 1958. The right of women "to participate actively in political, economic, social and cultural life of the nation" is guaranteed by Article 35 of the 1993 Constitution. Article 34 (as amended) of the Constitution guarantees women both the right to vote and the right to be elected.

Cambodia has committed itself to giving women full rights to participate in leading the country on the same footing as men. However, despite Constitutional provisions the number of women holding leadership positions is small.

The participation of women in politics is not an innovation in Cambodia. The first woman minister was Princess Yukanthor who served as Minister of Education in 1952.

National multi-party elections were held in 1993 with the support of the United Nations Transitional Authority in Cambodia (UNTAC) the UN provisional administration charged by the UN General Assembly to implement the 1991 Paris Peace Accords. The Royal Government independently organized multi-party national elections in 1998.

The Ministry of Women's and Veterans' Affairs and many non-governmental organizations are working to try to change the attitudes of women and men about roles that women can play in public life. They have been actively encouraging women to take more political responsibility, run for elected office and to inform women about their rights through training and publications.

The 1998 National Assembly elections saw an increase in the number of women elected from the 1993 level of seven out of a total of 120 members to the current 14 female members in a chamber of 122 members, an increase from 6% in the first session to 11% in the 1998 session.

The Senate was created in March 2000 with the role of reflection chamber. Currently, of the total of 61 appointed members of the Senate, eight of them are women or 13% of all the members. Even with the opportunity to appoint members the Royal Government did not provide balanced gender representation in the Senate.

Currently the formula for election of National Assembly members--a proportional party representation system using party lists--does not facilitate the election of independent candidates. Because the political parties control the lists of their candidates and since the parties are controlled by men, it is unlikely that many women will be given prime or prominent position on any of the party lists.

In January 2001, the Cambodian parliament passed a new law on the organization of commune elections due to take place in early 2002. Despite a strong advocacy effort by civil society organizations to have the National Assembly legislate the naming of a certain percentage of women on electoral ballots this proposal was not passed by the National Assembly. Currently NGOs are working to encourage the political parties voluntarily to include women candidates on their Commune Council electoral lists. The three main political parties have in principle accepted a policy to nominate 30% women to their party roster lists. There is encouraging progress in 2001 by the Royal Government and the Ministry of Interior to make extra effort to hire women in the newly created positions of Commune Clerks.

There is no female deputy Prime Minister nor is a senior Minister position held by a woman. In the current 1998-elected government, there are only two out of 24 full-fledged ministers who are female— the Minister of Culture and Fine Arts and the Minister for Women's and Veteran's Affairs in ministries often defined as “female-oriented”. Despite the low number, it still represents a marked improvement over the 1993 government that did not include a single woman minister, when even the position of Secretary of State for Women's Affairs was held by a man.

There are three women who are Secretaries of State from among 46 such positions in the 1998 government and there were none in the 1993. Of 132 Under-Secretaries of State in the 1998 government six positions are held by women while in the 1993 government there were five women who held these positions.

During the term after the 1998 elections at the provincial administrative level there were no women appointed as head of the 24 provinces or municipalities. One position of deputy provincial governor and four other deputy municipality/district/*khan* appointments were made to women. This is an improvement from the appointments made during the term after the 1993 elections when two women were appointed.

In the judiciary there are no female members of the Supreme Court; there is one woman who is the head of the Court of Appeals and who is also the only female member of the Council of Magistracy. There are no women are on the Constitutional Council. Cambodia has about 220 trained and practising lawyers of whom only 20 are women. There are 110 judges at all levels of the judicial system of whom eight are women. Of some 40 prosecutors, none is a woman.

In the 1999 Cambodia Socio-Economic Survey there were 169,000 persons employed in public administration, defence and the social security workforce of which only 15,000 were women (8.0%).¹⁰ Female civil servants seem to be concentrated in non-decision making positions in their ministries, and some evidence suggests that qualified women are not allowed to use their technical skill, but instead are assigned administrative work.¹¹ The same situation prevails in both the military and police where women are in the vast minority and usually they hold only token or minor positions.

Since the elections in 1993, the Royal Government has begun to recognize the role played by NGOs and a variety of civil society organizations in the development of the country and the non-governmental sector has been allowed to emerge as an advocate for social justice and as a partner in the fight against poverty. As a general rule, women are better represented in NGOs than in most other organizations or agencies. They play leading roles in several of them and have been effective in affecting changes, particularly in women's rights, as many NGOs are specifically set up to advocate for women's rights. Working closely on women's issues with pertinent institutions in the Royal Government and especially the Ministry of Women's and Veterans' Affairs they have tried to work as partners of the Royal Government in the development of Cambodia.

Obstacles

1. Political parties are controlled by men and men decide who is named to run for elections
2. The government has not made a law requiring a quota system for female candidates.
3. Women lack disposable income to run for elections, especially national elections.
4. Women are generally not expected to participate in politics or in community leadership roles because it is traditionally a male role. There is generally lack of active support by husbands, family or communities for women to engage in public office. This means that women could be burdened with community judgement or with double work (at home and in the workplace) if they do get involved in public office.
5. Women's lack of self-confidence and the knowledge that they have low education levels often means that they do not consider that they are qualified for public office. There are not enough role models and tradition relating to public service for women.
6. Civil servants are not protected by the Cambodian Labour Law, but are subject to the Civil Service Law. Female civil servants are especially vulnerable to discrimination for promotion to higher job levels. Since the Civil Service Law is generally not implemented women are not able to actively advocate for the promotions for which they should be eligible.

¹⁰ Cambodia Socio-Economic Survey 1999, p. 31.

¹¹ Gender and Development in Cambodia: An Overview, p. 42.

Recommendations

The Royal Government of Cambodia should:

1. Pass legislation that establishes a quota system so that at least 30% of elected officials are women at all levels of government (Local and National).
2. Set a target of at least 30% women as members of the public service at all levels of government including more women as department heads and in significant positions in the public service.
3. Ensure that political parties provide funding and material resources for women candidates to run for office.
4. Ensure the safety and security of women candidates who run for office.
5. Collaborate with NGOs on community education programs to build women's self-confidence and to publicize success stories of women role models.
6. Ensure that the Civil Servant Law is enforced, so that women can effectively use it as a tool to advocate for their rights within the civil service.
7. Expand to other institutions, both public and private, the Ministry of Women's and Veteran's Affairs initiatives regarding gender focal points and gender mainstreaming.
8. Report on its progress in raising gender awareness and in gender mainstreaming.

INTERNATIONAL REPRESENTATION

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Government at the international level and to participate in the work of international organizations.

The Situation

Of the 26 ambassadorial level diplomatic postings overseas, there is not a single one held by a woman. In Cambodian diplomatic and consular missions overseas, women usually hold junior or secretarial positions.

At the central office of the Ministry of Foreign Affairs, there is one Under-Secretary of State who is a woman. There are no cabinet or sub-cabinet level positions occupied by a woman.

More women are now participating in Cambodian delegations to attend international conferences, either as members of official government delegations or as members of the Cambodian parliament or local NGOs. As Cambodia has now become a full member of the Association of Southeast Asian Nations (ASEAN,) the prospect is good for Cambodian women to represent their country within this group.

Obstacles

1. Few women study at the Royal School of Administration where diplomats are trained.

Recommendations

The Royal Government of Cambodia should:

1. Set a target of 50% female representation for Cambodia as participants in international level delegations.
2. Set a target of at least 30% female representation for Cambodia in ambassadorial and consular postings.

WOMEN AND NATIONALITY

Article 9

- 1. State Parties shall grant women rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.**
- 2. State Parties shall grant women equal rights with men with respect to the nationality of their children.**

The Situation

Cambodian law requires that seven years be the length of time that any lawful resident of Cambodia must reside in the country to qualify to apply for citizenship. The law does not distinguish between men and women.

Neither women nor men have to give up their Cambodian citizenship when marrying foreigners.

