



# **CAMBODIAN WOMEN REPORT 2004:** **A BRIEF ON THE SITUATION OF WOMEN IN CAMBODIA**

**REPORT**  
**July 2004**



សម្ព័ន្ធនៃដំរើនតិចការពារសិទ្ធិមនុស្ស លីកាដូ

**LICADHO**

CAMBODIAN LEAGUE FOR THE  
PROMOTION AND DEFENSE OF HUMAN RIGHTS

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CAMBODIAN LEAGUE FOR THE PROMOTION  
AND DEFENCE OF HUMAN RIGHTS

## **Cambodian League for the Promotion and Defense of Human Rights (LICADHO)**

LICADHO is a national Cambodian human rights organization. Since its establishment in 1992, LICADHO has been at the forefront of efforts to protect the rights in Cambodia and to promote respect for civil and political rights by the Cambodian government and institutions. Building on its past achievements, LICADHO continues to be an advocate for the people and a monitor of the government through wide ranging human rights programs from its main office in Phnom Penh and 12 provincial offices.

LICADHO pursues its activities through its six program offices:

The Human Rights Education Office provides training courses to target groups such as government officials, students, monks and provides dissemination sessions to the general public.

The Monitoring Office investigates human rights violations and assists victims in the legal process. Specially trained staff also monitors 18 prisons to assess prison conditions and ensure that pre-trial detainees have access to legal representation.

The Medical Office provides medical assistance to prisoners and prison officials in 18 prisons and provides medical care and referrals to hospitals for victims of human rights violations. Project Against Torture provides comprehensive rehabilitation services to victims of torture and conducts advocacy against torture.

The Children's Rights Office educates the public on children's rights, creates child protection networks at the grassroots level, and investigates children's rights violations.

The Women's Rights Office educates the public about women's rights, investigates women's rights violations and advocates for social and legal changes.

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## Glossary of Terms

AAFLI	Asian American Free Labor Institute
ARIATASEAN	Regional Initiative Against Trafficking
ADB	Asian Development Bank
CPP	Cambodian People's Party
CDS	Centre for Social Development
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CITA	Cambodian Independent Teachers Association
CNCC	Cambodian National Council for Children
CNCW	Cambodian National Council for Women
CRC	Convention on Rights of the Child
CWCC	Cambodian Women's Crisis Centre
CWDA	Cambodian Women's Development Agency
ECPAT	End Child Prostitution in Asian Tourism
DRK	Democratic Republic of Kampuchea
FHH	Female-headed Households
GAD	Gender and Development for Cambodia
HR	Human Rights
IHRT	International Human Rights Treaties
ILO	International Labour Organisation
KOC	Kingdom of Cambodia
LAC	Legal Aid of Cambodia
LICADHO	Cambodian League for the Promotion and Defence of Human Rights
MoH	Ministry of Health

MoJ	Ministry of Justice
MoWVA	Ministry of Women's and Veterans Affairs
MoSALVY	Ministry of Social Action, Labour, Vocational Training and Youth Rehabilitation
MSF	Médecins Sans Frontières
NA	National Assembly
NICFEC	Neutral and Impartial Committee for Free and Fair Elections in Cambodia
NPRS	National Poverty Reduction Strategy
PADV	Project Against Domestic Violence
PAT	Project Against Torture
PER	Public Expenditure Review
PGE	Partnership for Gender Equity
RGC	Royal Government of Cambodia
TBA	Traditional Birth Attendants
SCM	The Supreme Council of Magistracy
UNICEF	United Nations Children's Fund
UNDP	United Nations Development Programme
UNTAC	United Nations Transitional Authority in Cambodia

# I. Introduction

## *Historical backdrop*

Cambodia is considered to be a post-conflict society where the roots of many contemporary problems lie in the country's tumultuous history. Juxtaposed between Thailand and Vietnam, Cambodia has long been insecure and vulnerable to foreign territorial ambitions. The most prolonged experience of occupation was under the French colonial administration, which lasted for nearly a century until the French relinquished their Indochina colonies in the 1950s.<sup>1</sup> Sovereignty was then restored under the monarchical regime of Sangkum Reastre Niyum led by King Sihanouk. This brief period of reconstruction was undermined by Cambodia's geographic proximity to the ideological fault line that ruptured in Vietnam between the USA and North Vietnam's Communist allies. Cambodia became the secret battleground for these contending forces, which resulted in internal instability culminating in a military coup led by General Lon Nol in 1970. This heralded a thirty-year period of constant upheaval and civil war including the genocidal regime of the Democratic Republic of Kampuchea (DRK) led by Pol Pot from 1975 to 1979, and then Vietnamese occupation. Protracted negotiations sponsored by the United Nations finally led to the Paris Peace Agreement of October 1991 and the subsequent May 1993 elections.

In the first multi-party elections in 1993 FUNCINPEC, led by Prince Ranariddh, won a 45% majority of the vote but was coerced into an uneasy coalition with the Cambodian People's Party (CPP), led by Hun Sen. Nevertheless, the process of political reconstruction began with the establishment of a National Assembly and the signing of a national Constitution by Prince Sihanouk. This act signalled the end of a twenty-three year interregnum and re-institutionalised a constitutional monarchy. Despite a structural semblance to fledgling democracy, Cambodia suffered further unrest as Khmer Rouge Guerrillas perpetuated conflict in the countryside that would continue until 1999.<sup>2</sup> In 1997, Khmer Rouge defections became one of the final divisive elements that fractured the unstable political coalition. Widespread violence erupted in Phnom Penh and throughout the country in July resulting in injuries, death and disappearances. In an atmosphere of turmoil and lawlessness, Hun Sen was able to stage a coup d'état and banish Prince Ranariddh into exile. Little over a year later, international and national observers declared the July 1998 national elections as 'free and fair' *on the day* and Hun Sen remained in power as the sole Prime Minister. In practice the pre- and post-election period was marked by intimidation and violence that continued into mid-September.

Since the first elections of 1993, Cambodia has struggled to come to terms with its past and establish a sound basis for democracy and the protection of human rights for its citizens. At the turn of the new millennium incremental progress was being made and the Royal Government of Cambodia (RGC) initiated a process of decentralisation that culminated in the first commune elections in 2002. Hun Sen's CPP achieved a landslide victory winning nearly 1,600 of the 1,621 commune appointments throughout the country. Although not up to international standards,

<sup>1</sup> It should be noted that the Vietnamese played a role in the liberation of Cambodia from the Khmer Rouge regime. Many Vietnamese came to reside in Cambodia during the occupation, however, the vast majority do not currently hold legal citizenship papers.

<sup>2</sup> After the UNTACT elections in 1993, there were estimated to be 100,000 Khmer Rouge guerrillas still active throughout Cambodia (specifically in the western provinces). Cited in The Cambodia Daily, (August 20, 2003).

the elections were viewed by CPP as a victory for Cambodian democracy judged by the abysmally low benchmark set by previous elections. Unfortunately, they were not a triumph for gender equality since the major political parties refused to accept a proposed 30% quota system for women candidature.

The most recent elections of 2003 enjoyed a high voter turnout despite being mired in politically motivated violence. The CPP again won a majority of votes but not the two-thirds required by law to govern alone. A coalition government needed to be formed but a political deadlock of eleven months followed as parties wrangled for control of powerful ministries and debated fundamental policies. During this time, Cambodia did not have a functioning legislature and the passage of vital legislation such as draft bills on domestic violence and trafficking was stalled.

Five years after the final capitulation of Khmer Rouge forces in Cambodia, inter- and intra-state controversy still surrounds the inauguration of a tribunal. In order for Cambodia to truly engage in the process of reconciliation, reconstruction and peace building, some resolution must be reached in regards to this tribunal.

The legacy of prolonged violent unrest poses significant and *sui generis* challenges for Cambodia today. The fabric of embryonic civil society is threaded with deep-seated insecurity and worsening poverty.<sup>3</sup> A culture of impunity that grew during the years of unrest continues to hamper the state apparatus and exacerbate corruption at all levels of the administration. These systemic problems make it especially difficult for women to ensure they are afforded equality in a society where traditionally women are subservient to men. Beyond counteracting the embedded cultural stereotyping of women, the most exigent problems facing Cambodian women today are increasing gender violence, exploitation and poverty.

### ***Implementation of CEDAW and the protection of women's rights in the Kingdom of Cambodia***

#### **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<sup>4</sup>*

The Convention for the Elimination of all forms of Discrimination Against Women (CEDAW) was accepted as a treaty by the United Nations in 1981. It was ratified by the government of Cambodia in October 1992 and recognised in Article 31.1 of the Constitution. While the term "discrimination against women" has not been formally defined in the national Constitution, the government purportedly accepts the definition outlined in the CEDAW Convention. Further measures to actively abolish

<sup>3</sup> A recent ADB report indicated a worsening poverty situation in Cambodia and concluded that virtually no progress had been achieved in poverty reduction over the last 10 years. Cited by Khmer Intelligence, "Another Indication of Worsening Poverty", February 9, 2004.

<sup>4</sup> Each section will henceforth cite the relevant Article (s) from CEDAW that are discussed in the proceeding text. Pre-existing familiarity with CEDAW is presumed and only the main clauses of the articles in full or abridged versions are cited. This report will not follow the numerical ordering of CEDAW but instead reflect a thematic analysis which prioritises some of the most pressing concerns facing women in Cambodia today.

all forms of discrimination against women are clearly stated in Article 45.1 of the Constitution. According to the government's most recent report on the implementation of CEDAW, "the Kingdom of Cambodia considers the CEDAW convention as a fundamental legal basis for implementation, which takes precedence over laws in Cambodia."<sup>5</sup>

Unfortunately *de jure* recognition of CEDAW has not always ensured that Cambodian women are free from discrimination. While there has been a concerted effort by a number of NGOs and human rights groups such as the Cambodian League for the Promotion and Defence of Human Rights (LICADHO) to educate and raise awareness amongst women of their rights, many women remain unaware and vulnerable.<sup>6</sup> This is a particular problem in the countryside where levels of literacy and education are low. Due to the societal devastation wrought by years of war and turmoil, Cambodian women do not have the long-standing and well-established grassroots networks of women's groups and guilds that can be found in neighbouring countries such as Thailand and the Philippines. To overcome this situation Cambodian women have been assisted and defended by many proactive NGOs. These organisations have been able to coalesce into alliances and support positive initiatives by the Ministry of Women's and Veterans' Affairs (MoWVA) and lobby the government for gender equality and legal reform.

The most notable work in protecting and promoting women's rights has been undertaken by CAMBOW.<sup>7</sup> This is a coalition of thirty-three local NGOs who are primarily engaged in women's issues. They seek to eliminate discriminatory laws and practices against women, particularly those relating to domestic violence and trafficking. CAMBOW works through lobbying politicians, government ministries, key commissions, and also instigating round table discussions, public hearings and press conferences. It has organised peaceful marches and demonstrations to raise awareness about domestic violence but these have recently been prohibited by the government. CAMBOW has had some considerable success in advocating amendments to the new draft law on domestic violence but still faces significant challenges in ensuring these amendments are honoured. There is also further work that must be undertaken to lobby the Ministry of Justice (MoJ) to draft a comprehensive new law on trafficking. These issues are discussed in further detail in the proceeding sections of this report.

One of the most significant obstacles to the implementation of CEDAW is a weak legal system that is seldom able to prosecute cases of sexual discrimination. There is an *ad hoc* legal aid system in criminal cases, but women tend to rely more on NGO support groups such as LICADHO and Legal Aid Cambodia (LAC), which can assist women in bringing cases before the courts. Even in serious cases of exploitation and abuse women often feel compelled to adhere to traditional forms of community arbitration and accept monetary compensation rather than legal justice for crimes perpetrated against them. This situation reinforces a culture of impunity and may be a contributing factor to the rise of violence and discrimination against women in

<sup>5</sup> *Initial, Second and Third Report on the Implementation of the International Convention on the Elimination of all forms of Discrimination Against Women in Cambodia*, (Royal Government of Cambodia, October 2003), p.24.

