



មជ្ឈមណ្ឌលសិទ្ធិមនុស្សកម្ពុជា  
Cambodian Center for Human Rights



# CAMBODIA'S WOMEN IN LAND CONFLICT

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## Cambodian Center for Human Rights

The Cambodian Center for Human Rights (“CCHR”) is a leading, non-aligned, independent, non-governmental organization (“NGO”) that works to promote and protect democracy and respect for human rights – primarily civil and political rights - throughout the Kingdom of Cambodia (“Cambodia”). CCHR’s vision is of a non-violent Cambodia in which people can enjoy their fundamental human rights, are empowered to participate in democracy, and share equally the benefits of Cambodia’s development. CCHR promotes the rule of law over impunity; strong institutions over strong men; and a pluralistic society in which variety is harnessed and celebrated rather than ignored or punished. CCHR’s logo – a dove flying in a circle of blue sky – represents the twin principles of peace and freedom.

This Report – “*Cambodia’s Women in Land Conflict*” (the “Report”) - is an output of CCHR’s Land Reform Project (the “Project”). It examines the ways in which women in Cambodia are uniquely affected by land conflict, given that a woman’s ability to fulfill the role prescribed to her in traditional Khmer culture is vitally dependent on her security of tenure.

## Acknowledgments

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## Queries and Feedback

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## Definitions and Acronyms

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Cambodia	Kingdom of Cambodia
CCHR	Cambodian Center for Human Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
The Civil Code	The Civil Code of Cambodia
Constitution	Constitution of the Kingdom of Cambodia, 1993 (as amended)
CSO	Civil society organization
Domestic Violence Law	2005 Law on the Prevention of Domestic Violence and the Protection of the Victims
EIA	Environmental Impact Assessment
ELC	Economic Land Concession
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
Land Law	Land Law 2001
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
LRP	CCHR's Land Reform Project
NGO	Non-governmental organization
The Project	CCHR's Land Reform Project
Report	This Report entitled ' <i>Cambodia's Women in Land Conflict</i> '
RGC	Royal Government of Cambodia
UDHR	Universal Declaration of Human Rights
UN	United Nations
VGGT	United Nations Food and Agriculture Organization Voluntary Guidelines on Responsible Governance of Tenure

## Executive Summary

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In the last decade it has become widely accepted that insecurity of land tenure has a unique impact on women, particularly in the global South where, more often than not, women are the primary caregivers in a household. In Cambodia, where land conflict continues to be one of the most prevalent human rights issues in the country, this assertion deserves particular consideration.

While some positive developments have been made in terms of gender equality in Cambodia in recent years, gender inequality continues to pervade the majority of Cambodian social relations, particularly in rural areas. Khmer women are generally expected to fulfill traditional roles, which involve duties that can only be performed where there is security of tenure, such as providing shelter and food for the family. Given their intrinsic link to land (particularly in rural areas), it stands to reason that Cambodian women would bear the brunt of Cambodia's widespread land conflict – an assumption that is supported by existing qualitative research.<sup>1</sup> Moreover, in the face of widespread land abuses and an absence of formal protections for their lands, Cambodian women are often at the forefront of protest movements to protect their land rights.<sup>2</sup>

Through the analysis of quantitative data collected on women involved in land disputes throughout the country, this Report aims to shed light on the unique ways in which Cambodian women are affected by land conflict.

**Chapter 1 (Introduction)** provides a brief overview of the land situation in Cambodia before exploring the impact that pre-existing gender biases within Khmer society have on the ways in which land rights violations affect women.

**Chapter 2 (Legal Frameworks)** examines provisions of international and domestic law that provide protections for women's land rights and that protect against domestic violence.

**Chapter 3 (Purpose and Methodology)** outlines the purpose of the research and the methodology that was used to obtain the information that informs this Report.

**Chapter 4 (The Affects of Land Conflict on Women)** presents the research findings, which support the theory that women are uniquely affected by land conflict.

**Chapter 5 (Conclusion and Recommendations)** summarizes some of the main findings from the research and, based on these, offers concrete recommendations to the Royal Government of Cambodia (the "RGC") and its relevant ministries, companies and donors and civil society organizations.

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<sup>1</sup> See: LICADHO, "Good Wives": Women Land Campaigners and the Impact of Human Rights Activism' (2013) <http://bit.ly/1MuL4FA>; Strey Khmer Organization, "They took my land, they took my life", A Report on the Psychosocial Impacts of Land Evictions on Women in Cambodia" (February 2013) <http://bit.ly/1Y1BXwk>; and CICP, 'Human Security & Land Rights in Cambodia' (2014) <http://bit.ly/1VUGJ0B>

<sup>2</sup> LICADHO, "Good Wives": Women Land Campaigners and the Impact of Human Rights Activism' (2013)

# 1. Introduction

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## 1.1 Overview of Cambodia's Land Situation

The majority of Cambodians rely on land to sustain their livelihoods - 79% of the population inhabits rural areas<sup>3</sup> and therefore are largely dependent on access to, and control over, land and other natural resources. Yet, as a result of Cambodia's tumultuous history, which has resulted in significant changes regarding land ownership and the documentation of such ownership, many do not possess formal land titles and therefore are extremely vulnerable to land grabbing. A weak rule of law and widespread corruption have facilitated such land grabbing and further exacerbated such vulnerability. Thus, insecurity of land tenure is one of the most major and pressing issues affecting Cambodians today, particularly women.

A major source of Cambodia's land conflict has been the devastating policy of economic land concessions ("ELCs"), whereby the RGC has granted over two million hectares of land to private interests,<sup>4</sup> which has given rise to extensive land grabbing, forced evictions and a number of other serious rights abuses. Although thousands of hectares have been brought back under State control as a result of a countrywide review of ELCs following the 2012 moratorium, according to the RGC, as of July 2016 there are still 223 companies in Cambodia holding ELCs spanning 1.5 million hectares of land.<sup>5</sup> In addition, land grabbing by powerful elites and the initiation of a number of supposed development and infrastructure projects – such as mining concessions and the construction of hydropower dams – have further sparked land conflict throughout the country.

It has been estimated that at least 700,000 Cambodians have been affected by land conflicts throughout the country over the last couple of decades<sup>6</sup> - this number looks set to increase in coming years with new conflicts being continuously ignited and no resolutions in sight for many existing conflicts, given the largely ineffective nature of the existing land conflict resolution mechanisms.<sup>7</sup>

## 1.2 Women and Land Tenure Security

Women's access to land and other natural resources are essential to ensuring gender equality and an adequate standard of living.<sup>8</sup> Research has shown that as a result of a woman's increased land tenure security, women's participation in household decision-making increases, net household incomes increase, the incidence of domestic violence reduces and expenditures on food and education for children increase.<sup>9</sup> Such findings are of particular importance in the Cambodian context, where gender bias is keenly felt and as such, a woman's ability to fulfill the roles prescribed to her is vitally dependent on her security of tenure.