WOMEN AND EDUCATION

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;**
- b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;**
- c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks school programmes and the adaptation of teaching methods;**
- d) The same opportunities to benefit from scholarships and other study grants;**
- e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;**
- f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;**
- g) The same opportunities to participate actively in sports and physical education;**
- h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.**

The Situation

Disabled Women

In general in Cambodia people with disabilities experience stigma and isolation from society. Women with disabilities (WWD), especially experience discrimination and have poor access to education, training, and employment opportunities resulting in a poor standard of living and lack of self-confidence. WWD experience difficulties regarding lower possibility of marriage, as victims of violence, difficulties accessing transportation, feeling that life has no meaning, and lack of a voice to speak out to society.

Even though there is not a reliable count of the numbers of people with disabilities in Cambodia it is generally accepted that it has one of the highest rates of disability in the world at 1.51% of the total population.¹² A survey in 1999 showed 69,500 disabled

¹² Report on the Cambodian Socio-Economic Survey 1999, p.11.

females and 99,500 disabled males for a total of 169,000 persons.¹³ The higher number of disabled males is primarily from war, landmines and accidents. Most women are disabled due to congenital or illness/disease related causes (63%) or landmines and war or conflict (12%).¹⁴

A draft law on “The Rights of People with Disabilities” has been developed since 1996. When it is passed by the National Assembly it will take additional time to get it adopted and implemented by relevant institutions. A chapter on Women with Disabilities was not included in the legislation, but there are references to women and children with disabilities in the document.

Girls’ and Women’s Education Issues

A formal public school system was not introduced to Cambodia until the 1950s and prior to this education was available only for boys at the pagoda. By the 1960s girls formed one-third of students in school.¹⁵

The achievements that were made in the field of education from the 1950s until the early 1970s were erased during the Khmer Rouge regime. Schools were closed down and teaching personnel killed as enemies of the regime. The education system was non-functional for the four years of the regime and it is still in the process of being re-built. Today there are wide disparities in the literacy and educational levels of Cambodians with large differences according to gender, age and location. Girls are under-represented in formal education at all levels. Many adults today are illiterate and have received little or no formal schooling.

Despite the provisions in the Constitution to promote the education of girls and women, and guaranteeing nine years of free education for all children practical programming and the implementation response is not yet sufficient. Cambodia is a signatory of the 1990 Declaration of Education for All committing the nation to improving the quality of education and ensuring full participation, especially by women and girls. The Royal Government identified education as a priority in the National Development Plan for 1996-2000.

However there remain serious deficiencies and weaknesses in the area of education, especially as far as girls and women are concerned. Girls in particular have less opportunity in schooling. The decision is made at home to enrol a child in school and the decision is determined by a complex combination of social and economic factors, regardless of laws. Expectations about children are rooted in traditional perceptions of gender role ideals: male as breadwinner, female as housewife and mother. Many parents estimate that the girl child would not be able to utilize her education as well as the boy child and place a low value on her education. A daughter is more likely than a son to be removed from school when a family needs someone to work at home looking after children or in productive work.

¹³ Ibid., p. 12.

¹⁴ Ibid., p. 13.

¹⁵ Gender and Development in Cambodia: An Overview, p.14.

The percentage of girls in primary school (grades 1-6) is 46.2 % and is 37 % in the first phase of secondary school (grades 7-9); the second phase of secondary school (grades 10-12) has 31.8 % girls.¹⁶ Girls form only about 25% of the students enrolled in the state-run tertiary education institutions which is a contributing factor to the few females in professional and decision-making positions and perpetuates the lack of females as role models for girls. For example, the gender break-down of teaching personnel in non-tertiary education is about 62% men and 38% women. Women's lack of secondary education prevents them from accessing better jobs in the urban areas or obtaining the few jobs in the rural areas, or attending university.

The proportion of rural girls enrolled in school is lower than that of urban girls and the rural-urban gap widens as the educational level increases.

Even though 15% of the 2000 national budget¹⁷ was allocated to education it hardly meets the demands for such essentials as textbooks, equipment, supplies and staff salaries. Teachers attempt to cope with inadequate salaries by privately providing out-of-school tuition or working part-time elsewhere. Many schools, especially in the rural areas, are far away from the students' homes, lack adequate facilities such as drinking water, toilets, lighting, teaching aids and adequate furnishings. For example 71% of primary schools lack drinking water and 65% lack toilets.¹⁸

Although the Constitution of Cambodia states that education should be free to all this is not the case. Parents and students are responsible to provide unofficial school fees, uniforms, transportation, and tutoring. It is encouraging that in Sept. 2001 the RGC removed the enrolment fee for students. It is too early to know how the new policy will affect the overall costs to send a child to school and how this will affect the enrolment rates for girls. A 1998 survey of the costs of schooling showed that 75% of costs were borne by the household and community and only 13 % by the state.¹⁹ Research has shown that the costs of school to be the most significant factor in determining parents' decision to send their children to school, thus further reducing the chances of a girl continuing her education.

Current figures on adult literacy rates probably significantly understate the extent of illiteracy because a standard test has not been developed and figures are based on self-reported rates. Literacy rates for women are lower than those for men across every age group and across all socio-economic strata showing both social and economic barriers to education for females.²⁰

The 1999 Cambodia Socio-Economic Survey showed the national rate of literacy for men and women is 71%, with almost half of all rural women illiterate (41%).²¹ One survey did show a narrowing of the gender gap in literacy rates across generations, reflecting a

¹⁶ Department of Planning, Ministry of Education, Youth and Sports, 2000-2001 Education Indicators.

¹⁷ Ministry of Finance, Royal Government of Cambodia.

¹⁸ Dept of Planning, MOEYS, 2000-2001.

¹⁹ Gender and Development in Cambodia: An Overview, p. 17.

²⁰ Gender and Development in Cambodia: An Overview, p. 14.

²¹ Cambodia Socio-Economic Survey 1999, p. 14.

combination of improved access to formal education, changing attitudes towards education itself, and the education of girls in recent years.²²

Many NGOs operating throughout Cambodia focus on formal and informal education methods. They have the aim of changing attitudes and views, providing knowledge about laws and human rights, improving the quality of leadership, providing techniques for developing human resources and providing materials to help fill the gaps left by the government in rural communities. Many of these organizations especially emphasize women's participation in projects or planning. NGOs are in a very good position to assist the Royal Government attain some of its objectives. They have expertise and strengths, and they have the flexibility to adapt to ever-changing situations.

Obstacles

1. Cambodia's devastated health and social services and educational facilities have neither the financial means nor the human resources to meet the current needs of people with disabilities.
2. The traditional attitude and perceptions of Cambodian society is a major factor restricting the full participation and equality of people with disabilities. Buddhism, which is the dominant religion in Cambodia, teaches that behaviour resulting in good or bad "karma" will have its outcomes in one's next life. Therefore a disability can be regarded by society as the deserved outcome of bad behaviour in a previous life. However, Buddhism also teaches that one may earn merit by giving gifts or charity to a weak person, thus reinforcing attitudes of pity to the disabled without concrete action to improve their situation.
3. Attitudes and perception of gender roles, stereotyping of aptitudes, and the expectations about a child's future role are strong factors in parental decisions about when a daughter or son will enter or leave school. These traditional attitudes are barriers of steel preventing daughters from receiving equal opportunity in their schooling with their brothers.
4. The formal and unofficial fees and expenses to enrol and maintain a girl in school places an extra burden on poorer families and may prevent them from placing a priority on their daughters' education, especially when there are other priorities such as ensuring there is sufficient food in the household.
5. Social instability, such as fear of daughters being kidnapped into prostitution, is another factor that pushes parents to have their daughters leave school and get married at a young age.
6. There are gender biases in the education system that can negatively influence girls such as textbooks with gender-stereotyped images.

²² Gender and Development in Cambodia: An Overview, p. 14.