<sup>6</sup> LICADHO was established in Phnom Penh as a national NGO in 1992 and now has offices in 14 provinces and municipalities. LICADHO's broad mandate includes investigating alleged human rights violations and assisting victims to make complaints to the relevant authorities. Also conducting research and advocacy on human rights issues, and providing human rights education to members of the authorities and the general public. It also provides a number of programmes for women and children who have suffered physical and sexual abuse.

<sup>7</sup> CAMBOW was established in 2000 with initial support and funding from the Asia Foundation.

Cambodia today (2004). Government officials, lawyers and police at all levels of the administration need further education on the importance of enforcing women's rights and employing effective legal sanctions for those who violate these fundamental rights.

*Source material and data analysis*

The information for this report is drawn from an eclectic range of sources, which have been contextualised and evaluated carefully for their utility in presenting an accurate and unbiased picture of women in Cambodia today.

There was no national census in Cambodia in 2003 and most of the human indicator statistics used in this report were compiled by the World Bank, UN and government sources up until the year 2003. Less generic statistical data has been gathered from recent NGO publications and newspaper reports. Information provided by LICADHO to the Cambodian NGO forum on Women, leading to the Beijing Platform of 1995 is used as a baseline to mark further changes in the intervening years.<sup>8</sup> Unfortunately the Centre for Social Development has not yet released the 2004 social development report, which should prove to be an invaluable source of current information on developmental indicators in Cambodia. The statistics on trafficking and sex workers have been treated with particular caution, as recent research conducted throughout Cambodia contends that previously accepted figures were inflated and unrepresentative.<sup>9</sup>

The situation of women in Cambodia can be analysed through a broad framework of the tenets enshrined in CEDAW. However, it remains a largely subjective rather than objective exercise. Reports from Women's NGOs and Human Rights groups working extensively throughout the country often conflict with the official government analyses of women and CEDAW implementation. Unsurprisingly the government is eager to present a more positive picture of the situation of women in Cambodia. Generally speaking MoWVA has tended to be more candid about the problems facing women than other government organisations because of its experience and extensive linkages with NGOs working in this field. Where possible, these conflicting outlooks are highlighted in the report to contextualise the real and perceived issues facing women in Cambodia.

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<sup>8</sup> *NGO Forum on Women Beijing 1995: Women's Rights as Human Rights*, (LICADHO, 1995).

<sup>9</sup> *Measuring the Number of Trafficked Women and Children in Cambodia: A Direct Observation Field Study* (Thomas M. Steinfatt, University of Miami, 2003).

## II. Equality before the law

### Article 15

1. *States Parties shall accord to women equality with men before the law.*
2. *States Parties shall accord to 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 shall 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 deemed 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.*

Article 31 of the Cambodian Constitution gives surety to the four clauses of CEDAW relating to equality before the law. In praxis, the Cambodian legal system is still in a state of immaturity and fraught with problems which hamper the effective rule of law for *all* Cambodian citizens. A recent Human Rights Watch report concluded, "The Cambodian judicial system is characterised by political interference by the executive, a low level of competence (due to low professional standards and a lack of training and education amongst judges), and systematic corruption."<sup>10</sup>

#### *Specific legal issues facing women*

The specific problems facing Cambodian women in regard to the legal assurances of CEDAW and the RGC are three-fold. First, key laws to further support women's rights have yet to be passed into codified legislation. These pending laws relate to the prevention of domestic violence and protection of victims, an updated anti-trafficking bill, and a recently drafted criminal code, which codifies punishment for gender discrimination. Political stalemate following upon the 2003 elections continued until July of 2004 and prevented the ratification of these laws (and many others) as during this time the country had no functioning National Assembly.

The second problem is the vulnerability of women in contractual affairs and title ownership. Newly widowed women and female-headed households are most susceptible to claims being made on their land. Legal aid for civil disputes is exceptionally rare and thus women either have to sponsor legal challenges themselves, or accept informal community arbitration, which is usually conducted by men.

The final problem is ensuring that the existing laws to protect women are effectively implemented and enforced. Substantial effort and support is required from MoWVA and NGOs on two fronts. First, to educate women on their rights. Second, to lobby to change the prevailing impunity that is endemic in the legal system in regard to safeguarding women's rights.

<sup>10</sup> *Serious Flaws: Why the UN General Assembly Should Require Changes to the Draft Khmer Rouge Tribunal Agreement*, (Human Rights Watch, April 2003).

***Recommendations***

- Continue to improve judicial training and encourage the training and recruitment of more women into the judiciary.
- Establish independent legal watchdogs as a means to try to counter impunity and corruption in the legal system.
- Greater effort is needed to ensure the integrity of cadastral titles for women.
- Increase the availability of legal aid to women, in particular vulnerable women such as female-headed households.

### III. Marriage and Family

#### Article 16

1. *State Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations...*
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 1989 Law on Marriage and Family underscores the rights enshrined in CEDAW to protect women (and men) from forced marriages and prohibits polygamy. It also ensures women's rights in matters of divorce and child support. In practice very few of these basic rights are legally enforced.

#### *Monogamy*

The traditional practice of polygamy, that is, a man taking more than one wife, is becoming less common in Cambodia. However, extra-marital sex is prevalent throughout the country, due in part to the availability of sex-workers. In many instances extra-marital sex with prostitutes is accepted by wives and considered preferable to longer-term affairs that may endanger the marriage. This trend is starting to have serious health repercussions for Cambodian women. In 2002, UNICEF reported that there was a substantial increase in the proportion of husband-to-wife and mother-to-child transmission rates leading to an estimated 30,000 AIDS orphans below 15 years of age.<sup>11</sup> Unlike most sex workers, married women tend to have less knowledge about HIV/AIDS and feel unable to dictate sexual practices within a marriage.

#### *Arranged marriages*

Many Cambodian families still adhere to the practice of selecting a husband for their daughters. The suitability of this arrangement will of course vary from person to person. Poor and rural girls are especially vulnerable to unsuitable marriages whereby the daughter is effectively traded off to a wealthy (and usually older) man in the community. This practice is also perpetuated in the highest echelons of society where senior public figures have arranged the marriages of their children. This reinforces a message to the whole nation that parents should choose their daughters-and sons-in-law instead of allowing the personal agency of their children to dictate marriage choices. Article 16.B of CEDAW states that everyone has, "the same right to freely choose a spouse and to enter into marriage only with their free and full consent." This clause still has very little credence in Cambodian society.

#### *Domestic violence and rape within the marriage*

LICADHO's Forum on Cambodian Women in Beijing in 1995 urged that, "domestic violence should be added to the top of the list of epidemics that hinder development."<sup>12</sup> Nine years later domestic violence is still endemic with a reported 17% of married women aged between 15-49 having experienced physical and sexual

<sup>11</sup> *Cambodia: The Big Picture* (UNICEF, Cambodia, 2003), p.3. Note that the UNDP estimates numbers of orphans as substantially higher; 51,000 in 2002 ([www.youandaids.org](http://www.youandaids.org); last visited 19.05.04).

<sup>12</sup> *NGO Forum on Women Beijing 1995: Women's Rights as Human Rights*, (LICADHO, 1995), p.10.

violence at the hands of their husbands.<sup>13</sup> Alarmingly over 25% of women who have been subjected to sexual and physical domestic violence do not think that they are abused.<sup>14</sup> This reveals an overwhelming unawareness by women of their rights and indeed human rights in general.

Some research has demonstrated a relationship between increased domestic violence and growing poverty.<sup>15</sup> Strains brought on by financial insecurity are believed to lead to heightened stress and desperation, which in turn can stimulate a predisposition to domestic violence. Certainly poor and uneducated women represent the majority of victims. Research conducted by LICADHO has shown an inverse relationship between education levels and violence, with 19.8% of female victims having no schooling, 18% having only completed primary school, 10.9% finishing secondary school and 5.8% having graduated from upper secondary schools.<sup>16</sup> Unsurprisingly 65.7% of women injured in domestic violence cite alcohol as contributing factor.

War and changing societal traditions have also had an impact on spiralling levels of domestic violence in Cambodia. In 1996 LICADHO estimated that women who came of age during the Khmer Rouge period (those now in the 36 - 50-year-old age bracket) reported significantly higher rates of domestic abuse.<sup>17</sup> This suggests a strong relationship between violent conflict in society and violence in the home. Another contributing factor has been a gradual shift away from the traditional practice of married couples living with the wife's family. This environment generally afforded the wife and children some security from a violent spouse. Further studies by LICADHO have concluded that the further away a woman is from her family home and village, the greater her chance of being a victim of domestic violence.<sup>18</sup>

Disputes, violence and rape within the marriage are still considered as a private or domestic matter which police and officials are reluctant to take seriously or mediate. Women often feel isolated, unable or too ashamed to seek redress for the abuse they are suffering at the hands of their husbands. It is possible for a woman to petition her husband for a divorce at the provincial court but this is a lengthy process involving a mandatory period of reconciliation. During this time, women may be pressured by relatives and members of the community to return to the marital home.

Domestic violence does not only pertain to violence perpetrated against women by their husbands. Children are frequently victims of parental physical and sexual abuse. Since it is common in Asian societies for extended families to live under one roof, the perpetrator of abuse can also be an uncle or grandparent, among others. This is why it is so imperative that the National Assembly be lobbied to ensure the new draft bill on domestic violence recognises that actors other than the legal husband perpetrate violence. In many cases in rural Cambodia marriages are ceremonial rather than binding legal affairs, which offer no protection for a *de facto* wife under current proposed domestic violence legislation. Similarly CAMBOW and the MoWVA must maintain pressure on the NA to widen the definition of "victims"

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<sup>13</sup> *Report on the Elimination of all forms of Discrimination against Women in Cambodia*, (Cambodian NGO Committee on CEDAW, 2001), p.57.

<sup>14</sup> *Cambodian Women's Human Rights*, (Dr. Kek Galabru, Regional Dialogue between Women's Rights Activists and Human Rights Organizations, Manila, 1996).

<sup>15</sup> *The Cambodian Women's Crisis Centre - Helping women to help themselves* (The Cambodian Women's Crisis Centre, Annual Report, January - December 2002).

<sup>16</sup> *Cambodian Women's Human Rights*, (Dr. Kek Galabru, Regional Dialogue between Women's Rights Activists and Human Rights Organizations, Manila, 1996).

<sup>17</sup> *Ibid*, p.2.

<sup>18</sup> *Ibid*, p.2.

to include actors other than the wife such as a domestic servant or relative. These amendments were accepted initially by the Council of Ministers but later rejected by the NA. While this has caused evident tension between women's NGOs and the NA, advocacy work and lobbying must continue.

The MoWVA and NGOs such as the Cambodian Women's Crisis Centre (CWCC) have instigated a number of outreach centres throughout Cambodia to assist women in violent marriages. However, there is an urgent need for further trained (female) counsellors to address the legal and psychological needs of victims of domestic abuse. In addition to this, further shelters must be provided for women who are seeking safety from domestic violence and abuse. There is also a need to build on the preliminary work of the Gender and Development Network (GADNet), which is instituting clinics to rehabilitate men with tendencies to domestic violence.

### **Recommendations**

- Media and public education campaigns should be conducted throughout the country to heighten women's awareness of the laws regarding marriage and divorce.
- The National Assembly must be lobbied to pass the *first* draft law on domestic violence that CAMBOW and other NGOs advocated. This version was passed by the council of ministers prior to the 2003 elections. The current NA amended bill is not sufficient to protect *all* victims who are subject to violence in a domestic setting. The current law also provides a number of legal loopholes for men to avoid commensurate sanction for their violence.
- Education campaigns, particularly in rural areas, need to counter traditional thinking that a woman must preserve her marriage *at all costs*.
- Women must be educated on the risks and preventive measures needed to stop the spreading of HIV/AIDS.
- The media should be used in a creative and sympathetic fashion to repeatedly stress the message that domestic abuse in any form will not be tolerated in Cambodia.
- Police and legal officials must enforce existing laws, which seek to protect women from violence and abuse, and bring a halt to the prevailing culture of impunity.
- Additional funding should be given to support schemes by NGOs and MoWVA to provide assistance and shelter to women in need. Also, rehabilitation schemes are needed to help women and children overcome their psychological trauma and function within society again. This is especially important for children who are victims of abuse in order to curtail the cycle of victim-to-abuser.
- Clinics and counselling must be made available to rehabilitate men who perpetrate domestic violence.