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<sup>3</sup> World Bank 2014 figures <http://bit.ly/1Y4NLxd>

<sup>4</sup> Vrieze & Naren, Carving Up Cambodia: One concession at a Time, Cambodia Daily, March 2012 <http://bit.ly/1Rw8z32>

<sup>5</sup> May Titthara, 'Ministry Announces ELC Tax Revenue', *Khmer Times* (27 July 2016) <http://bit.ly/2a3U6am>

<sup>6</sup> Human Rights Watch, 'Cambodia: Land Titling Campaign Open to Abuse', (12 June 2013), <http://bit.ly/17FLZsD>

<sup>7</sup> For more on the shortcomings of dispute resolution mechanisms, see: CCHR, 'The Failure of Land Dispute Resolution Mechanisms', (Briefing Note) (July 2014) <http://bit.ly/12zx4nE>

<sup>8</sup> UN Women, 'Realizing Women's Rights to Land and Other Productive Resources' (2013) <http://bit.ly/1h09eJR>

<sup>9</sup> USAID, 'Land Tenure, Property Rights, and Gender: Challenges and Approaches for Strengthening Women's Land Tenure and Property Rights' (Issue Brief) (July 2013) <http://bit.ly/29qAwbN>



In Khmer society, while the teaching of the traditional code of conduct for women, *Chbab Srey*, to schoolgirls has been somewhat restricted in recent years,<sup>10</sup> the principle of female submissiveness that it embodies continues to inform the conception of the ideal Cambodian woman. Men and women are prescribed gender-specific roles in accordance with deeply ingrained cultural beliefs and traditions that serve to reaffirm the dichotomy between powerful masculinity and weak femininity. Thus, due to their alleged weak and emotional nature, women are expected to perform the function of primary caregiver and protector of the household.

A plethora of evidence suggests that gender bias within Cambodia has led to women being disproportionately affected by land conflict, with links between land disputes, domestic violence and family breakdown particularly apparent. For example, the Cambodian League for the Promotion and Defense of Human Rights' ("LICADHO") *'Good Wives'* report suggested that when women abandoned their long-established housewife role in order to start campaigning for greater land tenure security, a decision fuelled by the cultural pressure exerted on mothers to provide food and shelter for their family, instances of domestic violence increased. The Cambodian Institution for Cooperation and Peace's *'Human Security & Land Rights in Cambodia'* report corroborated the findings of LICADHO's report, insofar as it also discovered that cases of domestic violence increased in the wake of land conflict.<sup>11</sup>

Moreover, findings suggest that while women are often motivated to undertake activism to protect their land to ensure their children have a stable home, campaigning often deprives women of time that would otherwise be spent earning an income and caring for their children. In particular, the loss in income can have devastating impacts, rendering families unable to pay for essential medicines and their children's school fees, for example. That a woman's activism had the ability to have such contradictory outcomes was found by LICADHO to be, "*a source of considerable internal conflict for all the women given that their main reason for taking up a campaigning role was to provide a good life for their children by ensuring they had a home now and in the future*".<sup>12</sup>

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<sup>10</sup> Kelly Grace and Sothy Eng, 'There Is No Place for 'Chbab Srey' in Cambodian Schools', *The Cambodia Daily* (9 June 2015) <http://bit.ly/1MPseWY>

<sup>11</sup> See: LICADHO, *"Good Wives": Women Land Campaigners and the Impact of Human Rights Activism'* (2014) <http://bit.ly/1MuL4FA> and CICP, *'Human Security & Land Rights in Cambodia'* (2014) <http://bit.ly/1VUGJ0B>

<sup>12</sup> LICADHO, *'Good Wives: Women Land Campaigners and the Impact on Human Rights Activism'* (November 2014) <http://bit.ly/1MuL4FA>

## 2. Legal Framework

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Given that land conflicts have the potential to uniquely impact women, it is crucial that a comprehensive system of legal protections exist to ensure their security of tenure. In theory, under Cambodian law, there are extensive safeguards that protect land rights in addition to women's rights. However weak implementation and enforcement means that in reality these rights are often not protected.

CCHR has on several occasions outlined Cambodia's legal commitments to human rights, including land rights, in both domestic and international law. In particular, CCHR's Factsheet, 'Applicability of International Human Rights Law in Cambodia',<sup>13</sup> highlights main sources of international human rights law in the Cambodian legal system, and CCHR's Report, 'Cambodia: Land in Conflict, An Overview of the Land Situation',<sup>14</sup> provides an analysis of the legal framework protecting land rights and Cambodia's legal obligations to ensure land tenure security.

Therefore, this chapter will focus specifically on women's rights in Cambodia by examining relevant provisions under domestic and international law, particularly in relation to land and domestic violence, given the latter was found to be a significant issue facing Cambodian women involved in land conflict.

### 2.1 Protection of Women's Land Rights

#### 2.1.1 Protection under International Law

Women's rights to access land and other natural resources are protected under international law, and thus are automatically protected under domestic law by way of Article 31 of the Constitution of the Kingdom of Cambodia (the "Constitution"), which explicitly incorporates international human rights law into domestic law.<sup>15</sup>

The Universal Declaration of Human Rights (the "UDHR"), in Article 2, lays out the principle of non-discrimination, including based on gender, in the enjoyment of rights guaranteed in the UDHR, and specifically Article 17 of the UDHR states that, *"everyone has the right to own property alone as well as in association with others (and) no one shall be arbitrarily deprived of his property."*<sup>16</sup> Similarly, a woman's right to own and administer property without discrimination is protected under Article 15 of the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW"), to which Cambodia is a party. Of particular relevance, CEDAW also calls upon States Parties to *"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,"*<sup>17</sup> and requires the elimination of discrimination against women in rural areas *"in order to ensure, on a basis of equality of men and*

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<sup>13</sup> CCHR, 'Applicability of International Human Rights Law in Cambodia' (Fact Sheet) (January 2014) <http://bit.ly/1rMhUc2>

<sup>14</sup> CCHR, 'Cambodia: Land in Conflict, An Overview of the Land Situation' (Report) (December 2013) <http://bit.ly/1KtPNVy>

<sup>15</sup> As confirmed by the Constitutional Council of the Kingdom of Cambodia, Decision No. 092/003/2007, (10 July 2007)

<sup>16</sup> The UDHR, (10 December 1948), Article 17, <http://bit.ly/2bmH8e9>

<sup>17</sup> CEDAW, (18 December 1979), Article 14 (1), <http://bit.ly/1jEADx3>



women, that they participate in and benefit from rural development.”<sup>18</sup> In particular, rural women are guaranteed an equal right to enjoy adequate living conditions, including housing.<sup>19</sup>

The International Covenant on Economic, Social and Cultural Rights (the “ICESCR”), to which Cambodia is also a party, calls on States Parties to ensure the equal right of men and women to the enjoyment of all rights set forth in the ICESCR,<sup>20</sup> prohibiting discrimination based on sex,<sup>21</sup> and recognizes the right to an adequate standard of living, including housing.<sup>22</sup>

Although not legally binding, the United Nations Food and Agriculture Organization’s Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (the “VGGT”) include gender equality as one of the ten essential principles for implementation of responsible governance of tenure, and emphasize gender sensitivity at all stages of the governance process. The VGGT are an internationally recognized and accepted set of principles and best practices to guide the development and implementation of policies and laws related to land tenure and resource governance.