7. Most higher education institutions are located in Phnom Penh which further hinders the access of prospective students from the rural areas. Male students can stay inexpensively in pagodas, but female students are not able to stay there and must stay with relatives. There are no dormitories provided by most of the universities in Phnom Penh.

Recommendations

The Royal Government should:

1. Through the initiative of the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation (MOSALVY) should submit the legislation “The Rights of People with Disabilities” to the Council of Ministers and the National Assembly. This basic piece of legislation needs to be debated, passed and implemented, so that further sub-decrees relating especially to the rights of women with disabilities can be implemented as well.
2. The Ministry of Women’s and Veteran’s Affairs should include an action plan for women with disabilities and a plan for mainstreaming women with disabilities.
3. Continue to work for the increased participation of girls in education which would yield significant social benefits for Cambodia linked to increased agriculture diversification and economic returns, reduced fertility and mortality rates, improved maternal and family health, nutrition and hygiene.
4. Continue to increase the percentage of the national budget that goes towards education to indicate the priority the RGC places on youth as the future of Cambodia.
5. Provide adequate salaries to teaching and school staff and eliminate unofficial fees charged to students. This would help to decrease the need for families to remove girls from school because the family cannot afford fees.
6. Provide incentives for teachers who volunteer to teach in the rural areas.
7. Increase the numbers of schools, and ensure they are accessible to physically handicapped children, so that children can safely go to school close to home.
8. Increase the number of practical and skills-oriented colleges, especially in the rural areas.
9. Provide dormitories for girls at colleges and universities in urban and provincial areas.
10. Ensure that all future textbooks in use in the schools have a gender equality approach to portray effective, positive roles of girls and women.
11. Ensure schools are adequately staffed and have adequate resources such as books, toilets, and clean water.

12. Increase the access to non-formal education opportunities for school drop-outs, street children, and physically handicapped women.
13. Increase the cooperation between international organizations, NGOs and the Royal Government to strengthen the capacity of teaching staff and upgrade teaching methods.

WOMEN AND EMPLOYMENT

Article 11

The Situation

Some progress has been made since 1997 as far as working conditions of women are concerned. The Royal Government has ratified all the major International Labour Organization conventions relating to women and equality of treatment. A Labour Law was enacted in 1997 which guarantees that women's and all workers conditions should be adequate, but problems remain about whether or not or how the law is enforced.

There is a total Cambodia female workforce of about 2.5 women. Cambodia currently has a shortage of employment opportunities and a large supply of unskilled labour. Combined with the lack of enforcement of the Labour Law workers and women in particular are vulnerable to low wages and poor working conditions.

Nine out of ten women in the labour force are working in the agriculture sector, with 2/3 of these women doing unpaid work contributing to the family's agricultural outputs. The 25% of women who head up households are among the most vulnerable of all women. Without surplus adult male labour the rural women-headed households tend to be isolated and must rely solely on their immediate family members without any of the traditional labour-sharing between or within extended families or neighbours within a village.

It is estimated that about 200,000 women work in the textile and garment industries which have expanded greatly since 1995. The main advantage of these industries for Cambodia is that they provide employment for an unskilled labour force and the usual preference is for women to do these sewing tasks. There is little opportunity for training or promotion and men dominate the higher-level positions in the factories.

Many women work independently as owners of small businesses ranging from sidewalk news-stands, to food stalls, to other street vendors of all kinds, to beauty shops. A quick walk in the streets of Phnom Penh or any town of Cambodia confirms the overwhelming presence of women at the market place, along the sidewalk, or in small shops bordering nearly all commercial districts. Most women entrepreneurs work alone with some help from their children or a few hired workers, while male family members perform other work such as motorcycle-taxi drivers or are in the civil service. Women tend to work long hours yet produce little profit and are often subjected to paying bribes to officials which can seriously deplete whatever meagre profits they earn.

Cambodian women are under-represented in professions which carry status, such as the civil service, professional positions and decision-making or management positions. Less than one-third of professionals are female.²³

²³ Gender and Development in Cambodia: An Overview, p.38.

The Labour Law excludes maids and domestic workers (who are mostly female) and anyone who works without a formal contract such as construction workers, who may be female or male.

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings.

Article 36 of the Constitution guarantees the right to choose any work to all citizens of either sex.

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment.

Cambodian labour law provides explicit protection to women against this type of discrimination. There is little enforcement as too often women are not aware of their own rights resulting in no complaint being filed. It is not uncommon to notice in local newspapers job advertisements that clearly violate the existing law against discrimination on the basis of gender.

Some employers even go as far as to admit that they prefer to hire young women because they tend to know less about their rights. According to the observations of a local NGO women are preferred to be hired over men in the garment factories because they are more compliant and less confrontational than men. They also are less likely to complain or bargain for their rights.²⁴

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recruitment training.

There are few girls in high school and those who are there are often discouraged from certain subjects because family or teachers will tell them subjects are too difficult for girls or that the subject will take too much time away from other family duties.

Although the right to choose one's own profession is guaranteed for both men and women, employers often establish restrictions and criteria before women even have a chance to consider whether they are interested in applying for an opening. This is especially common for higher-level positions.

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.

²⁴ Cambodian Labour Organization, October 2001.

The Constitution of Cambodia and CEDAW require the government to ensure equal pay for equal work. However, there are no penalties for employers who violate any of these provisions.

The Ministry of Labour is responsible to set a minimum wage for workers. However, the RGC has only passed Declaration # 017 which provides only for a minimum wage and bonus system in the garment sector. Therefore, men generally continue to receive higher pay than women in other employment sectors.

In the non-agriculture sector the ratio of female to male wage is 81.7%.²⁵ The low earnings of women reflect discrimination in access to education and in pay-rates.

(e) The right to social security, particularly in case of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave.

These benefits do not generally exist in Cambodia. Only the public sector has a retirement program which is supposed to provide a little financial support to retired workers and soldiers. Some private companies and NGOs provide some social security benefits.

At this stage of Cambodia's development, a genuine and reliable system of social security or retirement benefits is beyond the means of the government. A proposal to require employers to put in place private retirement systems has cleared the Council of Ministers, but it is still unclear as to how it will be implemented.

(f) The right to the protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

Articles 182 through 187 of the 1997 Labour Law provides for a guarantee of the right of female employees to healthy and safe workplaces. The Law specifically requires employers to provide medical care to regular employees and compensate them for on-the-job injuries or illnesses. Workers are also allowed paid leave for injuries sustained from accidents at the workplace. But very few workers ever receive this benefit.

The Division of Labour Inspection has the responsibility to monitor work conditions in private enterprises and report any non-compliance with existing regulations back to the Ministry. In many instances, it is observed that employers flagrantly violate the workers rights or at the very least deliberately ignore them. Often there is a serious lack of will by government labour inspectors to enforce the Labour Law and because of their low levels of pay they are more vulnerable to bribery from employers.

The Cambodia Daily English language newspaper reported in its February 2, 2001 edition that employers in several factories in the city of Sihanoukville routinely force the workers, mostly women, to work long hours without adequate protection against the chemicals that they use in those factories. Women are often subject to sexual harassment and abuse from those in power over them including forced overtime.

²⁵ Cambodia Human Development Report 2000, p.62.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status.

Both the Constitution and the Labour Law prohibit employers from dismissing a worker because of pregnancy.

Article 182 of the Labour Law specifically prohibits employers from laying-off pregnant women during their maternity leave. However, the practice of firing women employees during pregnancy is commonplace.

b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority, or social allowances.

The 1997 Labour Law stipulates that in all enterprises, women have the right to paid maternity leave of 90 days at 50% of their regular pay after one year of employment. In addition, during the first two months upon returning to work, “they are only expected to perform light work.”

However, the Constitution states that the employer must give paid maternity leave, but it does not state for how long or at what rate of salary.

c) To encourage the provision of the necessary supporting social services to enable parent to combine family obligations with work responsibilities and participation in public life, in particular, through promoting the establishment and development of a network of childcare facilities.