## IV.A. Violence against women and children

Rape and violence against women and children is growing to epidemic proportions throughout Cambodia. It is typically researched and discussed within the context of domestic situations, and in relation to the sex and trafficking industries. LICADHO is trying to ensure that it is placed high on the agenda and is addressed as a recurring and increasing societal phenomenon outside of these contexts.<sup>19</sup>

### *Rape and indecent assault*

Rape is a recognised criminal offence under Article 5 of the 2001 Law on Aggravating Circumstances Relating to Felonies. It is defined as, “any sexual act involving penetration against a non-consenting person.” Rape or attempted rape convictions can carry a sentence of between 10 and 20 years. If a case is brought to trial, a rape charge is often commuted to indecent assault, which is considered a misdemeanour and can result in a suspended sentence. Rape is an exceptionally hard offence to prosecute and the procedure can involve re-victimisation of the victims, many of whom are children.

### *The Victims*

Figure 1 shows the number of rape and indecent assault cases investigated by LICADHO in 2002 - 2003. Figure 2 shows the age of child victims involved in these cases. Clearly these cases are the proverbial tip of the iceberg since many rapes go unreported due to shame, fear on the part of victims, or being resolved through extra-legal settlements. Of the cases reported to LICADHO, a large majority of the victims were young children. While any female is a potential rape victim there is a higher prevalence of attacks against children in poor families.

**Figure 1. Rape & indecent assault cases investigated by LICADHO 2002 - 2003**

Year	Reported cases	Went to trial	Conviction rate
2002	179	71	63
2003	177	5	4

**Figure 2. Age of the victims (who are minors)\***

Year	< 18	< 12	< 5
2002	87.6%	40.6%	6.4%
2003	77.8%	41.1%	8.7%

**Source:** Rape and Indecent Assault, (LICADHO Briefing Report, Phnom Penh, March 2004).

\*Out of all cases investigated from women aged from 0 - 50+, victims aged 11 - 15 accounted for the highest proportion of all victims, representing 38.3% of the total cases.

### *Reportage of rape and indecent assault*

Like many other countries in the world, rape and indecent assault in Cambodia are under-reported crimes. Child rape is most likely to be reported due to the bond of parental care. Married women are least likely to report attacks. There are a number of mitigating factors that discourage the reporting of sexual crimes. Women usually feel

<sup>19</sup> See, *Rape and Indecent Assault: Crimes in the Community*, (Diane O'Connell, LICADHO Special Report, February 2001); *Rape and Indecent Assault*, (LICADHO Briefing Report, Phnom Penh, March 2004).

a great sense of shame and bear a misplaced burden of blame for the assault, especially if the attack involves the loss the victim's virginity. Women may not report cases of indecent assault because they do not consider that the crime is serious enough to merit action if penetration does not take place. These generic concerns are exacerbated in Cambodia where some people subscribe to the myth that loss of virginity is the only proof of rape. Women are also discouraged to report crime due to mistrust of the weak and corrupt judicial system, and prohibitive legal costs (including medical expenses and bribes) of bringing a case to court. If a victim does decide to press for a thorough investigation and criminal proceedings, she is at risk of intimidation and further abuse by her attacker(s).

#### *Gang Rape*

Figure 3 indicates the number of investigated cases in 2002 - 2003. LICADHO believes that instances of gang rape (rape by three or more perpetrators) are becoming more common.<sup>20</sup> This is linked to the increasing availability of pornographic material, especially to children and adolescents. Also cited by LICADHO is a growing proclivity for young males to coalesce into gangs and imitate 'gangster behaviour'.

The judiciary generally treats gang rapes more seriously, but legal attention to this crime may unfortunately also be due to a higher potential revenue that can be earned in bribes. This is discussed in finer detail in proceeding sections.

**Figure 3. Investigated gang rapes, 2002 - 2003**

Year	Cases	Legal convictions
2002	8	1
2003	11	1 (+ 1 pending)

**Source:** Rape and Indecent Assault, (LICADHO Briefing Report, Phnom Penh, March 2004).

#### *The perpetrators*

Adult perpetrators are represented in a broad spectrum of occupations and societal levels. However, LICADHO has identified certain groups that reveal a statistical preponderance to commit rape and indecent assault.<sup>21</sup> Farmers and fishermen were statistically the most likely to commit these crimes, representing 29.5% of the all accused. This seems logical owing to the large number of men employed in this sector and possible linkages to rural poverty. The second most likely were government employees at 28%. Prior to legal reform in 2001, government employees accused of a crime could not be arrested without the consent of their department or ministry; this allowed them a certain amount of immunity. This procedure has now changed and the relevant departments need only be informed 3 days prior to arrest. Nevertheless, this still gives sufficient time for the accused to escape the authorities. The third largest representation was students at 14%. "Students" is a rather amorphous grouping and includes all forms of education from primary school upwards. The large number of accused in this category underscores a worrying trend in Cambodia for the perpetrators of rape to be under the age of 18. LICADHO has reported that boys under 16 constituted 7% of all suspects in rape and sexual abuse cases.<sup>22</sup>

<sup>20</sup> *Rape and Indecent Assault*, (LICADHO Briefing Report, Phnom Penh, March 2004).

<sup>21</sup> *Rape and Indecent Assault: Crimes in the Community*, (Diane O'Connell, LICADHO Special Report, February 2001).

<sup>22</sup> *Ibid*, p.12.

### *Challenges within the legal system*

The process of bringing a suspect to trial is fraught with corruption, pain, danger and expense for the victim. The judicial system over-emphasises the value of physical evidence in a rape case. On many occasions the victim will have destroyed the evidence through shame or have left the case unreported for sufficient time for obvious signs of the attack to have disappeared. A doctor's certificate is viewed as essential evidence in a court case but most doctors have only a rudimentary understanding of how to examine rape victims, especially in a case where some time has elapsed between the crime and examination.<sup>23</sup> Doctors will also charge a fee for the certificate, which many women can't afford.<sup>24</sup> In adjunct to this, a woman may also have to pay bribes to police to initiate an investigation in the first place.

There is a pervading belief in the legal system that only evident signs of ejaculation; struggle, deep penetration and the breach of the hymen indicate that rape has taken place. These misplaced beliefs clearly contravene the definition of rape in Article 5 and take no account of the many harrowing forms that rape can take. As a result of these misconceptions, rape convictions are often commuted to indecent assault. There is a *critical* need to educate and reform the laws and legal system in regard to the crimes of rape and sexual assault.

### *Unlawful settlements*

There is a clear legal distinction between civil and criminal cases in the Cambodian judicial system. It is illegal to accept monetary compensation once a criminal procedure has commenced. In reality a great number of victims accept a financial settlement at all stages of the investigation, and many government officials are complicit, indeed indispensable in the process of brokering monetary settlements. Legal Aid Cambodia (LAC) has reported that 60 - 70% of all reported rape and sexual assault cases are settled out of court. Victims are often poor and traumatised by their experiences (not only by the crime but probably by the legal challenges too) and see financial compensation as a reasonably satisfactory way to close the case.<sup>25</sup> However, in a vast majority of cases, the antecedents of an out of court settlement are far more alarming and sinister. Victims may be intimidated into dropping the case either by the perpetrator or by other community members. They may even be pressured to settle out of court by legal officials such as court clerks who are hoping to earn a brokerage fee for the settlement. In the most harrowing scenario of all, some victims are encouraged to marry their perpetrator instead of proceeding with a legal or financial settlement. It is therefore impossible to be sanguine about the lamentable provision of justice for victims of rape and sexual assault.

### *Accounting for the rising number of reported cases*

There is a general consensus amongst NGOs and the government that the incidence of reported rape cases is increasing. In 2001, 146 cases were reported to LICADHO. By 2003, this number rose to 177. However, it is not known whether this increase is indicative of a greater willingness of victims to report rapes, or whether the occurrence of rapes is actually increasing throughout the country. When this conundrum was posed to the directors of the CWCC and Social Development

<sup>23</sup> In a few instances doctors have also been intimidated and threatened into not providing the victim with a certificate. See, *Rape and Indecent Assault: Crimes in the Community*, (Diane O'Connell, LICADHO Special Report, February 2001) p.54.

<sup>24</sup> In 2002, only 11% of victims were able to obtain a medical certificate. *Rape and Indecent Assault*, (LICADHO Briefing Report, Phnom Penh, March 2004), p.6.

<sup>25</sup> The sums for out of court settlements vary but are usually within the range of \$100 - \$200.

Services of Cambodia, neither director was able to determine the definitive reason for the rise in reported rape cases.<sup>26</sup>

Research conducted by the CWCC in 2002 has concluded that there is a strong causal linkage between the explosion in the number of video parlours showing pornographic material and an increase in the incidence of rape.<sup>27</sup> Another possible reason for the increase is that most of these crimes, and particularly infamous cases involving the rape and murder of minors, remain unsolved. This may engender a sense of impunity within potential perpetrators and encourage further offences. Impunity is also perpetuated by a well-founded belief that victims can simply be bought off. LICADHO has outlined further causes for an escalation of rape in Cambodia such as the increased availability of doping drugs (“date-rape drugs”) and a traditional Asian male belief in the restorative powers of sex with young virgins. In response to the rise of the HIV/AIDS pandemic men increasingly prefer to have sex with young girls whom they perceive as having less risk of carrying the disease. On some occasions wives have assisted their husbands in the assault of young girls rationalising that this crime is better than their husbands practising infidelity with a mistress or sex worker. Clearly further research is urgently needed to determine why the incidence of reported rapes is increasing at such an exponential rate. LICADHO in particular has done a great deal to raise awareness of the growing problem of rape and sexual assault within Cambodian society. However, more research is needed. A greater understanding of the roots of the problem will enable society, NGOs and the government to tackle the problem more comprehensively.

#### *Rehabilitation for victims*

A number of NGOs run rehabilitation schemes and centres for victims of sexual attacks.<sup>28</sup> One current imbalance that needs to be addressed is the provision of more centres in the provinces i.e. outside of cities such as Phnom Penh. Another problem with the existing provision is that it is largely targeted at victims of sexual exploitation, and victims of sexual violence outside of this context do not always receive the exact services they require. Of particular concern is the need for more trained psychologists, psychiatrists and counsellors to assist the victims. LICADHO has gone some way in addressing this issue in its Project Against Torture programme (PAT). LICADHO recognises that “rape is closer to torture than sex.” It has therefore instigated care programmes that address the long-term psychological scars that victims carry. It has also focused closely on child victims in an attempt to remove the risk of the abused becoming an abuser in the future.

#### *Gender violence*

Violence committed against women and children in both a domestic and general societal setting is a reasonably common occurrence in Cambodia. The genesis of this maltreatment of women can be traced to cultural norms that embrace the subservient position of women vis-à-vis men. Antecedents of violence against women can also be found in the culture of violence and lawlessness that existed during the reign of the Khmer Rouge and ensuing civil war. This predisposition to repeated patterns of violence is anathema to a predominantly Buddhist nation but can often find immediate expression in the ready availability of weaponry and small arms. Despite

<sup>26</sup> *The Unmentionable Crime*, The Cambodia Daily, March 13 - 14, 2004, pp.8, 9,15.

<sup>27</sup> *The Cambodian Women's Crisis Centre - Helping women to help themselves* (The Cambodian Women's Crisis Centre, Annual Report, January - December 2002), p.8.

<sup>28</sup> Work in this field is being carried out by World Vision, LICADHO, CWCC, AFESIP, and YWCC, among others.

concerted and thorough efforts by NGOs such as the Working Group for Weapons Reduction, there is still a large number of lethal weapons in personal possession in Cambodia.

### *Acid attacks*

In January 1999 a famous Cambodia singer, Tat Marina, was assaulted by 3 assailants who doused her in acid causing permanent disfigurement. The alleged perpetrator was the wife of a senior government official (and her two bodyguards). They have never been arrested. This case has drawn national and international attention to the escalating phenomenon of acid attacks in Cambodia and the impunity that perpetrators sometimes enjoy.