### **2.1.2 Protection under Domestic Law**

As already stated, the international rights and protections outlined above are directly applicable in Cambodian law by way of the Constitution, however there are also specific provisions in domestic law which provide further protection for women’s land rights. The 2001 Land Law introduces the concept of co-ownership of a property in Chapter 9, often translated from the Khmer text as “undivided ownership”, whereby “each undivided owner enjoys the property and uses it to the extent that such enjoyment does not infringe the rights of the other undivided owners”.<sup>23</sup> Additionally, the Civil Code of Cambodia (the “Civil Code”), enacted in 2011, contains provisions that further safeguard the rights of women “to use, enjoy the benefit from and manage the common property”.<sup>24</sup> In order to sell a jointly owned property, both spouses must consent to the deal. However, this only refers to property acquired during the marriage and does not extend to property that was owned by one of the spouses prior to their union. Further, the RGC is obliged, under Article 46 of the Constitution, to provide assistance to “women, especially to those living in rural areas without adequate social support, so they can get employment, medical care, and send their children to school, and to have decent living conditions.”

## **2.2 Protections against Domestic Violence**

### **2.2.1 Protection under International Law**

Domestic violence is recognized in international law as a violation of human rights. While CEDAW does not explicitly mention violence against women or domestic violence, the right to equality and freedom from discrimination protected under CEDAW has been interpreted as protecting against

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<sup>18</sup> Ibid., Art. 14 (2)

<sup>19</sup> Ibid., Art. 14 (2)(h)

<sup>20</sup> ICESCR, Article 3

<sup>21</sup> Ibid, Article 2

<sup>22</sup> Ibid, Article 11

<sup>23</sup> Land Law, Article 171

<sup>24</sup> The Civil Code of Cambodia, Article 974 <http://bit.ly/29QGGid>

such violence.<sup>25</sup> In addition, Article 5 of CEDAW demands that States Parties actively work towards eliminating both practices based on stereotyped gender-roles and cultural and social behaviors that perpetuate ideas of inferiority or superiority of either of the sexes, which is particularly important to the Cambodian context. Moreover, the Committee on the Elimination of Discrimination against Women, which monitors the implementation of CEDAW and may issue authoritative interpretations of its provisions, adopted in 1992 General Recommendation Number 19, which explicitly includes gender-based violence as a form of discrimination covered by CEDAW, denouncing domestic violence as “*one of the most insidious forms of violence against women*”.<sup>26</sup> As well as ratifying CEDAW, Cambodia has also ratified the Optional Protocol to CEDAW, which creates a right of individual complaint to the Committee, further demonstrating a commitment to the protection of women.

In addition, a number of other treaties and conventions have been interpreted as containing prohibitions of domestic violence, although they do not specifically mention domestic violence or violence against women. For example, the UDHR states, “*everyone has the right to life, liberty and security of person*”,<sup>27</sup> a right that is reaffirmed in Articles 6 and 9 of the International Covenant on Civil and Political Rights (the “ICCPR”). Similarly, the right to be free from torture is relevant to domestic violence, protected by the UDHR,<sup>28</sup> the ICCPR<sup>29</sup> and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Cambodia is a party.

## **2.2.2 Protection under Domestic Law**

The 2005 Law on the Prevention of Domestic Violence and the Protection of Victims (the “Domestic Violence Law”) provides a working definition of domestic violence and while it does not contain specific crimes or penalty provisions, it states in Article 35 that any acts of domestic violence deemed criminal offences “*shall be punished under the penal law in effect*”.<sup>30</sup> However, this means acts of domestic violence are only punishable if there are stipulations in the Criminal Code of the Kingdom of Cambodia that define them as such, meaning some offences, such as psychological violence, go unpunished. Marital rape is also another glaring omission within the Domestic Violence Law, as is economic violence, referring to acts intended to decrease a woman’s ability to increase her income and/or standard of living. The exclusion of these forms of violence from the Domestic Violence Law is in direct contravention of CEDAW.

The Domestic Violence Law’s failure to adequately protect victims of domestic violence is compounded by its limited understanding of who may be considered a potential victim of domestic violence. It defines victims as husbands, wives, children or “*persons living under the roof of the house and who are dependent of the households*”.<sup>31</sup> By narrowly demarcating what it means to be a victim, the Domestic Violence Law inevitably fails to protect women in less formal relationships with men, such as mistresses and ex-wives, who are just as susceptible to abuse.

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<sup>25</sup> Committee on the Elimination of Discrimination Against Women, General Recommendation No. 19 (1992), paras. 6 and 7 <http://bit.ly/1ple2Cz>

<sup>26</sup> Committee on the Elimination of Discrimination against Women, General Recommendation 19, Violence against women (1992) <http://bit.ly/1ple2Cz>

<sup>27</sup> UDHR, Article 3

<sup>28</sup> Ibid, Article 5

<sup>29</sup> ICCPR, Article 7

<sup>30</sup> Law on the Prevention of Domestic Violence and the Protection of Victims (16 September 2005) <http://bit.ly/1Uytl2Z>

<sup>31</sup> Ibid, Article 2

Article 8 of the Domestic Violence Law is another cause of concern, insofar as it could be seen to condone domestic violence under the guise of “discipline”. The article exempts acts of disciplining that encourage spouses, children or dependent persons “to follow the good ways of living with dignity and the nation’s good custom and tradition” from classification as acts of domestic violence, if such acts are “in accordance with the principle of the United Nations Conventions on Human Rights and Child Rights”. The Domestic Violence Law also fails to account for acts of self-defense. As a result, many women have been imprisoned for killing their husbands in reaction to sustained domestic abuse without the courts considering the notion of self-defense.

In July 2016, the Ministry of Women’s Affairs signed a letter of agreement with UN Women, marking the beginning of a government review of the Domestic Violence Law. Ministry spokesperson Phon Puthborey has stated, “the aim of the review is to fill the gaps and increase effectiveness of the response to gender-based violence cases.”<sup>32</sup> It is unclear how long the review is expected to take.

The Civil Code outlines the conditions in which a woman may file a complaint for divorce, in cases where mutual agreement is not forthcoming, in Article 978.<sup>33</sup> Regrettably, the Article does not explicitly list domestic violence as a ground for divorce.

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<sup>32</sup> Sonia Kohlbacher, ‘Controversial Domestic Abuse Law Under Government Review’, *The Cambodia Daily*, (27 August 2016) <http://bit.ly/2bsRWrm>

<sup>33</sup> The Civil Code of Cambodia, Article 978

## 3. Purpose and Methodology

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### 3.1 Purpose

As has been stated, a number of studies in recent years have explored the ways in which women's lives in Cambodia have been adversely affected by land conflict. However, owing to the limited scope of their research (largely based on qualitative data), these studies do not lend themselves well to definitive conclusions. As such, the LRP identified the need to build on pre-existing research in this area as well as findings from CCHR's own prior research, in particular CCHR's *Land Activist Profile* series,<sup>34</sup> in which a number of women affected by land conflicts have been profiled. The purpose of this Report is to bridge the gap between preliminary qualitative research and conclusive findings by collecting a substantial quantitative data set that draws from a representative sample size.