The 1997 Labour Law provides that, for one year from the date of birth, breastfeeding mothers are entitled to one hour per day during working hours to feed their babies. This one hour period is to be divided into two periods of thirty minutes each, one during the morning shift and the other during the afternoon shift. Employers must also establish a room for day-care and enable mothers to breastfeed their children. This room must be kept clean and hygienic.

Although Article 187 of the Labour Law calls for a regulation to be issued by the Ministry of Labour detailing the conditions for setting up and supervising the breastfeeding room and the day-care centre the employer must establish at the worksite, such a regulation has yet to be issued.

d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

Cambodian law states that pregnant women should work in areas that are clean and well-ventilated. Employers are to allow them to rest frequently and to prevent them from standing too long and carrying heavy loads. According to many employers these

precautions slow down the workers' productivity and lead to the pregnant workers' dismissal. Pregnant women often get sick or injured in many Cambodian workplaces due to:

- Employers requiring them to do heavy lifting and other strenuous tasks;
- Unclean workplace environment;
- Workplaces that are too hot;
- Being forced to work long hours and extra days.

Similarly, many employers force women to return to work too soon after they have delivered their children. This impedes essential bonding between mother and child, as well as threatens the mother's and child's health.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Obstacles

1. It is quite difficult for women to fully exercise their right to choose work because of unspoken prejudices and attitudes about what is appropriate women's work.
2. The Labour Law lacks true effectiveness since there are few sanctions for non-compliance that are incorporated into the Law and that are applied. Without adequate willingness on the part of the government to impose sanctions for non-compliance or violations of the provisions of the law, these guarantees remain empty promises at best.
3. The Labour Law provides provisions for equality of the sexes in employment, but there are several loopholes and vague terminology in the law. There is also much power maintained within the Ministry of Labour to stipulate working conditions and to arbitrate in disputes.
4. The Labour Law prohibits "all kinds of sex abuse", but these are not specified, nor are the mechanisms specified by which these abuses should be monitored and dealt with.
5. Even though Cambodian law allows women to sue employers, it is not likely that such recourse is taken by most women because of their low levels of education and lack of knowledge about their labour rights and when they have the right to complain. Many employers, especially in the garment industry, do not allow workers to attend labour law training sessions that NGOs organize.
6. The informal sector is not covered by labour legislation and women are often subjected to harassment by government officials or the police who extract unofficial payments or bribes from them.

Recommendations

The Royal Government of Cambodia should:

1. Apply and enforce the Labour Law.
2. Ensure that the Labour Law provides sanctions against non-compliance of labour regulations. Specific laws should be written and enacted addressing violence against and harassment of women in the workplace.
3. Make it a priority to provide a fair salary provided to civil servants to contribute to the elimination of corruption.
4. Provide compulsory training for employers to learn about labour laws, particularly those that relate to pregnant women. Require employers to disseminate easy-to-understand information regarding the rights of workers. Ensure that training on workers' rights is allowed in the workplace.
5. Draft, pass and implement a Minimum Wage Law.
6. Reconcile the contradictions between the Constitution and the Labour Law regarding maternity pay.
7. Write and enact laws giving parents, men or women, the right to take time off to tend to urgent family matters.
8. Require that private employers should provide financial support for dependent children similar to that given to civil servants.
9. Require that medical benefits should be provided by employers.
10. Create legislation that allows job preference be given to women household heads.

WOMEN AND HEALTH

Article 12

- 1. State Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure on a basis of equality of men and women, access to health services including those relating to family planning.**
- 2. Notwithstanding the provisions of paragraph 1 above State Parties shall ensure to women appropriate services in connection with pregnancy, confinement and post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.**

The Situation

Article 72 of the Constitution of the Kingdom of Cambodia obliges the State to provide standard public health care service to all people. Poor people also have the right to receive free of charge medical treatment from hospitals, and health care centres of the state. These are ideas that give vision and help to promote the goal that all people have the right to live in good health. However, Cambodia is faced with the reality that costs must be paid for in some way, whether it is by the individual or by the state. There are already some initiatives in place in Cambodia that are well-implemented cost-recovery and user fee systems that show some promise as being models to reduce the costs for patients.

Health services in general and health services for women in particular, have improved somewhat in Cambodia over the past decade. There is progress on health indicators which points to the success of policies and programmes put in place by the Royal Government. This has been achieved by the RGC working together with international health organizations and non-governmental organizations. Health initiatives are paying off in terms of longer lives and better health. However, infant and maternal mortality rates are still among the highest in the world, and together with the alarming spread of HIV/AIDS, there is cause for concerted action.

Systemic problems contributing to poor health for women relate to limited access to family planning resulting in too-frequent pregnancies; seasonal shortage of food and poor nutrition; lack of access to sanitation; poor understanding of principles of hygiene; and limited access to basic and emergency health care services outside of the capital. Concerns over the alarming increase of sexually transmitted diseases (STD) have caused health care providers to be pessimistic of the overall situation. Common diseases among women include diarrhoeal diseases, anaemia, tuberculosis, other respiratory diseases, pregnancy-related complications, and malaria. There are also troubling relationships between the costs of medical care for families, borrowing money and the resulting debt leading to landlessness.

According to the UN Human Development Report in 2001 only 0.6 % of GDP (Gross Domestic Product) was spent by the government sector and 6.3% of GDP was spent by the

individual on health care expenses.²⁶ This is compared to 2.5% of the GDP that was spent on military expenditures in 1999.²⁷ In the 2000 national budget *Health* accounted for 7.9% of the budget expenditure in contrast to *Defence and Security* which accounted for 37% of the budget expenditure.²⁸ Recent government efforts at demobilization of some military personnel may contribute to reductions in the *Defence* budget.

Both rural and urban women show lower rates of access to health care services than their rural and urban male counterparts. Of rural women, 34% have no access to health care services compared to 21% of urban females. Of rural males, 31% have no access compared to 19.5%.²⁹ In the *Cambodia Demographic and Health Survey 2000 (DHS)* more than 90% of women reported having one or more big problems in accessing health care for themselves (e.g. not knowing where to go; getting money for treatment; not wanting to go alone). Rural women are faced with problems of distance to the health facility (44%) as opposed to urban women (21%) and having to take transportation (rural 45%, urban 25%). Over one in five women experienced a problem of getting permission to go to a health facility.³⁰

There is a concentration of health workers in towns and cities and a lack of staff in rural areas. Generally, the levels of knowledge, practical skill and management capabilities of health staff are not adequate at the rural level. The most health care disadvantaged are women among the many ethnic groups in the sparsely populated highland plateaux and remote valleys of Cambodia's northeast.

Maternal Health:

Anemia is commonly found in both pregnant and non-pregnant women of all ages, particularly in rural areas. Anemic women have increased risk of fatal haemorrhage during birth. Many expectant women do not have access to enough nutrient-rich food or do not understand the importance of nutrition during pregnancy and when nursing their children. Lack of nutrient-rich food and poor hygiene practices determine that fetuses may not develop well and are born underweight.

Maternal mortality ratio (which measures obstetric risk) from 1980-99 was 470 maternal deaths per 100,000 live births, while during the same period in neighbouring Vietnam the maternal mortality ratio was 160 per 100,000 live births.³¹ Showing some improvement for the six years from 1994 to 2000 the ratio was 437 per 100,000 live births.³²

Proper medical attention and hygienic conditions during delivery can reduce risk of complications and infections that can cause death or serious injury to the mother, child or both. Therefore, the 89% of Cambodian women who deliver at home are placed at increased risk than if they were to go to a health facility. Cambodia's high maternal

²⁶ Human Development Report 2001, p. 163.

²⁷ Ibid., p. 197.

²⁸ Ministry of Finance, Royal Government of Cambodia.

²⁹ Cambodia Human Development Report 2000, p. 63.