LICADHO investigated 44 acid attacks from 1999 to November 2002, which averaged 1 attack every 25 days.<sup>29</sup> These attacks resulted in 60 injuries and 3 deaths. 18 people received their injuries by accident, that is, they were in close proximity to the intended target. In one tragic case a woman accidentally hit her five-year old son with acid because he was standing next to the victim, her husband.<sup>30</sup> Of those sustaining injuries from acid attacks 30 were men, and 31 were women. It would be unwise to determine hard and fast trends in such a small cross section of cases. However, LICADHO has suggested that most attacks perpetrated by women are targeted at abusive husbands or the mistresses and new wives of current and past partners. Men who attack women are similarly motivated by feelings of jealousy against and rejection by the victim. What makes assault by acid so brutal is that, "the perpetrator usually does not want to kill the victim, but wants to do something much worse than murder – make the victim suffer forever...The acid is usually thrown at the victim's face. The perpetrator wants to destroy the face and make the victim look like a monster, so nobody will love the victim ever again."<sup>31</sup>

Victims of acid attacks seldom receive adequate medical treatment (physiological or psychological) for their injuries. They continue to experience pain and can be re-victimised through ostracism and loss of employment due to societal repugnance at their injuries. Compared to other violent crimes the arrest rate was reasonably high at 13 cases out of the 44 investigated. However, the punishment for acid attacks varies since it has yet to be recognised in Cambodian law. CAMBOW has lobbied for acid assaults to be included in the draft law on domestic violence, which still awaits a functioning NA to pass the draft into statute.

### *Forced labour of women and children*

Defining "forced labour" in Cambodia is semantically and objectively difficult. If a woman or child is driven into a job, particularly an exploitative one in the sex trade or in domestic servitude through poverty, debt and lack of education is she/he being "forced"? These questions are addressed more comprehensively in the following sections. For clarity and brevity's sake, the general ILO Convention No. 29, which prohibits forced and debt labour is used as a definitional yardstick.

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<sup>29</sup> The total number of attacks is likely to be much higher but cases remain unreported due to lack of faith in the legal system, intimidation and a lack of awareness of the victim of his/her rights. See, *Living in the Shadows: Acid Attacks in Cambodia*, (Project Against Torture, LICADHO, 2003), p.2.

<sup>30</sup> *Ibid*, p.7.

<sup>31</sup> *Ibid*, p.1.

LICADHO and the Asian American Free Labor Institute (AAFLI) have drawn attention to the appalling conditions that children under the age of 15 endure in brick factories, plantations, and the construction industry.<sup>32</sup> In these environments children are at high risk of accidents with heavy machinery, and seldom have the opportunity to go to school. Long hours and gruelling work are not reflected in their remuneration, which can be as little as \$5 per month. In some instances children work along side their parents and their wages are assimilated into the family's overall monthly salary. Conditions are similarly dire in the service industry where employers in restaurants and bars favour young girls since they tend to have more docile attitudes to exploitation.

Organisations such as LICADHO, other NGOs and International Organisations that are working to protect children are conducting research and promoting awareness of the plight of child labourers. Organisations working in India, where child labour is a critical problem, have served as a guiding light to other countries seeking to resolve this issue. A positive trend in reducing child labour is now starting to emerge with the formation of international and regional alliances that can share experiences and combat the problem on a *trans* border basis. A regional approach to the problem is imperative since a large proportion of forced labour is trafficked over international borders. This problem is discussed in further detail in the section pertaining to the trafficking of women and children.

### *Adoption*

The RGC has not yet signed the Hague Convention on Inter-Country Adoption, and has very weak domestic laws to protect the victims involved in adoption related crimes. LICADHO has determined that illegal adoption, mainly to a target market in the United States, is a serious and growing problem.<sup>33</sup> In 2002 Cambodia was purported to have the fastest adoption process in the world (3 to 4 months), which has stimulated the market in baby buying and child trafficking.

Adoption facilitators prey upon vulnerable pregnant women such as the poor, divorcees and widows. These women are offered a nominal donation fee (between \$30 - \$100) to allow their babies to be removed to a "Children's Centre."<sup>34</sup> Unless there is legal or NGO intervention it is likely that they will never see their children again. Once transferred to a private adoption home, the children are promoted on foreign internet websites to prospective parents around the world. Legal adoption papers require local (village) officials to endorse that the child is truly an orphan and then further legal verification and consent at ministerial level. This process is riddled with corruption and bribery, which is widely but *unofficially* acknowledged amongst adoption circles.

Baby buying and illegal adoption are very difficult to combat because women are unaware of their rights, suffer intimidation, and facilitators are often powerful and well-connected individuals who are able to act with near-impunity. From 2000 - 2002 LICADHO investigated four private orphanages that were facilitating adoption to US agencies. Of the 15 children involved in the investigation, 10 were returned to

<sup>32</sup> See, *Child Labour in Cambodia*, (Asian American Free Labor Institute and LICADHO, September 1996); Working Women in Cambodia, (Astrid Aafjes & Bama Athreya, LICADHO and Asian American Free Labor Institute).

<sup>33</sup> *Abuses Related to the International Adoption Process in Cambodia*, (Briefing Paper, LICADHO, January 2002).

<sup>34</sup> LICADHO was unable to verify the situation of babies and children who may be abducted from their parents and later trafficked for adoption.

their parents after LICADHO intervention, 3 had already been adopted into the United States, and a further 2 could not be traced. Nevertheless only 7 people were formally charged with offences in 2002.<sup>35</sup> The RGC has placed a number of *ad hoc* moratoriums on international adoption in response to embarrassing public exposés and also ratified a new sub-decree for adoption procedures. These reactionary responses have not resulted in reducing a crime that has been damned by international governments as “truly despicable.”<sup>36</sup>

Another long-standing form of adoption in Cambodia is the informal practice of adopting a young destitute child, usually a girl, into domestic servitude. The child will be given food and shelter and in exchange the ‘guardians’ often feel entitled to impose *any* duties upon their ‘wards’. In many cases this results in conditions tantamount to slavery and where the child is also highly vulnerable to physical and sexual abuse. As LICADHO has observed, these cases are especially hard to investigate and remedy because the children are largely inaccessible inside their employers’ / guardians’ homes.<sup>37</sup> One of a few cases that LICADHO has recently been able to investigate involved a girl of 8 years old who was chronically abused by her female employer, a politically and economically influential person in Cambodia. The case was brought to LICADHO’s attention only through the vigilance of a neighbour. Despite evident physical abuse requiring medical attention, the female employer only received a one-year suspended sentence when the case came to trial.

### **Recommendations**

- Increase the number of trained female law enforcement officers and legal officials mandated to deal with violent crimes perpetrated against women.
- Reduce the prevailing culture of impunity by consistent efforts to bring perpetrators to justice (and raise public awareness of this).
- Disseminate further information for women on their rights and courses of action and support if they have been victims or wish to seek help for other women or children.
- Conduct further research into the increasing numbers of reported rapes.
- Introduce peace education into the community and school syllabuses to overcome historically ingrained patterns of violence within society.
- Continue to monitor and impose sanctions on weapons kept for personal use.
- Provide more specific counselling and medical services for victims of rape and violence, especially those focused on victims who are minors. Assistance catering to the needs of victims of rape and indecent assault should be separate to the services provided to women who have been victims of trafficking and the sex trade.
- Provide specialised medical services for victims of acid attacks (including psychological treatment).
- Limit/control the sales of acid (sulphuric/battery acid, nitric and hydrochloric acid).
- Learn and share experiences with countries such as Pakistan and Bangladesh that have long experience in combating an endemic problem with acid attacks.

<sup>35</sup> *Ibid*, p.3.

<sup>36</sup> US Ambassador to Cambodia, Kent Wiedemann, quoted in *Abuses Related to the International Adoption Process in Cambodia*, (Briefing Paper, LICADHO, January 2002), p.4.

<sup>37</sup> *Child Labour in Cambodia*, (Asian American Free Labor Institute and LICADHO, September 1996).

- The RGC must sign the Hague Convention on Inter-Country Adoption and be lobbied (by civil society) to tighten and enforce the laws on international adoption to protect victims of this trade (children, birth parents and unwitting adoptive parents overseas). Cambodia must not be viewed globally as a haven for baby-buying.
- Parents must register and receive official birth certificates for their children. This will help to combat fraudulent claims concerning the orphan status of a child.
- Cambodian and international government agencies (particularly the United States) must cooperate in criminal investigations and in sharing information on the perpetrators involved in this international trade.
- Further research and efforts must be made to reach children who are 'adopted' into domestic servitude/slavery.

## IV.B. Women and children trafficked and engaged in the sex industry

### Article 6

*State parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.*

Trafficking and sexual exploitation of women and minors has captured world attention. The sex industry in Cambodia exploded in the early 1990s and fed off a highly mobile, transient population. Since this time, Cambodia has gained infamy for being a country that receives and exports women and children, and also for the high number of women and children engaged in the sex industry. According to MOSALVY, "The country's geographic location, poverty, weak law enforcement and war torn infrastructure as well as corruption provide an ideal environment for traffickers."<sup>38</sup>

The RGC has proclaimed, "Trafficking of women and children is the worst form of violence against women."<sup>39</sup> In addition to outlawing prostitution, in 1996 the RGC promulgated a Law on Suppression of Kidnapping, Trafficking/Sale and Exploitation of Human Persons. This law has been deemed insufficient to combat the problem and the Ministry of Justice is currently drafting a more comprehensive legal code. The government has highlighted a series of further measures to reduce trafficking and sexual exploitation.<sup>40</sup> There is also considerable NGO and donor assistance in researching and implementing effective mechanisms to protect women. However, it is generally accepted that trafficking and exploitation of women in all forms is still on the rise.

### *Why Cambodian women enter and remain in the sex industry*

Many women are trafficked in and out of Cambodia to work in the sex industry but the largest number are trafficked within Cambodia itself. There is a bewildering array of statistics attempting to gauge the number of women engaged in the sex industry in Cambodia. These figures vary according to different definitions of "sex workers" and variable research methodologies. Steinfatt offers the lowest estimate at 18,256 sex workers (including direct and indirect sex workers) in the period 2002 – 2003.<sup>41</sup> The highest estimate of 80,000 – 100,000 was proposed by the Cambodian Human Development Report of the Ministry of Planning in 2000.<sup>42</sup> Either estimate indicates an alarming situation.

Cambodian women may be driven into the sex trade through poverty, lack of education and the breakdown of familial security and rise in domestic violence.

<sup>38</sup> Cited in *Enforcement of the Laws: Obstacles and How They Might Be Overcome. Seminar on Legal Protection and Law Enforcement in Trafficking Women and Children*, (Speech delivered by Dr. Kek Galabru for LICADHO, Phnom Penh, November 2000), p. 1.

<sup>39</sup> *Initial, Second and Third Report on the Implementation of the International Convention on the Elimination of all forms of Discrimination Against Women in Cambodia*, (Royal Government of Cambodia, October 2003), p. 32.

<sup>40</sup> These measures are outlined in the RGC's report on the implementation of CEDAW, 2003. *Inter alia*, strategies include closing karaoke bars and night clubs, establishing the Cambodian National Council for Children (CNCC) to monitor the exploitation of minors, establishing the Cambodian National Council for Women (CNCW) to monitor and combat exploitation of women, and establishing an Executive Legal Committee supported by donor organisations and NGOs to train law enforcement agents in preventative measures.

<sup>41</sup> *Measuring the Number of Trafficked Women and Children in Cambodia: A Direct Observation Field Study* (Thomas M. Steinfatt, University of Miami, 2003), p. 11.

<sup>42</sup> *Cambodia Human Development Report 2000: Children and Employment* (Ministry of Planning, 2000), p. 10.

Some women may consider it as their personal choice to work directly in brothels or in more informal situations such as massage parlours and as beer girls. However, CWCC research indicates that 64.45 % of prostitutes have been forced into this work, 52.9% were duped by the prospect of a good job, 11.04% were sold by family members, and 0.58% were raped.<sup>43</sup> In the case of women who have been trafficked either internally or externally for sexual purposes, the percentage of those claiming they were duped by offers of improved employment has increased.