### 3.2 Methodology

Extensive desk research and a focus group discussion facilitated by the LRP in March 2016 served as the preliminary research for the report. Both suggested poor mental health, alcoholism and a husband's disapproval of his wife's involvement in campaigning were three areas of particular concern amongst women affected by land conflict; the surveys, which were to provide the substantive data from which the report drew its conclusive findings, were, thus, designed to reflect these initial findings.

The surveys contained predominantly multiple-choice questions, divided into seven sections: biographical information; background information on the land conflict; the economic impact of the land conflict; the land conflict's impact on familial relationships; the land conflict's impact on the interviewee's mental health; the land conflict's impact on the interviewee's children, and the interviewee's activism. The survey was tested among participants in Phnom Penh, to check understanding and obtain feedback from participants, and revised accordingly before the field missions began.

In order for our conclusions to be representative of women affected by land conflict across Cambodia, we used the following equation to determine the number of women we would need to survey:

$$x = Z(c/100)^2 r(100 - r)$$
$$n = Nx / ((N - 1)E^2 + x)$$
$$E = \text{Sqrt}[(N - n)x / n(N - 1)]$$

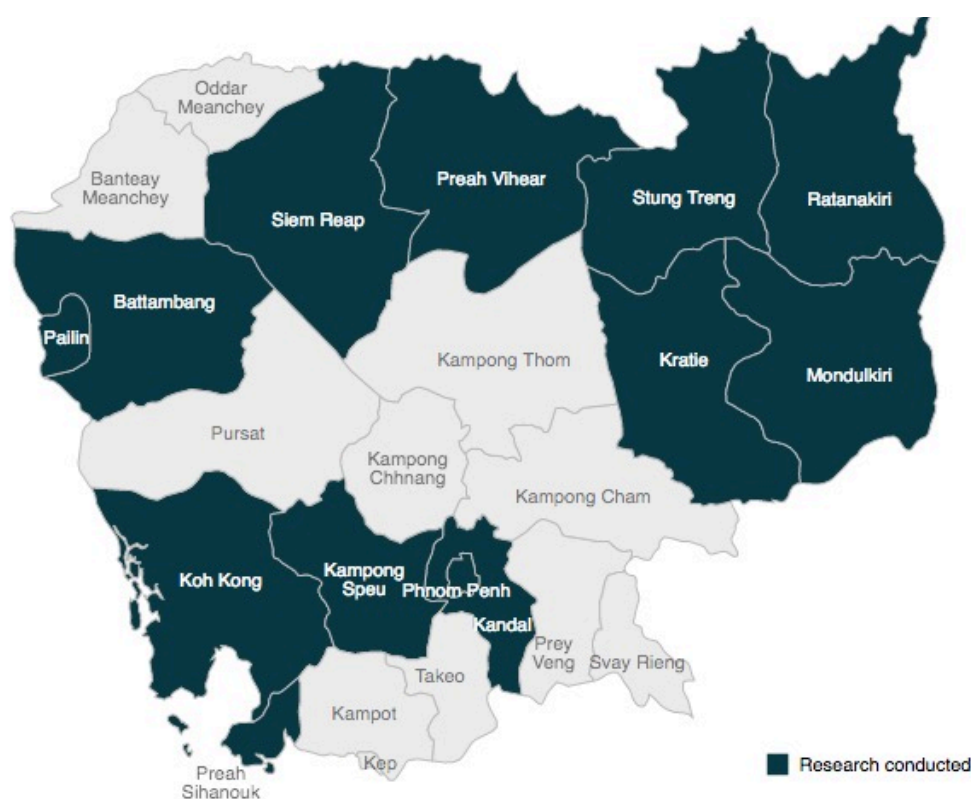
Where n is the sample size, E is the margin of error, N is the population size, r is the fraction of responses that we are interested in and Z(c/100) is the critical value for the confidence level c.

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<sup>34</sup> CCHR, 'Land Activist Profile Series' <http://bit.ly/21b6V96>

We set our accepted margin of error at 4% and our confidence level at 95%. This represents our belief that if we were to conduct the same survey 100 times, the results would be within +/- 4% of the first time we ran the survey, 95 times out of 100. Given that reports suggest at least 700,000 Cambodians have been negatively affected by land conflict since 2000<sup>35</sup> and that women make up roughly 51% of Cambodia's population,<sup>36</sup> the number of women estimated to have been involved in land conflicts is 357,000; thus, this is the figure used for the 'population size' for the survey. Our recommended sample size was, therefore, 600.

While a large number of women have been affected by land conflicts in Cambodia, inadequate communication networks, a dearth of comprehensive data on communities affected by land conflicts, and a lack of resources meant that identifying potential survey participants in a wholly unbiased manner would be impossible. We, therefore, relied on pre-existing networks to identify suitable communities in which to conduct our survey. This method is referred to as 'snowball sampling' and although it limited the extent to which our survey could be considered representative, insofar as its reliance on human referrals renders the method inherently biased, the aforementioned limitations precluded the possibility of using more scientific sampling techniques. Consultations with community representatives and other relevant CCHR contacts helped us to establish 22 communities in 12 provinces, in addition to Phnom Penh, as suitable locations for field missions.



Over the course of five field missions, which took place from May to June 2016, CCHR surveyed 612 women from five ethnic groups: 71.7% identified as Khmer; 5.1% as Kuoy; 20.5% as Bunong;<sup>37</sup> 2.5% as Stieng and 0.2% as Khmer Krom. All participants were involved in land conflicts with either the State, private companies or powerful individuals. The women's ages ranged between 15 and 71

<sup>35</sup> Human Rights Watch, 'Cambodia: Land Titling Campaign Open to Abuse', (12 June 2013), <http://bit.ly/1U5ECUL>

<sup>36</sup> The Asia Foundation, 'The Role of Women in Cambodia' (August 2003) <http://bit.ly/2aMXPfK>

<sup>37</sup> Also known as Phnong

years, although the majority of the women were aged between 31 and 60 (68.2%). Most of the women were married (76.1%), almost one fifth were widowed (18.5%) and only 3.1% were single. Half of the women (52.8%) had never attended school. Only 4.2% lived alone, which appears to reflect the importance accorded to marriage and family within Khmer culture.

In addition to surveying women, the LRP team conducted 37 face-to-face interviews in ten of the communities in eight provinces, with both male and female community members and representatives, to obtain detailed background information on those land conflicts.

### **3.3 Scope and Limitations**

The extensive scope of the survey enabled the LRP to pronounce its findings as representative of all women affected by land conflict in Cambodia. However, as with any collection of data, its findings were constrained by certain limitations.

As touched upon in the methodology section of this Report, the LRP team employed ‘snowball sampling’ when identifying its target communities, which gave the survey results a degree of bias. However, employing this sampling method enabled CCHR to deliver on its promise of following up with affected communities and continuing to offer support where necessary.

In addition, the findings are likely to be skewed slightly by a degree of non-response, which slightly compromises the sample size for certain questions. However, ultimately we believe the biases disclosed had no material statistical impact on the finding’s conclusions.