³⁰ Cambodia Demographic and Health Survey 2000, p. 132

³¹ Human Development Report 2001, p. 168.

³² Cambodia Demographic and Health Survey 2000, p. 117.

mortality rate is due to poor or lack of health care services before and during pregnancy, during delivery, and after delivery. In the five years previous to the *2000 Demographic and Health Survey*:

- Only 1/3 of rural women received antenatal care (ANC) from any trained personnel (doctors, nurses or midwives) while 62% of urban women were able to access trained personnel.³³
- Only 6% of rural women used a health facility for birthing compared to 34 % of urban women.³⁴
- 70% of rural women used a traditional birth attendant, while 42% of urban women used the assistance of a TBA to give birth.³⁵ However, many TBA do not have proper skills to manage complications during delivery.
- 46% of mothers received no postnatal care.³⁶

The level of a woman's education is associated with her likelihood to access services: of women with some secondary or higher education 70% received ANC from any trained personnel, while 37% of less educated women and 25% with no education accessed ANC from trained personnel.

Birth-Spacing:

Use of contraception is still limited in Cambodia with 24% of women in the *2000 DHS* reporting current use of a family planning method.³⁷ There are encouraging signs that access to contraception is increasing especially for uneducated women and women in rural areas whose current use of a modern method of contraception increased by 4% and 3% respectively from 1998 to 2000.³⁸

Generally there is good acceptance of family planning in Cambodia with 72% of urban couples approving of family planning and 67% of rural couples approving.³⁹ The lower rate of approval in rural areas may stem from an attitude that having many children is good, so that they can help with agricultural activities. A woman's level of education affects her attitude toward family planning. In instances where she has no formal education, she is least likely to report that both she and her husband approve of family planning.⁴⁰

According to the *2000 DHS*, 33% of currently married women have an unmet need for family planning. The unmet need is higher among rural women than among urban women (34% and 27% respectively). If all the currently married women who say that they want to space or limit their children were to use family planning methods, the contraceptive prevalence rate would increase from 24% to 56%. Unmet need for contraception is higher among rural women than among urban women (34% and 27% respectively). Women with

³³ Ibid., p. 133.

³⁴ Ibid., p. 139.

³⁵ Ibid., p. 141.

³⁶ Ibid., p. 144.

³⁷ Ibid., p. 79.

³⁸ Ibid., p.81

³⁹ Ibid., p. 93.

⁴⁰ Ibid., p. 93.

the highest levels of education have both the highest demand of family planning (61%) and the highest percentage of demand satisfied (58%).⁴¹

There is evidence to suggest that abortion is commonly used as a method of contraception, using unsafe traditional methods which risk women's lives. Abortion was legalized in 1997 in an attempt to encourage women to seek safer methods.⁴²

HIV/AIDS:

In the 1997 Cambodia NGO CEDAW Report HIV/AIDS was not even mentioned. In just four years HIV/AIDS has unexpectedly become an extra burden to caregivers and to society and it is spreading rapidly. Cambodia has now surpassed Thailand with the fastest growing HIV/AIDS epidemic in Asia. Its common mode of transmission is through heterosexual intercourse beginning with sex workers, then it is transmitted to the partners of sex workers, and finally it is transmitted to wives. Most disturbing is the finding that 2.4% of married women selected at random from the population are HIV positive.

At the end of 2000 there were an estimated 169,000 Cambodians living with AIDS which is greater than 1% of the population.⁴³

A 1998 survey showed that 41% of commercial sex workers are HIV-positive as are 13% of police and military personnel. There is a lack of effective counselling for people with AIDS which can lead to despair, suicide and crime.

A growing problem is the many children orphaned by AIDS. These children too require attention now and in the future.

Obstacles:

1. There are not enough well-staffed and well-equipped hospitals and health centres within range of the population who live outside of the capital.
2. Women who are already over-burdened and have limited time have low confidence that services will be available if they do go to the government health care provider. There is little motivation for health staff to be present at their workplace because of their low salaries.
3. Women's lack of education and illiteracy prevents them from accessing information about health and making the best choices about how to preserve and improve their own health and their family's health. Many women, especially those who are poor and under-educated, will consult with a traditional healer before going to a trained health person.

⁴¹ Ibid., p. 106-107.

⁴² Gender and Development in Cambodia: An Overview, p. 29

⁴³ 2000 Demographic and Health Survey, p. 187.

4. The poor condition of rural roads, costs of transportation and costs of services in health care facilities prevents rural women from accessing health services.
5. There is lack of information dissemination and poor understanding by significant numbers of men and women about how to avoid HIV/AIDS.

Recommendations:

The Royal Government of Cambodia should:

1. Make it a priority to ensure that preventive and curative health care services especially reach women in rural areas.
2. Offer incentives and accommodation to Ministry of Health staff who volunteer to work in remote communities.
3. Explore options and deepen its research on models of cost-recovery and fees for health services that ensure that poor people and disabled people who cannot afford to pay can have equal access to health services.
4. Ensure and expand quality training for community health workers and traditional birth attendants, because they already live in the communities and are usually well-accepted by women who cannot afford nor have access to Ministry of Health doctors or midwives.
5. Ensure that birth spacing education also reaches men to get their support and change their attitudes about numbers of children and frequency of births that can harm the health of women.
6. Ensure access to health care and HIV/AIDS prevention education for commercial sex workers, young people, men and women.

ECONOMIC AND SOCIAL SITUATION

Article 13

The Situation

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

a) The right to family benefits;

Only civil servants receive a child benefit payment from the Royal Government for children under age 18 or in university.

b) The right to bank loans, mortgages and other forms of financial credit;

There are no laws that prevent women from accessing bank loans, mortgages or credit. Women and men have equal rights to access commercial bank loans. Signatures of both spouses are required when common property is used as loan collateral.

See also Article 14. g.

c) The right to participate in recreational activities, sports and all aspects of cultural life.

The concept of exercise for personal health, fitness and well-being is not part of Cambodian women's culture or practise. Access to public parks and sporting facilities are extremely limited in the cities and virtually non-existent in rural areas.

Men are able to play sports such as volleyball or football in public, but these are not traditionally acceptable activities for girls and women to play in public.

For most rural women their limited leisure time is most often spent participating in community events such as weddings, religious activities at the pagoda or with friends and family.

A minority of urban women (especially younger women) engage in informal light athletic exercise such as badminton.

Girls and boys play traditional Cambodian games together during holidays. It is prestigious and acceptable for girls and women to learn traditional Khmer dancing, but this is not accessible to most women.

Cambodia is beginning to send sports teams to international events, but they are mostly male participants.

Obstacles

1. A limited number of people have the personal resources to access commercial banking facilities. Accessing small loans is the main obstacle for women who wish to start up or expand a business. The large commercial banks are not interested to meet the needs of a typical female micro-entrepreneur.
2. The Cambodian banking system is still being established and is somewhat unstable. Most people have low levels of trust in the banking system due to periodic banking closures and lost investments.
3. Cambodian traditional culture makes it clear that girls should stay close to home, not speak loudly or walk quickly thus conflicting with most sports. However, this traditional attitude is shifting.
4. Most women lack the time to be able to take up leisure activities.

Recommendations**The Royal Government of Cambodia should:**

1. Make choices within the national budget that would allow funding for child benefits for all children, not just for the children of civil servants. See also Article 11.1.e.
2. Facilitate ongoing support for the NGO credit and savings systems that are essential for the average small businesswoman.
3. Promote education campaigns on financial and legal rights for women.
4. Promote health and fitness campaigns that show women engaged in exercise for fun and for competition.
5. Ensure that various levels of government provide parks and public-places for families and individuals to engage in sporting and leisure activities in which women can feel comfortable.
6. Ensure that a balance of resources is spent between funding international sporting teams and access to fitness facilities for ordinary men and women.
7. Ensure that there are equal numbers of men and women who go to compete in international sporting events and that an equal amount of funding is spent on women's and men's sporting teams including physically handicapped teams.