There is a plethora of case studies that catalogue the abuse, violence and horrifying conditions that women are subjected to in brothels throughout Cambodia. Sex-workers are primarily viewed as a possession of the brothel owner or pimp (*maebon*). As such the *maebon* feels entitled to imprison and beat the girls if they do not comply with his/her wishes. In some cases the sex workers are expected to service up to 40 clients a day. It is not uncommon therefore for the *maebon* to supply the women with drugs to keep them compliant. Some sex-workers become dependent on this narcotics supply, which helps to explain why they remain in and return to brothels.

#### *Legal impunity for the traffickers and maebon*

Crimes involving the sexual exploitation and trafficking of women are largely perpetrated with impunity. Some law enforcement officers and legal officials are at best indifferent to the trade, and at worst complicit in the crimes by accepting bribes. According to LICADHO's Project Against Torture report, "The flesh trade is lucrative business and, like most lucrative businesses in Cambodia, is controlled by people with weapons and influence. Police, military police, army and other state personnel are deeply enmeshed in the trade, actively running or protecting trafficking rings and brothels."<sup>44</sup> In the case of trafficking, perpetrators can also expect to receive assistance from immigration officials in the majoring trafficking towns such as Poipet (on the Thai border) and in Svay Rieng and Kampong Cham provinces (which border Vietnam). In short, "trafficking cases are sad examples where impunity has become the rule to the extent that a sentence of guilt will be regarded as an abnormality."<sup>45</sup>

It is almost impossible to catalogue the number of blatant abuses that abound in regard to sexual exploitation and trafficking. One glaring example is the story of a woman murdered by Meach Bunrith, an infamously abusive *maebon* and trafficker in Poipet. He is known to have powerful military support and protection for his businesses. In June 1998, he severely beat a 24-year-old woman in his brothel. Despite her injuries she was detained in a filthy room and denied medical treatment for three days. She later died at a local clinic. On this occasion Meach Bunrith was arrested and charged. Despite witnesses (who were brave enough to come forward), and overwhelming evidence, the case was dismissed for lack of evidence. He was free to return to conduct his business interests.<sup>46</sup>

As an illegal trade, prostitution and trafficking are both complex and difficult to combat, with the key facilitators frequently being protected and therefore going unpunished. Often it is the people at the bottom of the food chain who face legal

<sup>43</sup> *The Cambodian Women's Crisis Centre - Helping women to help themselves* (The Cambodian Women's Crisis Centre, Annual Report, January - December 2002), p.17.

<sup>44</sup> *Less than Human: Torture in Cambodia*, (Jason Barber; Project Against Torture (PAT) Report, LICADHO, June 2000), p.67.

<sup>45</sup> *Human Rights Situation Report*, (The Cambodian Human Rights and Development Association, Phnom Penh, January 2004), p.40.

<sup>46</sup> This case is cited in *Corruption and Sexual Exploitation*, (Speech delivered by Dr. Kek Galabru for LICADHO, Watt Botam, December 2001), p.2.

sanction for their part in the process. These tend to be the poorest of the poor, such as mothers who sell their daughters through financial expediency. Tremendous and concerted effort needs to be expended on reducing the environment of impunity and corruption surrounding this business.

One approach to tackling the problem has been to try and empower sex-workers to help themselves. The Cambodian Women's Development Agency (CWDA) has encouraged sex-workers to form their own union to protect and defend workers in their industry. However, clearly this union cannot expect the participation of the many women who are imprisoned inside brothels in Cambodia and elsewhere. Other NGOs have tried to protect the most vulnerable of women in brothels by offering to pay the *maebon* for their release. While this may offer an expedient escape for the victim, such actions underscore the commodity-like nature of the industry and ultimately perpetuate the exploitative trade.

### *Vietnamese women working in the sex trade in Cambodia*

It is estimated that 50% of sex workers in Cambodia are ethnic Vietnamese.<sup>47</sup> The majority originate from the Mekong Delta Region and are able to slip through the porous border with Cambodia, often assisted by professional traffickers and the complicity of corrupt police and border officials.<sup>48</sup> Generally speaking, Vietnamese women enter the Cambodian sex trade for different reasons to Cambodian women. While it is inaccurate to say that Vietnamese women enter the trade by their *own free will*, a large number feel honour-bound to pay off familial debts in their native land. In essence they become indentured labourers and are reluctant to leave a brothel until the debt is repaid. It is of particular concern that no Memorandum of Understanding (MoU) has been signed with Vietnam to date. Vietnamese women are therefore not only imperilled by the nature of their work but can face arrest by Cambodian authorities for immigration violations. For this reason, rescue and rehabilitation work with Vietnamese sex workers is even more difficult and complex than rehabilitation and re-integrative programmes for Cambodian women.<sup>49</sup>

### *Rehabilitation and reintegration programmes for trafficked and sexually exploited women*

It is imperative to recognise that not every woman working in the sex-industry is coerced to remain in this trade. Some women choose to stay of their own volition. NGOs and other organisations, particularly those conducting rescue missions, must be careful not to superimpose a false consciousness on women they are seeking to help.

MoWVA and NGOs such as the CWCC and LICADHO run rehabilitation and reintegration programmes. Rehabilitation programmes focus on providing security, psychiatric and counselling assistance, general support services, and provision of vocational training courses (to both women and children). Reintegration involves finding a suitable resettlement arrangement for the victim. According to the CWCC, many victims are afraid to return to their communities for fear of further abuse and

<sup>47</sup> This statistic is provided by the government in *Initial, Second and Third Report on the Implementation of the International Convention on the Elimination of all forms of Discrimination Against Women in Cambodia*, (Royal Government of Cambodia, October 2003). However, Steinfatt suggests this number is lower, at around 43%; *Measuring the Number of Trafficked Women and Children in Cambodia: A Direct Observation Field Study* (Thomas M. Steinfatt, University of Miami, 2003).

<sup>48</sup> Unlike Thailand, Vietnam has not yet signed a Memorandum of Understanding (MoU) with Cambodia in regard to trafficking issues. It is expected that this MoU will be signed in 2004.

<sup>49</sup> There have been instances in recent years where Vietnamese women have been rescued from brothels in Cambodia and placed in rehabilitation centres, only to escape once more to the brothels.

ostracism. Rehabilitation thus involves providing the victim with alternative options for employment and re-settlement in Cambodia.

### *Health for sex workers*

Sex workers face two main threats to their health and security. The first is increasing levels of violence perpetrated by men against women and children in the sex industry. The second is the transmission of sexual diseases, primarily HIV/AIDS. In 1999 the prevalence of HIV/AIDS amongst direct sex workers, commercial sex workers and freelance sex workers was estimated at 33.2%, 19.8% and 16.7% respectively.<sup>50</sup> This represented a decline from previous years and it is possible that these figures will be reduced further as sex workers receive more support and information on how to protect themselves from HIV/AIDS.

### *The trafficking of women and children for non-sexual exploitative purposes*

Cambodian people are also trafficked as 'commodities' for purposes other than sexual exploitation. However, the general *modus operandi* of the traffickers remains very similar in that they prey on poor and vulnerable men, women and children and can act with relative impunity due to the complicity and protection afforded to them by government officials and law enforcement officers.

Thailand and, to a lesser degree, Vietnam and other ASEAN countries are the main receivers of trafficked Cambodian labour. It was estimated in 2000 that 88,000 bonded workers were in Thailand at any one time.<sup>51</sup> These included men and women trafficked to Thailand (often voluntarily under the assurance of a good job) and subsequently used as slave labour in the fishing, docking, construction and service industries. Many men working in the docking industry reported being force-fed narcotics to enable them to work strenuous shifts.<sup>52</sup> In a recent raid in Bangkok, police rescued 18 Cambodian teenage slave workers (including 3 girls.). Police reported that 5 of the victims had lost their fingers operating a can-making machine and all were being kept in appalling conditions.<sup>53</sup>

Another lucrative business for traffickers is the 'export' of children to Thailand or Vietnam to work in begging or robbing gangs.<sup>54</sup> Official Thai statistics cite at least 500 Khmer children begging on the streets of Thai cities at any one time.<sup>55</sup> The number is equivalent or higher in Vietnam. When the children arrive in these cities they are subject to the control of powerful figures, usually in mafia organisations that collect their earnings and give them the bare necessities to survive. A cursory walk around the streets of Saigon reveals that these children also face habitual harassment and violence from established and indigenous local gangs of youths engaged in the same business.

The trafficking of drugs and women has been married into an unholy alliance in Cambodia today. Traffickers are increasingly using women crossing the border into Thailand as 'mules' to carry heroin and yama. Aside from the clear health risks that

<sup>50</sup> *HIV Sentinel Surveillance*, National Centre for HIV/AIDS, Dermatology and STDs, 2000.

<sup>51</sup> *Enforcement of the Laws: Obstacles and How They Might Be Overcome. Seminar on Legal Protection and Law Enforcement in Trafficking Women and Children*, (Speech delivered by Dr. Kek Galabru for LICADHO, Phnom Penh, November 2000), p.1.

<sup>52</sup> *Cambodia Labour Migration to Thailand: A Preliminary Assessment*, (Chan Sophal & So Savannarith, Cambodian Development Resource Institute, June 1999), p.8.

<sup>53</sup> "Police raid sweat shop, rescue 18 Cambodian teens," (The Bangkok Post, 27 December 2003).

<sup>54</sup> Handicapped people and women with young babies are also targets of traffickers recruiting beggars to work in neighbouring countries.

<sup>55</sup> Cited in *Less than Human: Torture in Cambodia*, (Jason Barber; Project Against Torture (PAT) Report, LICADHO, June 2000), p.69. This figure is noted as being 'cautious' and in reality is probably significantly higher.

many forms of drug trafficking carry, it is the women rather than the drug traffickers who face stiff penalties, including death, if they are caught by the authorities.

### ***Recommendations***

- CAMBOW and other civil society organisations must continue to lobby the Ministry of Justice to reform and formulate a comprehensive new trafficking law.
- *All means* should be used to implement and enforce current laws that protect women from sexual exploitation and trafficking. They must be *seen to be working* in order to overcome the culture of impunity and corruption.
- Raising the salaries of civil servants should be explored as a potential means to combat corruption amongst government employees.
- Further training and education of police and border officials who are working in proximity to trafficking and sex trade centres.
- Further research (both in Cambodia and in Vietnam) is required to find better ways to help Vietnamese sex workers in Cambodia. Brothel raids and/or repatriation to Vietnam may not be the best answer.
- A Memorandum of Understanding needs to be concluded between Cambodia and Vietnam in order to protect Vietnamese sex workers from being re-victimised as illegal immigrants.
- Continued education on HIV/AIDS for sex workers and their principal client groups such as army/police officers, as well as other workers with high mobility such as fishermen.
- Regular testing for sex workers and their principal client groups.
- Increased funding and assistance for MoWVA and NGOs implementing effective rehabilitation and re-settlement programmes for women and children who are victims of trafficking and sexual exploitation.
- More focus should be placed on providing young women with skills that can provide a sustainable livelihood as a means of keeping them away from the sex industry.
- Work to dispel the general stigma attached to victims of the sex trade, which inhibits their rehabilitation and re-settlement in the community.

## V. Women in prison

Cambodia gained international infamy with the DRK's notorious Tuol Sleng prison in Phnom Penh. Since this time immeasurable improvements have been made in Cambodia's penal system. This has been largely due to the monitoring of human rights and health conditions in prisons throughout the country.<sup>56</sup> Nevertheless conditions are far from ideal for women and minors in detention.<sup>57</sup> Regulations concerning the protection of women (and their children) and minors are regularly flouted by guards and prison directors. Women and minors constitute 6% and 4% of Cambodia's penal population and can be subject to appalling abuses,<sup>58</sup> above and beyond those suffered by male detainees.<sup>59</sup>

### *Living conditions*

By law, women and minors are afforded extra protection within the penal system. They must be accommodated in separate compounds and female prison guards must also accompany male guards when they are in women's buildings and cells. However, these regulations are infrequently observed and women detainees are usually accommodated within the larger prison community and attended by male prison guards<sup>60</sup>. The accommodation for *all* detainees is generally poor and overcrowded which can lead to unsanitary conditions and a general lack of privacy. One woman who spoke to LICADHO reported sharing a cell with 26 other prisoners.<sup>61</sup>

Health for women in prison is similarly dire. A quarter of women interviewed throughout the penal system said that they had no access to reasonable health care.<sup>62</sup> In some instances, medical facilities were only available on a fee-paying basis. This is particularly alarming in an environment where unsanitary conditions and malnutrition engender illness, and in particular infectious diseases. Most women suffer from vaginitis and HIV/AIDS is a growing problem in Cambodian prisons today. There is no routine screening process of detainees and the disease can proliferate through the community by common practises such as tattooing and rape.