## 4. The Effects of Land Conflict on Women

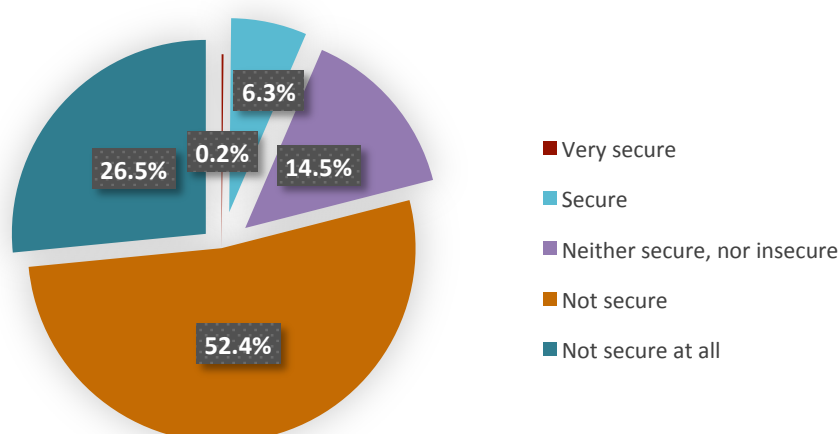
This section of the Report will present the findings of the research, which will outline the unique ways in which women are adversely affected by land conflicts in Cambodia.

### 4.1 Violations of land rights

#### 4.1.1 Insecurity of tenure

Worryingly, our survey revealed that only 6.3% of women affected by land conflict perceive their current tenure situation as secure. Over half (52.4%) of the women felt their land tenure to be 'not secure' and over a quarter (26.5%) reported that their tenure situation was 'not secure at all'. Given that a woman's ability to perform the traditional roles prescribed to her by Khmer culture relies on security of tenure, insecurity of tenure for women as a result of land conflict is likely to be the cause of great strain on those women.

**How do you perceive your current land tenure situation?**



In addition, a significant majority of the women (80.4%) worried that they would be evicted in the future - a lack of official land titles (only 2% of the women had formal land titles) and threats from the local authorities and private companies were identified as the primary reasons behind this lack of tenure security. However, even being in possession of a formal land title does not necessarily guarantee security of tenure, despite this being the case in theory, due to weak implementation and enforcement of the law. In Kruos village, Anlong Run commune, Thma Koul district in Battambang province, the LRP discovered that the villagers had had their farmland grabbed by powerful interests, despite holding formal titles for that land that grant them legal protection. Even though the community has filed numerous complaints with the authorities and court, they have yet to receive a resolution, almost 20 years after the land grab.

#### 4.1.2 Forced evictions

Forced evictions – those carried out against the will of the occupants without the provision of, or access to, appropriate forms of legal or other protection - constitute a gross contravention of human



rights.<sup>38</sup> CCHR's survey uncloaked the widespread and systematic nature of forced evictions across Cambodia: 24.4% of the women had been evicted from their homes and almost all (98%) of the evictions were forced or violent. Exacerbating the trauma of eviction, 89.2% of all those evicted were not given prior notice of their eviction and 89.9% were not provided compensation.

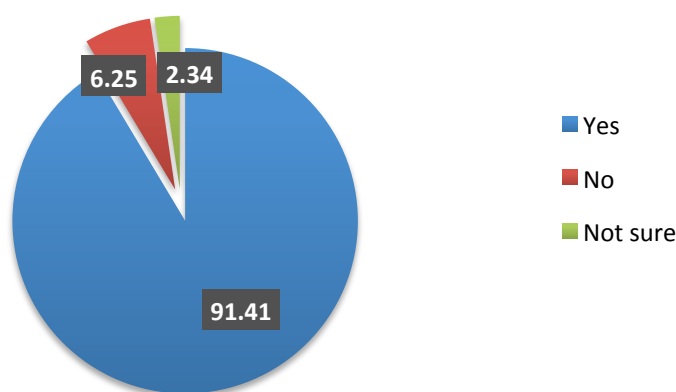
These findings provide overwhelming evidence that evictions are being carried out in Cambodia in contravention of domestic and international law, violating the right to adequate housing, the right to security of land tenure, the right to security of the person, freedom from cruel, inhuman and degrading treatment, and a whole host of other internationally recognized human rights standards.<sup>39</sup>

#### 4.1.3 Inadequate relocation sites

Of the 149 women who had been evicted from their homes, 90.8% had been resettled at a relocation site. Yet, despite being provided with a relocation site, many continue to suffer from a myriad of human rights violations. In fact, common to many of the interviews the LRP team conducted with community representatives was concern at the poor living conditions found at many of the relocation sites offered to those involved in land conflicts. This corroborated CCHR's previous findings that relocation sites are often grossly inadequate.<sup>40</sup>

Alarming, 88.3% of women living at relocation sites reported not feeling safe at their current residence, violating the fundamental human right to freedom from fear. Moreover, over half (52%) indicated they did not have access to *any* of the following at the relocation site: schools, hospitals or clinics, markets, access roads, electricity, clean water supply or a working sewage system. In addition, 91.4% of women living at relocation sites revealed they harbored concern that they may be evicted again in the future, suggesting a high perception of insecurity of tenure.

#### Are you concerned that you may be evicted in the future?



<sup>38</sup> United Nations Committee on Economic, Social and Cultural Rights, General Comment No 7: The right to adequate housing (Art.11.1): forced evictions, E/1998/22, (20 May 1997) <http://bit.ly/HbQDIV>

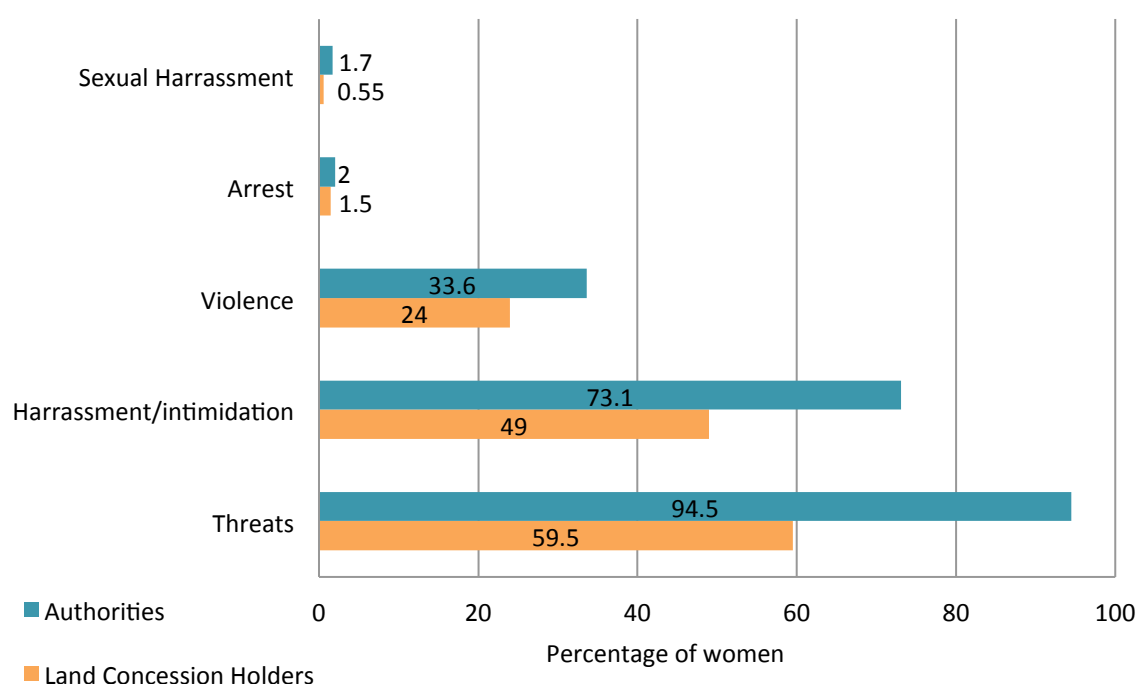
<sup>39</sup> *Ibid*

<sup>40</sup> CCHR, 'Cambodia: Land in Conflict – An Overview of the Land Situation' (December 2013) ) <http://bit.ly/2aihu9a>