RURAL WOMEN

Article 14

The Situation

Cambodia is an agrarian-based economy with 85 % of Cambodia's population living in rural areas engaged in subsistence agricultural activities (primarily growing rice) as their main source of economic production. Women make up 55% of the agricultural workforce. Seventy-eight per cent (78%) of women are employed in the agriculture sector⁴⁴ which is the primary economic activity for Cambodia and is critical for the livelihoods of the majority of the population and the development of Cambodia. Yet in 2000 the Ministry of Agriculture, Forestry and Fisheries received only 2.0% and the Ministry of Rural Development received only 0.63% of the government's budget expenditure.

Traditionally rural Cambodians had fairly easy access to common natural resources including grazing land, forests, rivers and lakes. This contributed to the livelihood and food security of rural communities, especially poor households. Access to these resources is rapidly being restricted and privatized through the selling off of concession rights by the government to outside groups for them to exploit large areas of forests and wetlands. This has a direct negative effect on rural livelihood and food security. Female-headed households are most vulnerable to pressures to sell land or intimidation to leave their land. For three to six months of the year many rural families are short of food and are forced to borrow money to buy food or go hungry.

According to a study by OXFAM GB for the first time in Cambodian history access to land is becoming difficult for the average Cambodian. The land issue seriously affects rural people who base their livelihoods on agriculture, as well as harvesting forest and water resources. The OXFAM GB study shows that a growing problem is the pressing issue of landlessness with almost 13% of all rural households now landless⁴⁵ One in five families that are headed by single women are landless which is significantly higher than the one in eight families that are headed by a married couple that are landless. This shows that families without men are less likely to be able to retain their access to land, have reduced livelihoods and increased vulnerability. The smaller size of land-holdings by women-headed households is likely because they do not have enough adult labour to acquire more agricultural land or to farm profitably.⁴⁶

According to several surveys the average piece of agricultural land owned by the rural population is around 1.0 hectares per household.⁴⁷ Two of those surveys showed women-headed households owning land of just over 0.5 ha on average.⁴⁸ Some of these households have less than 0.5 ha for a family of six. For Cambodia the Food and Agriculture Organization has estimated that food security becomes a problem when households have less than 0.75 ha of land.

⁴⁴ Cambodia Socio-Economic Survey 1999, p. 32.

⁴⁵ Where Has All the Land Gone? Making the Poor More Visible, p. 6.

⁴⁶ Land Ownership, Sales and Concentration in Cambodia, p. 25.

⁴⁷ Ibid. p. 25.

⁴⁸ Ibid. p. 25.

Faced with lack of farm income or landlessness, poor and unskilled women from the countryside are more and more compelled to look elsewhere for employment. One study in three villages in different provinces found a growing dependence of the poor on the wage labour market. Increasing landlessness among the poor, and the resulting loss of control over production, leaves the poorest with no assets except their own labour. Women are at a disadvantage in terms of earning power, because they receive lower wages in the labour market.⁴⁹ Women are drawn to the city by the prospect of more opportunities, often in the clothing factories or in the service sector as hotel clerks, waitresses or beer girls.

It is shown that women farmers who participate in village-level training on agriculture are effective disseminators of the knowledge and skills they learn. They also gain increased respect from the men farmers and are listened to regarding agriculture information. If a woman farmer becomes a community extension worker she and the other members of the community may experience discomfort regarding the social norms and sensitivities surrounding one-on-one female and male interaction beyond the family circle.⁵⁰

One study has shown that when families engage in multiple enterprises beyond growing rice (e.g. fish-raising, poultry, vegetable gardening) it seems that there is a general pattern of increased income and decreased spending on purchased food and therefore improved food security. As the family becomes collectively busier at a variety of tasks there was a blurring and crossing over the gender division in production activities and in the home as both men and women take on tasks that will make their households food secure.⁵¹ This is an encouraging indicator that at least at the family level attitudes and practices about gender roles can change positively to equalize some of the relationships between women and men.

States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provision of this Convention to women in rural areas.

States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

a) To participate in the elaboration and implementation of development planning at all levels;

The numbers of women currently in agricultural higher education institutions is low, and has decreased in recent years. In 1998 women made up 16 % of the students at the Royal University of Agriculture which means that there were only about seven women in each level studying agricultural engineering, fisheries and forestry, agronomy or animal production.⁵²

⁴⁹ Gender and Development in Cambodia: An Overview, p. 47.

⁵⁰ Voices from the Field: Gender Perspectives in Sustainable Agriculture, p. ix.

⁵¹ Voices from the Field: Gender Perspectives in Sustainable Agriculture, p. x.

⁵² Gender and Development in Cambodia: An Overview, p. 50-51.

Some NGOs try to hire more women to work at the district and village level on extension activities and farmer networks.

b) To have access to adequate health care facilities, including information, counselling and services in family planning;

See Article 12.

c) To benefit directly from social security programmes;

In Cambodia there are no social security programmes for rural women or men. There are social security programmes only for government staff, military or retired government staff and military.

d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, *inter alia* the benefit of all community and extension services, in order to increase their technical proficiency;

Access to new agricultural techniques, low knowledge about food and crop diversification, and affordable rural credit remain out of reach of most women agriculturalists. Women tend to have a low participation rate in agriculture training activities because of the constraints they face such as distance from the venue, they lack extra time to spend away from children and income-earning opportunities training, or lack of confidence in their own ability.

See also Article 10.

e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

Village Development Committees, self-help groups, savings and credit groups organized through the initiative of the Ministry of Rural Development and NGOs are a growing model of community and economic development in Cambodia. Women are encouraged to join such groups and sometimes quota systems are put in place in an attempt to increase the participation of women.

f) To participate in all community activities;

See Article 13, c.

g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

There are over 120 NGO and bilateral providers of credit in Cambodia, mainly for trading and business. Most of the borrowers are female. However, the current demand for rural credit is not being met. Little credit is provided for rice, crops, fishing or livestock purposes or for agricultural inputs. One study found that most credit was used for

consumption and not production purposes.⁵³ It seems as if even though most credit is borrowed in the women's name, the purpose of the loan is for male activities, but as the household financial manager the women is in the end responsible for loan repayments even if she is not able to control and manage the use of the loan.⁵⁴ The family or the entrepreneur may end up with bigger debt than they can manage.

Land is generally registered in a husband's name whatever the contribution of the wife. If land is registered in a husband's name only, the wife may not be able to claim half the land in divorce settlements. In principle, the signatures of both parties are supposed to be required for the transfer of land title. In practice this is not enforced; despite the laws a husband can sell land and common property without the co-signature of his wife.

Cambodian demographics point to the likelihood that there will not be enough land for all of the young people reaching maturity in the next decade (a possible half million newly married households could be formed from 2001-2010).⁵⁵ These families and unmarried women and girls are likely to migrate away from their home village to the city where they are vulnerable to abuse or exploitation since they are separated from family and without a village support network.

h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Human poverty is greater among Cambodian women than men across all economic groups. Rural women have a Human Poverty Index (HPI which measures deprivations in longevity, knowledge and standard of living) of 42.12, compared to rural males 40.51, urban females 29.0, and urban males 26.57 who show the best HPI in the nation.⁵⁶

The majority of Cambodian women live in the countryside and along with rural men experience reduced access to services as compared to urban-dwellers.

⁵⁷	Rural	Urban
Access to piped water, tube-well or bought	23.7%	60.3%
Electricity	8.6 %	53.6 %
Toilet facilities within premises	8.6 %	49 %

⁵³ Learning from Rural Development Programmes in Cambodia, p. 13.

⁵⁴ Gender and Development in Cambodia: An Overview, p. 44-45.

⁵⁵ Cambodia Development Review, Sept. 2000, p. 7.

⁵⁶ Cambodia Human Development Report 2000, Ministry of Planning, p. 7, p. 63.