Food provision is inadequate in most prisons. Human rights workers have concluded that the government is simply not honouring its obligation to feed detainees. As one UN monitor stated, "People sentenced to imprisonment should be not be punished with enforced starvation. A government which cannot feed its prisons has no right to keep them locked up."<sup>63</sup> Women are at greater risk of malnourishment since they are less likely than men to receive supplementary food from their families. Organisations such as the World Food Programme and LICADHO have been providing supplementary food to prisoners but whilst this is a

<sup>56</sup> This work was first started by LICADHO and Médecins Sans Frontières in 1994.

<sup>57</sup> According to Cambodian law, no child under 13 can be imprisoned but this law is not always strictly adhered to. See, *Less than Human: Torture in Cambodia*, (Jason Barber; Project Against Torture (PAT) Report, LICADHO, June 2000).

<sup>58</sup> In January 1999, LICADHO recorded that there were 176 women and 120 minors in Cambodia jails. The total prison population was 3,007. Most of these women were detained for failure to pay debts but incarcerated along with high security prisoners. Cited in *Less than Human: Torture in Cambodia*, (Jason Barber; Project Against Torture (PAT) Report, LICADHO, June 2000), p.55.

<sup>59</sup> The terms "prisoner" and "detainee" are used interchangeably to denote people incarcerated in prison. These include men and women who have been convicted (and are serving their sentences) and those awaiting trial.

<sup>60</sup> In 2000 it was recorded that only Prey Sâr prison had a separate compound for women prisoners. See *Less than Human: Torture in Cambodia*, (Jason Barber; Project Against Torture (PAT) Report, LICADHO, June 2000), p.51.

<sup>61</sup> *Innocent Prisoners: A LICADHO report on the rights of children growing up in prisons* (Hilary Margolis, LICADHO, June 2002), p.24.

<sup>62</sup> *Innocent Prisoners: A LICADHO report on the rights of children growing up in prisons* (Hilary Margolis, LICADHO, June 2002), p.3.

<sup>63</sup> *Less than Human: Torture in Cambodia*, (Jason Barber; Project Against Torture (PAT) Report, LICADHO, June 2000), p.54.

necessary temporary expedient, it negates the government culpability for due care of its detainees.

### *Abuse of detainees*

The prevalence of routine torture of prisoners has been decreasing since the mid-1990s. This has been due to closer monitoring, lobbying and a heightened awareness by prison authorities of the rules and regulations governing detainees under their charge. Nevertheless the practise of using primitive restraining devices is still perpetrated in some prisons, as is the use of other inmates for disciplinary purposes. Torture is often conducted under the guise of punishment and can take the form of beatings reused medical attentions and humiliation.

Perhaps the most insidious forms of torture for women in prison are rape and sexual abuse perpetrated by guards, prison authorities and other inmates. In one case LICADHO investigated, a woman had been forced into local prostitution by prison guards.<sup>64</sup> Another tragic case which came to the attention of LICADHO took place at Koh Kong prison in 1996 – 1997:

In June 1997, LICADHO medical officers found a woman who appeared to be in the final stages of AIDS sharing a cell with another woman with 3 children. The woman called Touch was about 27 and chronically ill. She was discovered lying in a pool of excrement and urine. According to the accounts of other prisoners, Touch had been incarcerated in early 1996. Shortly after her arrival another prisoner implicated her in an escape attempt. In response to this, both women were stripped naked by a guard and anally raped by the stem of a coconut. Some months later Touch was beaten again for allegedly mentioning this attack to a court official. The following year, Touch was raped again by an inmate and fell pregnant. When LICADHO examined Touch, the foetus was believed dead but still inside her. Although she had been sent to hospital a few weeks previously (at the request of a legal aid organisation), she had been released after one day as staff claimed there were insufficient resources to watch her in hospital. LICADHO subsequently arranged for her to return to hospital to receive treatment but within a matter of days of LICADHO's departure from Koh Kong province, Touch died. A post-mortem test revealed she was HIV positive.<sup>65</sup>

Touch's case highlights the worst excesses of horror and depravity in Cambodia's penal system. Improvements in care and transparency have been made since 1997 and it is unlikely (though not entirely impossible) that such brutality could be re-enacted. Touch's case is recounted here not to shock (although it is most certainly shocking) but to re-emphasise the need for regular vigilance and care for women in Cambodia's prisons.

### *Children growing up in prison*

Cambodia law permits the raising of children in prison by their mothers; fortunately the number of women with children in prison is relatively small. In 2001, LICADHO interviewed all 13 mothers who had either given birth in prison, or brought their children to be with them feeling that there was no alternative sources of care.<sup>66</sup> Little is known about how the conditions in prison will affect these children in later life.

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<sup>64</sup> *Ibid*, 51.

<sup>65</sup> *Less than Human: Torture in Cambodia*, (Jason Barber; Project Against Torture (PAT) Report, LICADHO, June 2000), p.53.

<sup>66</sup> See *Innocent Prisoners: A LICADHO report on the rights of children growing up in prisons* (Hilary Margolis, LICADHO, June 2002).

From the little research that has been conducted, we know that prison conditions are far from ideal for children.

The majority of mothers reported that their children frequently suffered poor health, had insufficient food and very limited opportunity for education.<sup>67</sup> Other worrying issues observed by LICADHO staff are the vulnerability of children to abuse by guards or inmates (especially sex-offenders incarcerated in the vicinity). Another problem that may inhibit a child's healthy development was the absence of any positive role models. In 2002, LICADHO was the only organisation researching this issue and providing food and medical support for children growing up in prison.

### ***Recommendations***

- Continued careful monitoring of human rights and health in prisons throughout Cambodia to increase transparency in the penal system.
- Educate guards and officials on the rules and regulations concerning the detainment of prisoners. Imposition of stiff sanctions if these regulations are contravened.
- Ensure that women and minors are kept in separate compounds.
- Increase the number of female guards in prisons.
- Lobby the government to invest more resources in the provision of food, health care and education for prisoners.
- Continued research and protection for children who are growing up in prison.

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<sup>67</sup> Researchers have qualified their findings by recognising that the women may not have been as forthcoming as they would have liked, owing to the presence of prison guards during the interviews. See *Innocent Prisoners: A LICADHO report on the rights of children growing up in prisons* (Hilary Margolis, LICADHO, June 2002, pp. 20 -21).

## VI. Rural Women

### Article 14

1. *State 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 appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.*
2. *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 and benefit from rural development...*

In 2003, 84% of Cambodians resided in rural areas. 90% of citizens living under the poverty line were in rural areas and the majority of these were women.<sup>68</sup> The situation for rural Cambodian women is complex and profoundly unsatisfactory. Aside from generic discriminatory practices that can be mirrored in many predominantly rural Southeast Asian nations, Cambodian women face more *sui generis* problems relating to the history and socio-political context of Cambodia.

#### *The perpetuation of poverty cycles and further obstacles facing development for rural women*

It is estimated that 50% of rural women are illiterate and have not completed primary school education.<sup>69</sup> This alarming figure can be partly explained by the destruction of educational facilities under the Khmer Rouge regime and the ensuing disruption of civil war that extended into the 1990s. It can also be understood within the context of traditional sexist attitudes to women, and a dearth of resources to spend on education in general. Lack of education greatly inhibits women's understanding of their rights to equality and protection under the law. This can make them vulnerable to repeated cycles of domestic violence and abuse. It can also make it very hard for rural women to break out of the poverty cycle by finding off-farm employment in non-exploitative trades.

Another serious problem that affects rural Cambodian women is ill health and disability. The United Nations Development Report 2003 reveals that only 13% of government health workers live in rural areas and therefore many treatable maladies become more serious through lack of remedial attention. This severely impairs rural women's capacity to work and support their families.

Despite the best efforts of many mine clearance groups, Cambodia remains one of the most densely mined countries in the world and has one of the highest proportions of handicapped men and women. Disabled women are often stigmatised and discriminated against within communities and find it hard to marry. The situation for female-headed households is even more perilous when the sole breadwinner is incapacitated and other sources of income generation must be found.

<sup>68</sup> *Gender in Poverty Reduction*, (NGO Sectoral and Issues Papers on Poverty Reduction and Development in Cambodia, 2003), p.37.

<sup>69</sup> *ibid.*

The Cambodian government (in particular MoWVA), as well as a number of donors and NGOs, have instituted a series of programmes that seek to address female development in rural areas. The UNDP in Cambodia is especially positive about the Partnership for Gender Equity (PGE) and National Poverty Reduction Strategy (NPRS). At the beginning of 2003 the UNDP stated, "PGE in partnership with the Ministry of Women's and Veterans' Affairs and the World Bank successfully advocated the inclusion of gender equity issues in Cambodia's National Poverty Reduction Strategy and its related Public Expenditure Review (PER). Cambodia's National Poverty Reduction Strategy is considered to be one of the best in the world regarding the mainstreaming of gender."<sup>70</sup>

### *Female-headed households*

The greatest predominance of rural poverty exists within female-headed households (FHH). FHH are especially vulnerable in regard to land ownership. According to surveys conducted in 2000, the average rural landholding is 1 hectare but the average landholding for FHH is just over 0.5% of that.<sup>71</sup> This is not sufficient to sustain a family of more than four members at subsistence level. FHH are further endangered and intimidated by predatory land speculators who make claims upon their land. Women do not have the resources to defend these claims in court and may fall prey to discriminatory community arbitration.

A significant proportion of FHH belong to war widows. Unlike neighbouring Vietnam where war widows are venerated and provided with pensions, Cambodian widows are offered no state support. The complexity of the civil unrest that plagued Cambodia for decades has made issues of compensation too politically sensitive to be addressed in the recent post-conflict reconstruction years.

### *Women in rural reform and community development*

The current process of political decentralisation in Cambodia has provided women with a window of opportunity to participate in grassroots decision-making forums. Gender mainstreaming in decentralisation has been encouraged by MoWVA and the SEILA programme. In 1998, women accounted for 40% of the representation in communes in the western provinces of Cambodia.<sup>72</sup> However, these statistics do not tell us whether women are actually able to use their appointments effectively or whether they are simply titular positions. Further research is needed into this question as comparative findings in Vietnam have revealed that women in rural government are often undermined and manipulated by their male colleagues.

### *Women in Agriculture*

The difficulties facing women in agriculture have been discussed in detail in section VIII (Women in Employment). It is worth repeating that women's significant contributions to agricultural production are often under-estimated. Since women account for 65% of agricultural labour and 80% of food production they should be recipients of more appropriately targeted micro-credit and agricultural extension schemes. Women should also be encouraged to train as agricultural extension officers, which would enhance the status of women in the community in general.

<sup>70</sup> Partnership for Gender Equity, (United Nations Development Programme, 2003), p.1.

<sup>71</sup> Landownership, Sales and Concentration in Cambodia: A Preliminary Review of Secondary Data and Primary Data from Four Recent Surveys, Working Paper 16, (Cambodia Development Resource Institute, 2000). Cited in *Report on the Elimination of all forms of Discrimination against Women in Cambodia*, (Cambodian NGO Committee on CEDAW, 2001), p.48.

<sup>72</sup> *Initial, Second and Third Report on the Implementation of the International Convention on the Elimination of all forms of Discrimination Against Women in Cambodia*, (Royal Government of Cambodia, October 2003), p.39.