## 4.2 Harassment and intimidation by the authorities and private actors

Women who experienced land conflicts were almost always subject to threats, harassment, arrest, or violence by the authorities or land concession actors, including private security forces or company employees. Of the respondents, 94.5% experienced threats, 73.1% experienced harassment or intimidation, 33.6% experienced violence, and 2.1% experienced arrests by authorities. This is compared to women who experienced a land conflict with land concession actors: 59.5% experienced threats, 49% experienced harassment, 24% experienced violence, and 1.5% experienced arrest.

### Have you experienced threats, harassment or arrest by the authorities and/or companies?\*

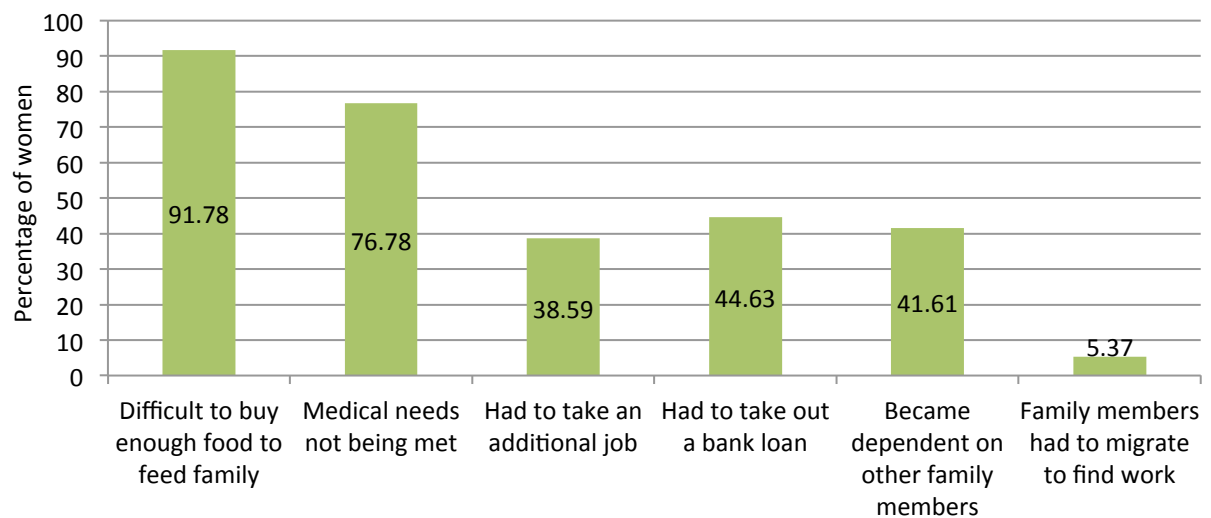


\*Respondents were able to give more than one response

## 4.3 Economic Insecurity

Unsurprisingly, given that the livelihoods of many Cambodians continue to depend upon access to land (85.5% of the respondents did so prior to the onset of land conflict), the majority (98%) of women reported that land conflict had affected them economically, with 91.3% of households experiencing decreases in their household's income. CCHR's findings revealed a number of ways in which land conflict had increased economic insecurity among the women; difficulties in buying enough food to feed their families and medical needs not being met, posed the most urgent and major economic challenges, violating the rights to food and to health.

### Has the change in your financial situation, due to the land conflict, had any of the following impacts?\*



\*Respondents were able to give more than one response

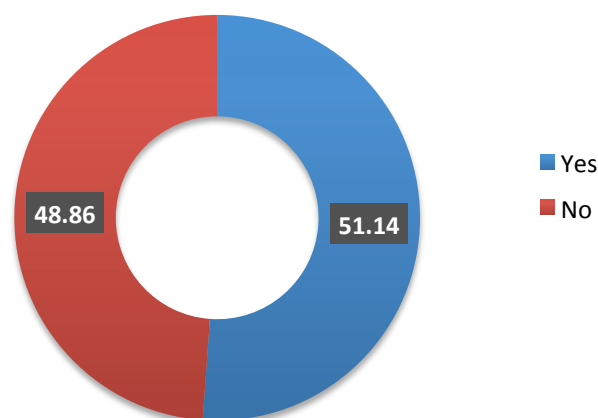
In terms of family members migrating to find work elsewhere (as reported by 5.37% of the women), often it is male members of the family that migrate, placing further strain on women who are left to care for the children and assume even further responsibility within the household.

A more long-term impact was that almost half (44.6%) of the women reported taking out bank loans to ease their financial difficulties as a result of the land conflict. Communities expressed unease regarding taking out loans during the interviews, as many were not confident that they could pay them back. In fact, a trend was identified whereby families resort to taking out additional loans in order to make the repayments on their older loans, driving them further into a cycle of debt.

#### 4.4 Impact on familial relationships

Unfortunately, just over half (51.1%) of the women claimed land conflicts have impacted their familial relationships, proving that the negative consequences of land conflict extend well beyond the economic realm.

### Has the land conflict had any impact on your familial relationships?

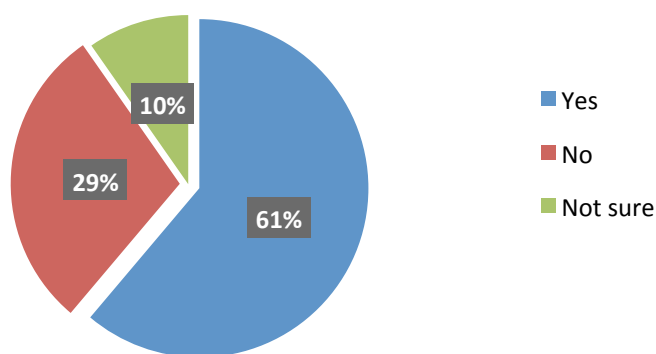


Women predominantly experienced impaired relationships with husbands/spouses (44.1%) or children (14.4%), but a small proportion (2.9%) also considered their relationship with their siblings to have deteriorated as a result of the land conflict. The four main reasons given for the deterioration of familial relationships were, emotional distress caused by the land conflict (45.2%); financial concerns (33.6%); loss of land (27.6%) and poor health (7.0%).