⁵⁷ General Population Census of Cambodia 1998, National Institute of Statistics

Obstacles

1. Women tend to have a low participation rate in agriculture training activities because of the constraints they face such as distance from the training location, they lack extra time to spend away from their children and income-earning work, and they may lack confidence in their own ability to understand a training session.
2. The traditional hierarchical social relations in place in the village can prevent women from speaking out and keeps them marginalized on committees such as Village Development Committees. Domestic constraints often prevent women from taking the necessary time to actively engage in community work and their own lack of confidence in their abilities often prevents active participation.
3. There is a prevailing attitude that women are not capable and should not engage in community activities outside of the home.
4. Most women do not understand about credit and lack adequate business skills to run a business.
5. The Land Law is not well implemented, not properly disseminated and not well understood.
6. The fee to register for land title is too high.
7. Lack of education and the generally low literacy rates of women make it difficult for them to comprehend the land registration process.
8. Rural girls do not attain higher education levels thus preventing their full participation in their communities and society.

Recommendations

The Royal Government should:

1. Design programmes that strengthen rural women's self-confidence.
2. Create systems and structures that allow women to participate in agricultural training activities and will allow women to improve their family and community livelihoods.
3. Improve accessibility to credit for agricultural equipment, supplies and activities for women.
4. More management, marketing and skill training needs to be made available to small entrepreneurs and include women as a target group.
5. Business training programs should focus on credit management and the special needs of women.

6. Increase the allocation of the national budget to the Ministry of Agriculture to better correspond to the percentage of the population engaged in agriculture.
7. Implementation and operation of nation-wide land registration and titling process.
8. Make land titling and registration free for poor people.
9. During the land titling process identify State property for redistribution to the poor and ensure that women get equal access to distribution programmes.
10. Safeguard the borders with neighbouring countries to ensure land-holders do not lose their land.
11. Improve the safety and security of rural women through increased numbers of trained police and trained local authorities.
12. Promote the establishment of industrial activities to other provinces, so that they are not concentrated in Phnom Penh, its surrounding areas and the sea-port. With improved road, river and rail links Cambodia's small geography could allow appropriate levels of industrialization in the rural areas and lower levels of urban migration.
13. Increase the number of women in agricultural schools.

EQUALITY BEFORE THE LAW

Article 15

- 1. States Parties shall accord women equality with men before the law.**
- 2. States Parties shall accord women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and treat them equally in all stages of procedure in courts and tribunals.**
- 3. States Parties agree that all contracts and all other private instruments of any kind with legal effect which is directed at restricting the legal capacity of women shall be denied null and void.**
- 4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.**

The Situation

Article 31 of the Cambodian Constitution provides for equality of both men and women before the law. Cambodian law gives women and men the same freedom of movement. It also gives women the right to choose where they want to live.

Women have the right to maintain their original house and not be under the dominance of their husband. After marriage, the bride and groom decide whether they will live with the bride's or the groom's family or to live in their own home.

In the court system women mainly are involved in civil cases such as in divorce, land conflicts, and labour-related disputes. Cambodian law provides Cambodians free legal defenders only in criminal cases. Some NGOs, NGO legal aid offices and the Bar Association provide free legal aid to poor people or for people in conflict with powerful people or officials. However, all of the provinces in Cambodia are not covered by those services.

Upon the death of their husbands some women are vulnerable to losing land to her husband's family resulting in her losing half of her land, her livelihood and her husband at the same time.

The law requires the signature of both the wife and the husband for the sale of common property. However, in practise if a wife were to try to sell land or a motorcycle the buyer would not go through with a purchase without the husband's signature. However, often there would be no problem completing the transaction if there were only the husband's signature on an agreement.

When signing a contract a husband is often the only signatory, but when a problem arises then the common property is vulnerable even though the wife was not a signatory to the original contract.

Obstacles

1. The Cambodian legal and judiciary system is vastly under-resourced especially regarding human expertise. There are not enough trained lawyers or judges. There are also restrictions placed on paralegals and the entry of new lawyers into the legal system that could be of assistance to women involved in civil cases.
2. The provision of legal aid only for criminal case discriminates against and discourages the equal representation and treatment of women within Cambodia's legal system.
3. The judiciary is not independent; bribery and influence often settle cases.
4. The laws regarding inheritance upon death of a spouse are in various statutes.

Recommendations

The Royal Government should:

1. Initiate special measures to increase the number of female law students and graduates to better represent and advocate for women and women's rights within the justice system.
2. Establish a school for judges and establish a female quota in the school.
3. Provide access for all women and men to have free legal defenders in criminal cases and civil cases.
4. Consolidate the Death and Inheritance Laws and ensure that a woman is not further vulnerable and penalized upon the death of her husband.
5. Current laws and revisions should be accompanied by comprehensive efforts from the government to educate women about their rights.
6. Take steps to improve the independence and accountability of the judiciary and the elimination of corruption.

MARRIAGE AND FAMILY

Article 16

- 1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:**
 - a) The same right to enter into marriage.**
 - b) The same right to freely choose a spouse and to enter into marriage only with their free and full consent.**
 - c) The same rights and responsibilities during marriage and at its dissolution.**
 - d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children**
 - e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;**
 - f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;**
 - g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;**
 - h) The same rights for both spouses in respect of ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.**
- 2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.**

The Situation

The 1989 Marriage and Family Law provides a guarantee for all of the above.

After divorce or during separation there are no systems in place to ensure that alimony support is provided for the dependent spouse or children.

There are many instances of older men marrying young women. These women often are under the minimum marrying age for women of 18.

Many women face aberrant forms of male behaviour such as polygamy and extra-marital sex. For some women it is preferable to have their husbands follow the tradition to go to prostitutes as it may be preferable to him taking a second wife or mistress and using family resources to support a second family. Society sanctions these behaviours, even though the Cambodian Constitution does not allow these activities. The law has not been used to punish anyone who engages in polygamous behaviour.

While a woman may say that she has freely entered into marriage, there are many forces at work that have given her little choice but to agree to a husband chosen by her parents. Cambodian tradition gives men or parents the authority to select a "proper" Cambodian woman for a man. Parents still follow the tradition of arranging marriages, sometimes when their children are still very young. A Cambodian woman is taught to be obedient to her elders, and it is unlikely she would rebel against her parents or later rebel against the man her parents have chosen as her husband.

With poverty prevailing throughout the country, a practise of selling one's daughters to rich men so that the rest of the family can benefit from the financial reward is regrettably becoming part of the culture. In addition, it is not uncommon for rich men to take on several secondary or minor wives.

Domestic Violence:

The Situation

Domestic violence is a very serious problem in Cambodian society, but it is one that is rarely reported by the Cambodian media. Many of the school drop-outs, street children, and girl prostitutes who have been trafficked originate in abusive families. A female victim frequently sustains severe injuries which are a cost both to the family and to the nation's medical services. Until the first study on domestic violence by a Cambodian NGO in 1994 there had been virtually no public or official acknowledgement of domestic violence as a serious social problem. Unfortunately, domestic violence is still condoned by the vast majority of Cambodian people from the law-makers to the grassroots.⁵⁸

A continued outcome of more than 30 years of armed conflict in Cambodia is the number of weapons that are still circulating and in use throughout the country. It is estimated that there is one gun among every 12 adults in the country.⁵⁹ Women and children directly and indirectly experience the impact of these weapons abuses as male household members, neighbours, or strangers inflict harm on them through these weapons resulting in physical injury, widowhood, loss of livelihood, anxiety and fear.⁶⁰

In one survey of ever-married aged 15-49 year old women 17% of them identified themselves as having experienced physical or sexual violence by their current or most recent husband⁶¹ The survey showed that the prevalence of physical or sexual violence falls steadily with level of education, from 20% for women with no education to 16% for women with primary education and 12% for women with secondary or higher education.