***Recommendations***

- Further funding is needed to provide increased access to better health and educational facilities for women in rural areas.
- Continued funding and support for mine clearance operations.
- Need for effective monitoring of results and outputs of gender mainstreaming in Cambodia's National Poverty Reduction Strategy.
- Further research is needed into the political and community development role that women can play in rural governance and community development forums.
- Women should be encouraged and given confidence to actively participate in rural decision-making bodies.
- Micro-credit and agricultural extension schemes should be targeted more at women. Females should also be encouraged to train and act as facilitators in these schemes.
- There should be an increased budget allocation to the Ministry of Agriculture to reflect the high percentage of people engaged in agriculture.

## VII. 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 healthcare services, including those related to family planning.*
2. *State Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.*

The health of all Cambodian citizens is enshrined in Article 72 of the Constitution, which emphasises non-discriminatory health practices and free medical consultation for poor citizens. The government of Cambodia is proud of its national healthcare system, which has received considerable support from donor organisations and NGOs. There are some grounds for this pride as there has been genuine improvement on key indicators such as female life expectancy and infant and maternal mortality rates.<sup>73</sup> However, government statistics tend to gloss over the wide differentiation between rural and urban health services and the alarming spread of HIV/AIDS among Cambodian women.

#### *Access to quality health services*

The official RGC report on the implementation of CEDAW affirmed that there were 8 national hospitals, 24 referral hospitals, 44 referral district hospitals and 812 health centres in 2003. Each health centre provided services to 8,000 – 12,000 inhabitants.<sup>74</sup> In praxis there is a concentration of health workers and services in cities and towns and a deficit in rural areas. The Cambodian NGO Committee on CEDAW estimates that 40% of rural women faced logistical difficulties in accessing a rural health facility.<sup>75</sup> Rural and urban women alike have cited further difficulties in regard to the costs of their prescribed treatments and limited access to female practitioners.

Generally speaking, public healthcare workers' professional skill levels are considered to be low and particularly so in remote areas of Cambodia. The salaries for qualified public health workers are meagre and necessitate either finding work in the private sector, supplementing incomes with a second job, or charging additional fees for services provided. As long as state wages remain so pitiful and there are no incentives for health workers to relocate to remoter parts of the country, it is unlikely that the quality of the public health service can improve.

#### *Maternity care*

There has been a considerable improvement in maternal mortality rates from 900 deaths per 100,000 live births in 1989 to 437 in 2000.<sup>76</sup> Nevertheless over 200, 000 women suffer from pregnancy-related complications each year.<sup>77</sup> Many of these

<sup>73</sup> It should be noted that while female health indications have improved over the last decade, infant and maternal mortality rates are still significantly higher than in most other Asian nations.

<sup>74</sup> *Initial, Second and Third Report on the Implementation of the International Convention on the Elimination of all forms of Discrimination Against Women in Cambodia*, (Royal Government of Cambodia, October 2003), p.69.

<sup>75</sup> Report on the Elimination of all forms of Discrimination against Women in Cambodia, (Cambodian NGO Committee on CEDAW, 2001), p.43.

<sup>76</sup> *Cambodia Demographic and Health Survey 2000: Preliminary Report*, (National Institute of Statistics, Ministry of Planning and Ministry of Health, 2000), p.17.

<sup>77</sup> *Gender in Poverty Reduction*, NGO Sectoral and Issues Papers on Poverty Reduction and Development in Cambodia, 2003, p. 35.

problems stem from poverty, which can lead to common disorders such as anaemia, estimated to affect 66% of pregnant women.<sup>78</sup> Restricted access to quality maternal care is also a key factor contributing to the high rate of maternal and infant mortality. A number of women, especially those in rural areas, receive assistance from unqualified midwives (known as Traditional Birth Attendants, TBA). While TBAs are usually considered as trusted members of local communities, they can promote traditional practices that may be harmful to mother and child such as limiting the amount of healthy food a mother can eat and not allowing a mother to breastfeed for two days after the birth. The Ministry of Health has declared that there was a shortfall of at least 1,000 trained midwives in 2003 and is committed to a rapid training programme for midwifery.<sup>79</sup> LICADHO research indicates that this figure may underestimate the number of nurses who have been trained in midwifery by NGOs such as Médecins Sans Frontières (MSF), which has been very active in maternal health projects throughout provincial Cambodia.

### ***Birth control***

In 2003, the fertility rate declined to 4 children per woman, representing a decrease of 1.4% over a 10-year period. This decline is linked to better education and understanding of birth control practices. Research indicates that 24% of women now use contraceptives and birth spacing techniques as opposed to less than 1% in 1995<sup>80</sup>. However, there is still a need to orally disseminate information on birth control in rural areas where a higher proportion of illiteracy and a stronger proclivity to raise large families remains.

The Cambodian Demographic and Health Survey of 2000 estimated that 6% of women interviewed had undergone an abortion and nearly 30% of these had been performed at home, usually with the assistance of a TBA.<sup>81</sup> There is still a prevailing attitude of shame and secrecy surrounding the issue of abortion in Cambodia. This may make women reluctant to seek professional advice and assistance. Further education is required on how and where women can seek confidential and professional abortion assistance.

### ***Recommendations***

- Further detailed research is required on *current* health indicators in Cambodia. There is an over-reliance on the 2000 Cambodia Demographic and Health Survey; this should be updated in the near future.
- Improve the overall quality of the public health system by raising salary bands to attract highly qualified professionals.
- Ensure better access to quality health services in remote areas by offering incentives for health workers to work in rural areas.
- Encourage the recruitment of more female medical practitioners into the health service.
- There should be an evolution in the role of TBAs in maternal care. They should be discouraged from practising harmful traditional remedies and

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<sup>78</sup> *Initial, Second and Third Report on the Implementation of the International Convention on the Elimination of all forms of Discrimination Against Women in Cambodia*, (Royal Government of Cambodia, October 2003), p.74.

<sup>79</sup> *Initial, Second and Third Report on the Implementation of the International Convention on the Elimination of all forms of Discrimination Against Women in Cambodia*, (Royal Government of Cambodia, October 2003), 72.

<sup>80</sup> *Ibid*

<sup>81</sup> *Cambodia Demographic and Health Survey 2000: Preliminary Report*, (National Institute of Statistics, Ministry of Planning and Ministry of Health, 2000), p.16.

home abortions and instead be encouraged to serve as a vital link between qualified midwives and pregnant and new mothers in their communities.

- Further efforts to use the media to disseminate birth control information, particularly to men and rural communities.

## VIII. Women in Employment

### Article 11

1. *States parties shall take all appropriate measures to eliminate discrimination against women in the field of employment... planning.*
2. *In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work...*

Article 36 of the Constitution and Articles 172 to 188 pertaining to Cambodian labour laws stipulate that women have equality in all spheres of employment. However, even the government admits that these laws are weakly monitored.<sup>82</sup> This acknowledgement is alarming since today (2004); women are an integral part of the country's labour force. In 2003, 73.5% of women participated in the national labour force. They constituted 75% of the non-agricultural sector, 32.2% of the civil service, 40% of the private sector and 87% of all factory workers (primarily in the textile industry)<sup>83</sup>. These statistics obscure the fact that many women are also employed in the informal sector in small scale trading, as waitresses and as domestic helpers where even rudimentary employment rights are practically unenforceable.

#### *Equal remuneration*

In theory women should receive equal remuneration for their work. Yet it is estimated that on average women are paid 30% less than men for commensurate work. Employers are often more inclined to employ women (and children), as they are generally less knowledgeable about their remuneration rights and liable to accept lower wages and poorer working environments.

#### *Social security and maternity in employment*

Employers seldom provide social security in the form of pensions and sick pay. It has become mandated practice for most civil servants and NGO employees to receive social security but is left to the discretion and benevolence of private employers to make these provisions. As a result many Cambodian women are unaware that they are even entitled to any employment benefits.

Both CEDAW, Cambodian Labour Laws, and the Constitution prohibit the termination of employment in the case of pregnancy. Civil servants are entitled to three months' maternity leave on full pay. In theory, factory or other industrial workers are entitled to ninety days' leave on half pay. In practice these rights are difficult to enforce and are again reliant on the benevolence of the employer. Most employers are keen to maximise their profits and with a large labour pool at their disposal, can usually find loopholes to terminate the employment of pregnant women. In some situations women are forced to stay at home after their pregnancy since there are no crèche facilities and no one to mind their children.<sup>84</sup>

#### *Women in the garment industry*

Today the garment industry is big business in Cambodia. In 2001 it was responsible for producing 90% of the country's merchandise export income and in 2003 was

<sup>82</sup> *Initial, Second and Third Report on the Implementation of the International Convention on the Elimination of all forms of Discrimination Against Women in Cambodia*, (Royal Government of Cambodia, October 2003), p.68.

<sup>83</sup> *Gender in Poverty Reduction* (NGO Sectoral and Issues Papers on Poverty Reduction and Development in Cambodia, 2003), p.35.

<sup>84</sup> It should be noted that companies that employ over 100 staff are legally required to provide crèche facilities for their workers.

employing approximately 20% of women aged 18-25.<sup>85</sup> Unsurprisingly, most of these foreign-owned factories have been able to act with impunity in regard to their female employees. The legal minimum wage for a garment worker is \$45 a month for a 48-hour week. Due to the number of surplus female workers on the labour market, however, employers regularly flout the legal requirements for standard and overtime wages. Research has linked low wages for some garment workers to the need for supplementary income earned as sex workers.

Basic standards for health and safety in the workplace are also seldom monitored.<sup>86</sup> Human rights workers have repeatedly drawn attention to dangerous working conditions in a number of factories where women have been poisoned or suffered conditions detrimental to their health.<sup>87</sup> LICADHO and AAFLI have further highlighted the nature of “forced labour” in Cambodian garment factories.<sup>88</sup> Women have reported being forced to pay punitive fines to their employers if they refuse to work over time or on Sundays and national holidays. In one especially alarming case, it was reported that the factory door would remain locked until the workers completed compulsory over time.<sup>89</sup> The health and safety concerns of this practice are self-evident.

Currently, textile workers are reluctant to fight for improved pay and conditions in their workplace due to the enfeebled status of their bargaining position vis-à-vis their employers. The monthly wage is attractive compared to other forms of employment and draws a constant stream of willing workers from the countryside who are then able to remit funds to support their families. The RGC is unwilling to encourage corporate bargaining in the form of active trade unions for fear that factory owners will take their investment out of the country. This contravenes ILO Convention No. 98 and No. 154, which guarantees the rights for workers to bargain collectively.

In 2005 Cambodia intends to accede to the World Trade Organisation. In accordance with new quota and tariff systems and the end of the Multifibre Agreement, which guarantees Cambodian producers a certain percentage of the American market, it is expected that many textile operations will choose to invest elsewhere. This will pose a significant problem in the form of a swollen pool of semi- and unskilled female workers who may be susceptible to exploitation in order to earn a living.

### *Women in Agriculture*

In rural Cambodia (where 85% of the total population resides), more than 65% of women are farmers, and women are responsible for 80% of food production.<sup>90</sup> Most of this labour is engaged in subsistence agriculture and unpaid farm labour. These women tend to have a low level of education, very limited opportunities for off-farm employment, and remain trapped in the poverty cycle.

There is a pressing need for agricultural extension services to reach rural women and promote improved and sustainable agricultural techniques. There is also a need for women to learn new marketing skills and be encouraged to work in small-scale

<sup>85</sup> *Cambodia: Sewing Buttons for the world*, (Oxfam GB, 2003), p.3.

<sup>86</sup> *ibid.*

<sup>87</sup> For example, *Cambodian Human Rights Action Committee (CHRAC)*. Dr. Kek Galabru has also reported that masks at one textile factory are not used.

<sup>88</sup> *Child Labour in Cambodia*, (Asian American Free Labor Institute and LICADHO, September 1996); *Working Women in Cambodia*, (Astrid Aafjes & Bama Athreya, LICADHO and Asian American Free Labor Institute).

<sup>89</sup> *Working Women in Cambodia*, (Astrid Aafjes & Bama Athreya, LICADHO and Asian American Free Labor Institute), p.11.