## 4.5 Domestic violence

The findings of CCHR's survey support the assertion that land conflict leads to increased incidences of domestic violence, with 23.0% of women in relationships involved in land conflict self-identifying as victims of domestic abuse<sup>41</sup> and 53.9% of these women having never experienced violence at the hands of their partners prior to the land conflict. It is widely acknowledged that conflict, even low-level, can lead to an increase in gender-based violence; thus, while it is worrying, it is not surprising that the women reported an increase in domestic violence following the onset of the land conflict. However, while CCHR's Focus Group Discussion and previous research has suggested that a principal reason for an increase in domestic violence as a result of land conflict is husbands disapproving of their wives spending more time campaigning than doing housework, our findings from this study are at odds with this statement, with only one woman attributing her husband's violence to disapproval of her activism. Rather, 91% of women reported that their husbands were supportive of their land rights activism.

### Did the domestic violence increase after the conflict began?



The most common answer (given by 40.6% of women) in response to being asked why they thought their husband or spouse had been violent towards them was excessive alcohol consumption (which had increased in 61.6% of cases involving domestic abuse since the onset of the land conflict). Other reasons identified were: increased tension following loss of land (17.9%); arguments revolving around loss of income (17.9%); emotional distress (11.3%); and general disagreements (6.6%). However, while it was beyond the scope of this report to interrogate the motivations for, and purported justifications employed, to defend the legitimacy of this violence, pre-existing research suggests that the widespread cultural acceptance of female subservience and concomitant male superiority goes some way in explaining endemic domestic violence within Cambodia: in this light,

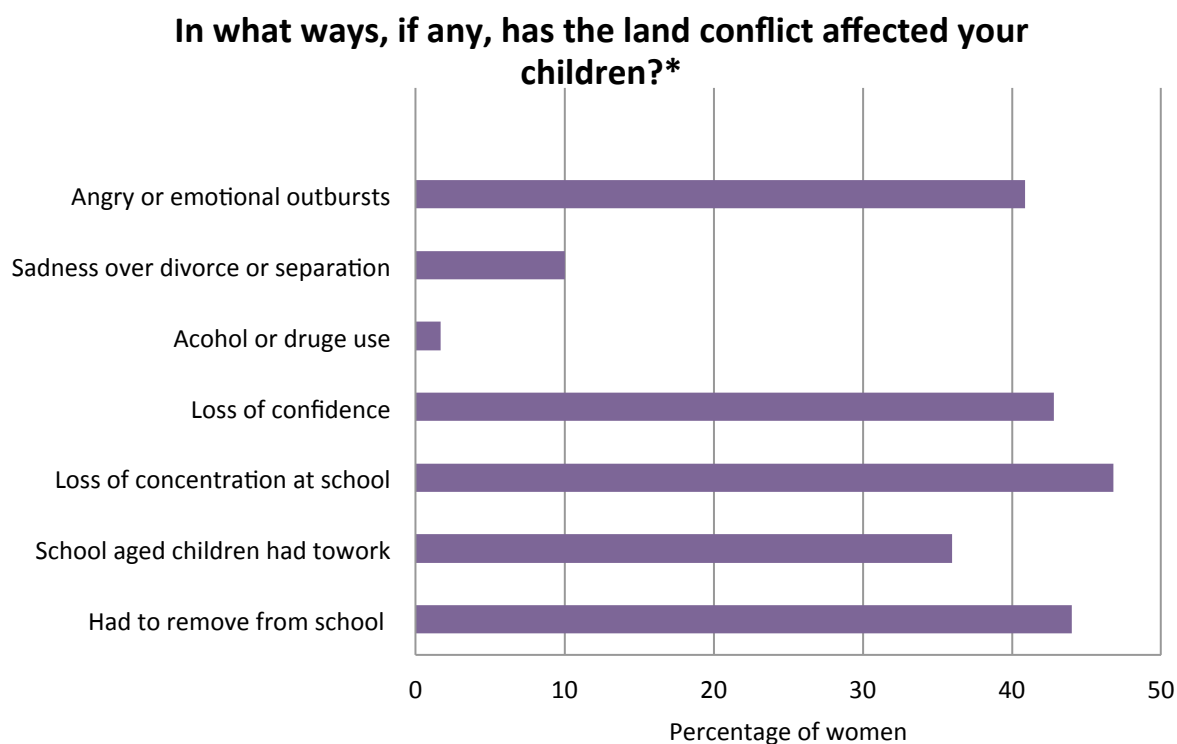
<sup>41</sup> Given the sensitive nature of this question, one can safely assume that the actual number is higher than that given.

excessive alcohol consumption should be seen more as a catalyst for violence rather than an underlying cause.

Only a quarter (25.7%) of the women that revealed themselves to be victims of domestic violence had sought help from the local authorities regarding the abuse. There is a long-held belief in Cambodia that domestic violence is an internal, family matter and, consequently, beyond the jurisdictions of actors outside the family unit. This notion could have influenced some women's decision not to pursue justice through formal channels, as they may have been resigned to the idea that the authorities would not take any action. However, it is notable that in 81.5% of cases brought to the authorities, action was taken against the accused.

## 4.6 Impact on children

Increased instances of violence were not just observed between husband and wife, but also between mother and child: 40.1% of mothers involved in land disputes stated they were violent towards their children, with almost half (48.1%) having not acted violently towards them prior to the onset of the land dispute. This correlates with our findings that 82.6% of women reported feeling angry following the land conflict; increased anger may be a factor in the increased violence. The women also identified a number of other ways in which they felt their children had been negatively affected by land conflict, which were sources of worry for them, as follows:



\*Respondents were able to give more than one response

Psychological impacts of land conflict among children seem apparent, as 40.9% of the women reported their children were more prone to angry or emotional outbursts as a result of the land conflict. Other major impacts identified were children being removed from school (43.9%) and being put to work (36%), likely due to the deteriorating economic circumstances of the family. In many cases, this work constitutes child labor, defined by the International Labour Organization as “work

*that deprives children of their childhood,” including work that “interferes with their schooling by: depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.”*<sup>42</sup> For example, in Aoral district in Kampong Speu province, community members whose land had been grabbed by tycoon Ly Yong Phat to make way for a sugar plantation spoke openly about having to remove their children from school prematurely as a result of the land conflict. As their land had been grabbed, they were no longer able to earn an income from farming and therefore they depended on their children earning an income to subsist. Thus, children as young as 13 years had been forced into forgoing their education at a crucial stage in their personal development, and further, were required to travel far from home to Phnom Penh to find work as the land conflict had devastated the local economy. The community revealed many of the children were now working in Phnom Penh’s garment factories, working 12-hour days in terrible conditions. Similarly, in Koh Kong’s Chi Kha Leu commune, children as young as ten years have been pulled out of school and now work on the sugar plantations for the perpetrators of the land grabbing, which community members revealed was a source of shame, but a necessity nonetheless due to their inability to earn an income from their land.

The findings that suggest such a high number of children being deprived of an education as a result of land conflict and instead enduring child labor, violates the Convention on the Rights of the Child and the International Labour Organization’s Convention concerning Minimum Age for Admission to Employment – which enforces a minimum working age in developing countries of 14 years<sup>43</sup> – both of which Cambodia has ratified, and Cambodia’s domestic law.