A survey showed that while many social factors trigger and exacerbate domestic violence, it is traditional attitudes and social mores which cause and perpetuate it. Cambodia society awards men more value than women due solely to their biological gender.⁶² As the head of

⁵⁸ Cambodia NGO Report on the Implementation of the Beijing Platform for Action, 2000, Phnom Penh, p. 22.

⁵⁹ "I Live in Fear", Consequences of Small Arms and Light Weapons on Women and Children in Cambodia, p.

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⁶⁰ Ibid. p. 11.

⁶¹ Cambodia Demographic and Health Survey 2000, p. 238.

⁶² Cambodia NGO Report on the Implementation of the Beijing Platform for Action, 2000, p. 23.

the family, the husband is regarded as having the right to discipline or “re-educate” other members of his family—through violence if necessary. Most Cambodian women do not know they have the right to divorce their husbands. Others do not want to divorce their abusing husbands for fear that they would be ostracized or criticized or because they are afraid that they would not be able to support themselves and their children, that their children would be “orphaned”, or simply because they would not know how to proceed.⁶³

Obstacles

1. Traditional attitudes on the side of both men and women preserve the unequal relations between them and encourage women to maintain the culture of silence in spite of their suffering. Incest and marital rape are not uncommon, but such serious social taboos that they are rarely reported or discussed.
2. The law on Marriage and Family prohibits forced and under-aged marriages, but they still occur. There have been no prosecutions for this breach of the law.
3. In the Marriage and Family Law, Article 78 there are no consequences stated for failure to provide support for dependents after a marriage break-up.
4. The Criminal Code is not yet understood and used as a tool which is applicable for domestic violence intervention by law enforcement officers, unless the woman has been killed. Generally it is up to the woman to complain about domestic violence and this is unlikely if she is not aware of the law and her rights.
5. A law has been drafted on domestic violence by the Ministry of Women’s and Veterans’ Affairs in cooperation with NGOs. This draft has not yet been submitted and approved by the National Assembly.
6. Domestic violence is, in essence, sanctioned by a pre-trial dispute resolution process in which women often are persuaded by male mediators in their local communities to reconcile with their abusive husbands.

Recommendations

The Royal Government should:

1. Disseminate information about the laws regarding marriage and divorce to everyone throughout the country, especially young women.
2. Strengthen civil proceedings so that after divorce or separation the alimony support needs of the spouse and children are met.
3. Enforce the laws on polygamy and extra-marital sex.

⁶³ Ibid., p. 23.

4. The Royal Government and humanitarian and development organizations should promote and support community shelter projects for victims of domestic violence.
5. Work to prevent the acceptance and practice of the marriage of under-age women and selling daughters. (See also Article 6 on Trafficking.)
6. Review, pass, and implement the law on domestic violence as soon as possible.
7. Ensure that when the law on domestic violence is implemented the details of it must be promoted in a comprehensive way, so that all people in the country including families and police and officials understand the law and how to enact it to best protect victims of domestic violence. This should be a part of the MoWVA Five Year Plan to Eliminate Violence.
8. Prepare a law regarding evidence to enable the effective use of evidence within a case of domestic violence.
9. Increase community and family security through increased numbers of trained police and local authorities, particularly in remote areas.
10. Strict enforcement of weapons law (sub-decree #38) ensuring that those people entitled to hold weapons do not abuse their power.

APPENDIX

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7. Battambang Women's Aids Project (BWAP)
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13. Cambodian Institution Human Rights (CIHR)
14. Cambodian Organization Supporting of Women (COSW)
15. Cambodian Women Culture for Development (CWCD)
16. Cambodian Women for Peace and Development (CWPD)
17. Cambodian Women League of Development (CWLD)
18. Cambodian Women's Crises Center (CWCC)
19. Cambodian Women's Development Agency (CWDA)
20. Cambodian Women's Development Center (CWDC)
21. Cambodian Workers' Protection (CWP)
22. Center for Social Development (CSD)
23. Chamroen Chiet Khmer (CCK)
24. Economic Development Community Organization (EDCO)
25. Cambodian Defanders Project (CDP)
26. Future Light Organization of Women (FLOW)
27. Future Light Orphanage (FLO)
28. Girl Guides Association of Cambodia (GGAC)
29. Human Rights Vigilance of Cambodia (VIGILANCE)
30. Indradevi Association (IDA)
31. International Friendship Organization for Development (IFOD)
32. KHEMARA
33. Khmer Kampuchea Krom for Human Rights and Development and Association (KKKHRDA)
34. Khmer Women' Voice Center (KWVC)
35. Khmer Women's Cooperation for Development (KWCD)
36. Khmer Youth Association (KYA)
37. Legal Aid of Cambodia (LAC)
38. LICADHO
39. Medecine de l' Espoir Cambodge (MEC)
40. Meada Khmer Development (MKD)
41. Mother's Love & Non-Violence (ML & NV)
42. National Prosperity Association (NAPA)
43. Nea Vea Thmey Center
44. OXFAM GB

45. People's Association for Development (PAD)
46. Project Against Domestic Violence (PADV)
47. Rachana Handicrafts Battambang (RHB)
48. Reproductive Health Association of Cambodia (RHAC)
49. SABORAS
50. SAMAKEE
51. SILAKA
52. Star Kampuchea
53. THE OUTREACH
54. Urban Sector Group (USG)
55. Violence Against Women And Children of Cambodia (VAWCC)
56. Vocation Occupation and Employment association (VOEA)
57. Volunteer Youth Congress For Democracy (VYCD)
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REFERENCES

- Cambodia Demographic and Health Survey 2000*, Ministry of Planning and Ministry of Health, Phnom Penh, June 2001.
- Cambodia Human Development Report 2000*, National Institute of Statistics, Ministry of Planning, Phnom Penh, 2000.
- Cambodia's Efforts to Fulfill the Requirements of CEDAW*, Cambodia NGO Committee on CEDAW Report, Phnom Penh, 1997.
- Cambodia NGO Report on the Implementation of the Beijing Platform for Action*, Gender and Development Network and NGO Forum's Women Working Group, Phnom Penh, Feb. 2000.
- Cambodia Socio-Economic Survey 1999*, National Institute of Statistics, Ministry of Planning, Phnom Penh, May 2000.
- Cambodian Labour Code*, 1997.
- Constitution of the Kingdom of Cambodia*, 1993.
- Gender and Development: An Overview, Working Paper 10*, Siobhan Gorman, Cambodia Development Resource Institute, Phnom Penh., June 1999.
- General Population Census of Cambodia 1998*, National Institute of Statistics, Ministry of Planning, Phnom Penh, July 2000.
- "I Live in Fear" Consequences of Small Arms and Light Weapons on Women and Children in Cambodia*, Working Group for Weapons Reduction, Phnom Penh, June 2001.
- Land Ownership, Sales and Concentration in Cambodia: A Preliminary Review of Secondary Data and Primary Data from Four Recent Surveys, Working Paper 16*, Sik Boreak, Cambodia Development Resource Institute, Sept. 2000, Phnom Penh.
- Learning from Rural Development Programmes in Cambodia, Working Paper 4*, Chim Charya et al, Cambodia Development Resource Institute, June 1998, Phnom Penh..
- Platform for Action, Beijing Plus 5*, Ministry of Women's and Veterans' Affairs, Royal Government of Cambodia, May 2000.
- Report on the Problem of Sexual Exploitation and Trafficking in Cambodia*, Commission on Human Rights and Reception of Complaints, National Assembly, Phnom Penh, May 1997.
- Study on Persons with Disabilities (Cambodia)*, Disability Action Council, Phnom Penh, Feb. 2001.

The Cambodia Daily, Phnom Penh, 2001.

Vendors' Voices, The Asia Foundation, Phnom Penh, 2001.

Voices from the Field, Catholic Relief Services, Phnom Penh, 2001.

Where Has All the Land Gone? Making the Poor More Visible, OXFAM GB, Phnom Penh, 2000.