## 4.7 Psychological Impact

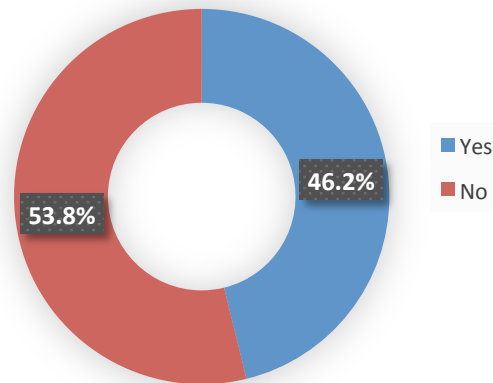
Losing a home or job is often considered one of the most stressful events a human being can be made to endure: being embroiled in a land conflict generally involves both and, therefore, places huge stress upon the mental health of those affected, especially given the majority of women’s role as primary caretaker of the household. The findings of our survey revealed that land conflict has alarming psychological impacts on women: 98.2% of women reported that their mental health had been affected as a result of the land conflict; a staggering 46.2% of women had considered ending their own life; and 18.1% had attempted suicide. Moreover, 35% of women responded that they still harbored suicidal thoughts.

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<sup>42</sup> ILO, “What is child labour”, <http://bit.ly/1dZyCvJ>

<sup>43</sup> ILO, ‘Convention concerning the Minimum Age for Admission to Employment’ (19 June 1976) <http://bit.ly/1NdlbG>

**Since the land conflict begun, have you ever considered ending your life?**



Aside from suicidal feelings, other impacts reported by the women as a result of the land conflict were: feeling sad (70.2%); feeling fearful (85.3%); feeling angry (82.5%); feeling trapped (83.5%); feeling worthless (61.7%); feeling hopeless about the future (80.8%); feeling nervousness or shakiness inside (60.7%); and crying easily (72.9%). These indicators suggest a strong correlation between land conflict and mental health, revealing an urgent need for intervention. Despite this urgent need, only 16.9% of the women who reported that their mental health had been affected by the land conflict had received counseling (predominantly from NGOs, including the Cambodian Human Rights and Development Association, CCHR, Community Legal Education Center, Equitable Cambodia, LICADHO and the Transcultural Psychosocial Organization Cambodia). Yet, almost all (99%) of the women who reported that their mental health had been affected stated that they wished to receive counseling in the future. In light of these revelations, NGOs would be wise to focus future projects on improving mental health support to women affected by land conflict.



## 5. Conclusion and Recommendations

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The findings of this Report reaffirm that women experience the effects of land conflict in Cambodia in a unique manner; and reveal troubling effects that require urgent intervention. Particularly, our research identified three areas of serious concern: widespread domestic violence, exacerbated by the onset of land conflict; a deterioration of women's mental health as a result of land conflict; and the significant impact on children, whereby land conflict increases their exposure to domestic violence, decreases their access to education, and increases the incidence of child labor. Such impacts have the potential for serious long-term, as well as immediate effects, in particular those felt by children, which have the potential to threaten their future development. These findings provide substantial qualitative data in support of pre-existing research conducted in this area.

Ultimately, the findings highlight the urgent need for women to enjoy greater land tenure security in Cambodia. In light of this, CCHR recalls, and urges the RGC to implement, all recommendations made in our 2013 report, *'Cambodia: Land in Conflict'*, which concern transparency, security of tenure, consultations, forced evictions, access to effective remedy and rights to freedoms of expression, association and assembly.<sup>44</sup> In relation to the previous recommendation made concerning consultations and environmental and social impact assessments, in light of this Report's findings we suggest they include gender and child rights impact assessments.

In addition, CCHR makes the following recommendations to stakeholders, based on the research presented in this Report:

### 5.1 Recommendations to the Royal Government of Cambodia

#### 5.1.1 Concerning Domestic Violence

The RGC and relevant ministries, including the Ministry of Women's Affairs, the Ministry of Education, Youth and Sport and the Ministry of Information, should:

- Disseminate information on the Domestic Violence Law in order to increase public understanding and awareness;
- Increase education in schools and communities on the importance of gender equality and that all forms of domestic abuse, perpetrated by either men or women, are unacceptable;
- Ensure all complaints of domestic violence are acted upon by the relevant authorities and that women are offered all available protections; and
- Provide training to local authorities on how to recognize domestic violence and adequately support victims.

#### 5.1.2 Concerning Mental Health

The RGC and relevant ministries, including the Ministry of Health, should improve mental health services by:

- Training more psychiatrists, practitioners and academics specializing in mental health;

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<sup>44</sup> CCHR, 'Cambodia: Land in Conflict, An Overview of the Land Situation' (December 2013) p.40-42 <http://bit.ly/1KtPNVy>

- Establishing accessible nation-wide mental health clinics; and
- Disseminating information specifically targeting areas known for land conflict on the dangers of poor mental health and methods for coping with mental health illnesses.

### **5.1.3 Concerning Children**

The RGC and relevant ministries, including the Ministry of Education, Youth and Sport should:

- Allocate funds and training to labor inspectors in order to enforce laws against child labor, and increase efforts to eliminate the worst forms of child labor, in compliance with Article 6 of the Convention on the Rights of the Child, to which Cambodia is a party;
- Work with private companies and foreign investors to raise awareness of the prevalence and impacts of child labor; and
- Train psychiatrists, experts and practitioners that specialize in children's mental health, and ensure their availability for families recently involved in a land conflict; and
- Enforce Article 67 of the Constitution, which requires children to receive education for at least nine years.

## **5.2 Recommendation to the National Assembly**

- Following the government review of the Domestic Violence Law, amend the Domestic Violence Law in order to ensure compliance with CEDAW and specific penalty provisions.

## **5.3 Recommendations to Companies**

- Adhere to both Cambodian and international legislation in all operations;
- Commit to a human rights policy which protects women and children's rights and is in line with both the UN Guiding Principles on Business and Human Rights and the Children's Rights and Business Principles,<sup>45</sup> and ensure all staff are provided with training on the policy;
- Avoid causing or contributing to adverse human rights impacts throughout operations, through meaningful consultations with local CSOs and affected communities, in particular women, in every phase of proposed projects; and
- Address and remedy human adverse human rights impacts when they occur through the establishment of operational-level grievance mechanisms.

## **5.4 Recommendations to Donors and Civil Society Organizations**

- Raise awareness among communities of women's rights, especially in relation to domestic violence, through education and training;
- Provide support to affected communities to ensure their children are able to stay in school and are not put to work;

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<sup>45</sup> Building on the UN Guiding Principles on Business and Human Rights, Save the Children, the UN Global Compact and UNICEF jointly developed the Children's Rights and Business Principles, released in 2012, to give business a clear idea of where and how their business might impact children. Available at: <http://uni.cf/2b04zr0>

- Respond to the need for increased mental health support among women involved in land conflict, by funding and delivering programs with a specific focus on providing mental health services to women where possible; and
- Respond to the need for increased tenure security for women by funding and delivering programs with a focus on improving tenure security.

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