<sup>90</sup> *Gender in Poverty Reduction* (NGO Sectoral and Issues Papers on Poverty Reduction and Development in Cambodia, 2003), p.35.

cooperatives to make farming, particularly animal husbandry, more economical and effective. MoWVA and local NGOs have assisted some women in accessing capital to establish small enterprises but a more consolidated approach to micro-credit is required. Successful models for micro-credit schemes could be learnt and adapted from countries such as Vietnam and the Philippines.

### *Migrant labour*

Following the trend of other countries such as the Philippines and Vietnam, Cambodia is also exporting a growing number of female labourers to work as domestic help in other Asian countries such as South Korea and Malaysia. While some of these women reach their new jobs through trafficking and illegal immigration (see chapter IV.B), other women are legally engaged to work in a domestic setting overseas.

In Cambodia there are currently 5 private companies that train women to be domestic workers and then send them to Malaysia and South Korea.<sup>91</sup> The work of these companies needs to be scrutinised and monitored more closely. Several workers have recently complained that contractual agreements have been dishonoured such as reducing salaries from \$400 per month to \$100. There is very little these women can do once they have arrived in their host country since it is general practise for their passports to be confiscated.

Research into this type of employment is nearly impossible as it is a “hidden industry” where the employees are closeted in the employers’ homes. The Cambodian Women’s Development Agency (CWDA) has cautiously noted that some women are very happy with their new work environments and pleased to be able to remit money back to their families in Cambodia.<sup>92</sup> However, many women are unhappy and have very little recourse for complaint or protection. In one instance a woman who had been engaged to work as a domestic servant in South Korea called LICADHO in Phnom Penh for assistance. This case demonstrates the isolation that domestic workers experience in a foreign country where they do not have the financial means or support networks to escape maltreatment.

CARAM and LICADHO are lobbying MoSALVY to train domestic workers in their labour rights (both in Cambodia and in their host country) pre-departure. LICADHO is also in the process of providing T-shirts to the workers that detail their rights, and provide contact numbers for sources of assistance in their new countries. Unfortunately this information has to be provided under subterfuge since the private companies involved in this business are reluctant for their workers to be cognisant of their rights.

### *Recommendations*

- Further effort and investment is needed to establish independent commissions to monitor and ensure all rights for women in employment, which are guaranteed by CEDAW and the Cambodian Constitution.
- Greater understanding and attention needs to be directed into gender mainstreaming in employment.

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<sup>91</sup> The women themselves pay for the training (2 - 3 months), which is incrementally deducted from their monthly salaries once they are employed.

<sup>92</sup> *Community initiatives to prevent trafficking in women - an experience from Cambodia*, (Sexual Health Exchange, CWDA, 2003)

- Further vocational courses should be offered to women so that they are not vulnerable and reliant on providing unskilled labour to predatory private employers.
- Agricultural extension and micro-credit schemes should be made more accessible to rural women.
- A support network needs to be created for Cambodian women working as domestic help overseas. Experience can be gained from long-standing experiences Philippine on this issue.

## IX. Women in Education

### *Article 10*

*States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure them equal rights with men in the field of education...*

The Constitution of Cambodia has enshrined equal rights for women in all modes of education and careers in Articles 48, 63, 65, 66, 67 and 68. The RGC was also a signatory to the 1990 Declaration of Education for All, and committed to the United Nations Millennium goals to raise educational standards. Nevertheless the chasm between theory and practice has yet to be breached. In 1990, the adult male and female literacy rate was 78% and 49% respectively. This grew to 80% and 57% in 2000 but literacy remains alarming low for women in Cambodia compared to the rates found in other Asian countries.<sup>93</sup> In 2003, Oxfam GB claimed that only 22% of Cambodia women could read a newspaper or write a simple letter.<sup>94</sup> There are discrepancies between the various sources citing literacy indicators, but a general consensus that lack of education for women is a serious problem.

### **Primary School**

The Constitution states that children between the ages of six and sixteen will receive a minimum of nine years compulsory education. However, many girls and significantly rural students, are either never enrolled in primary education or fail to complete their elementary studies. Three key factors explicate the low numbers of girls receiving primary education. The first factor is rooted in traditional stereotyping of women. In rural areas women are expected to undertake domestic work around the home and hence the efficacy of educating girls is neither understood nor perhaps accepted. In some instances education is even viewed as a hindrance to women as some men may not wish to marry an educated woman. Therefore in poor households priority is given to educating sons rather than daughters, who can be kept home to assist in domestic chores. The second factor is the availability of schooling. Underpaid and under-resourced teachers ask for informal enrolment fees from students to maintain the upkeep of the school and staff. In addition to these fees are sundry expenses such as pens and textbooks. Therefore in practice education can place a large financial burden on poor families that in some instances cannot be met. According to UNICEF, while initial enrolment rates for first time students are reasonably equitable, the aforementioned factors ensure a significantly higher drop out rate for female students in primary education.<sup>95</sup> The Cambodian Independent Teachers Association (CITA) estimated that only 60% of students completed primary schooling in 2003 and most of those were male pupils.<sup>96</sup>

### **Secondary and tertiary education**

In 2002, the mean percentage of girls attending secondary school and tertiary education institutes had risen to 36% and 31% respectively, with significantly higher attendance rates amongst urban students<sup>97</sup>. Education at these levels is similarly

<sup>93</sup> UNICEF: Cambodia statistics 2003. [www.unicef.org/cambodia\\_statistics.html](http://www.unicef.org/cambodia_statistics.html)

<sup>94</sup> "Cambodia: Sewing Buttons for the world," Oxfam GB, 2003.

<sup>95</sup> Annual Report 2003 (Cambodia Independent Teacher's Association, Phnom Penh, May 2004) p 1.

<sup>96</sup> *Preparatory Education Report*, (Cambodia Independent Teachers' Association, Phnom Penh, May 2004).

<sup>97</sup> *Facilitating CEDAW Implementation towards the Realisation of Women's Human Rights in Southeast Asia*, (United Nations Development Fund for Women & CIDA, 2004), p.32.

constrained by the factors mitigating against women in education in general. However, positive steps are being taken to address this imbalance and introduce gender mainstreaming in the education sector. In 2002, the Ministry of Education, Youth and Sports inaugurated a policy of affirmative action for women entering tertiary education where women with equal grade 12 examination results were given priority over male applicants.<sup>98</sup> The government has also indicated that it intends to introduce affirmative action into the civil service, particularly in the Ministry of Education Youth and Sports, to enhance the number of female teachers.

CITA has been tirelessly petitioning the government to raise salaries and increase funding to ensure that education can be provided on a non-fee-paying basis and that standards and professionalism can be improved generally. However, CITA and the education trade unions have increasingly met with intimidation when seeking to improve transparency and better pay and conditions.<sup>99</sup>

### *Vocational and skills training*

The MoWVA and a number of NGOs increasingly recognise the importance of vocational training courses for women.<sup>100</sup> These courses can encompass a broad range of skills and are invaluable in assisting poor and remote women who are vulnerable to exploitation. The advantage of vocational courses is that they are of shorter duration than traditional education and can provide a practical basis for women to become self-supporting.

### *Recommendations*

- Additional subsidies should be provided in a transparent fashion to the government P.A.P programme.<sup>101</sup> In general increased funding is required in the education sector to negate the practice of levying informal fees on students. Raising salary bands for teachers is also a vital step in improving the quality and accessibility of education for students.
- More proactive measures need to be introduced to encourage women into secondary and further education such as affirmative action schemes, awarding more national and international scholarships and providing female dormitories for rural women to study at tertiary institutes.
- Vocational courses targeted specifically at women must be further enhanced throughout the country.

<sup>98</sup> Under the CEDAW convention State Parties are allowed to introduce affirmative action for women, if this action is aimed at de facto equality between men and women and is only a "temporary special measure." (Article 4).

<sup>99</sup> Annual Report: CITA, (CITA, Phnom Penh, 2003).

<sup>100</sup> Bolstering vocational skills for women was an integral development goal of MOWVA's five-year strategic plan, known as *Neary Rattanak*.

<sup>101</sup> P.A.P was a programme instituted by the Cambodian Government in 2002. It aims to circumvent the need for informal user fees by subsidizing educational faculties. However, it has not significantly impacted upon the current practice of illegal educational levies.

## X. Women in Politics, Public Life and International Affairs

### Article 7

*State parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country*

### Article 8

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

Female representation in politics, public life and international affairs is the public face of gender representation in any given country. It can also give an indication of the role that women are taking in forming laws and policies that affect the lives of all citizens, and in particular women. The first female Member of Parliament held office from 1958 – 1970, Madame PUNG Peng Cheng (Siv Eng TONG) served as Minister for Social Action, Minister for Health, and Acting President of the National Assembly<sup>102</sup>. During this time she encouraged other women such as DIEP Dina to stand for office. *Inter alia* Siv Eng TONG fought relentlessly for women's rights in the field of maternity care, gender mainstreaming in employment and education, and protection for child and female sex workers. Many of the issues that she campaigned for are still high on the agenda today. While there have been some improvements in gender mainstreaming in Cambodian political and public affairs, women still remain woefully under-represented.

### *Suffrage and Representation in government*

Ostensibly Cambodia is a liberal democracy where CEDAW and Article 34 of national Constitution guarantee universal suffrage and the holding of public office. In practice, women are poorly represented at all levels of government. In the UNTAC-sponsored multi party elections in 1993, only 5% of the candidates were female. This situation has improved somewhat over the last decade and in the 1998 parliamentary elections 11.5% members of parliament were women. Following upon the 1998 elections there was also a slight improvement in the representation of women at ministerial level with two (out of 24) female ministers of state representing the Ministry of Culture and Fine Arts, and the Ministry of Women's and Veterans Affairs.

Rural government in Cambodia reflects a similar gender imbalance; no women were appointed to head provincial or and municipal governments and only five women hold the semi-senior positions of deputy provincial governor and municipality- and district deputies.

<sup>102</sup> Madame Pung Peng-Cheng's daughter, Dr. Kek Galabru (M.D) has continued the family tradition and is also a very positive role model for Cambodian women. She was one of very few women who were instrumental in informal negotiations leading to the Peace Accords in Cambodia. In 1992 she established LICADHO and with her daughters, Naly and Eva, worked tirelessly to protect and promote women's rights in Cambodia. While Dr. Galabru remains president of LICADHO, she now focuses a lot of her energy into improving health services in Cambodia.

In 2000 Cambodia established a bi-cameral system, with the Senate taking the role of *upper house*. The RGC was able to appoint members to this 61 strong chamber but women only represented 13%. Thus, given the chance to address equality for women in political life, the RGC chose not to do so.<sup>103</sup>

### ***Freedom of assembly***

Human Rights organisations have observed that the right to freedom of assembly has been eroded since the CPP won the national parliamentary elections in 2003.<sup>104</sup> In praxis, freedom of assembly has never been a guaranteed right in Cambodia. This problem has particularly impinged on women in the textile industry where at worst peaceful demonstrations over pay and conditions have been brutally crushed, and at best they have been prohibited. In March 1997 a peaceful demonstration of garment workers in front of the NA was subject to a grenade attack causing fatal injuries. One woman, who was the sole breadwinner in a family of eight, was paralysed and is still receiving medical attention. In 2003 human rights groups monitored a series of peaceful demonstrations by female workers at garment factories that were suppressed, leading to injury and death. Similarly, a gathering organised by CAMBOW to raise awareness on new domestic violence was denied. This is indicative of an alarming trend in the suppression of women's rights to freedom of speech, assembly, and to corporate bargaining in the workplace.

### ***2002 Commune Elections (Sangkat)***

In the 2002 Commune council elections, the three main political parties (FUNCNIPEC, CPP and Sam Rainsy Party) decided to bypass a 30% female quota system being made a legal requirement. This indicates that the main political parties are still reluctant to promote female candidature within their parties. In the 2 years preceding the election, Women Waging Peace recorded that it supported 5,527 candidates, offering them guidance in public speaking, speech-writing, answering voters' questions, and combating challenges from male party members unsympathetic to women's participation.<sup>105</sup> Of the 75,287 candidates, 16% were women. Of this 16%, only 8.67% were elected to serve in commune councils. As previously discussed in section IV, further research needs to be undertaken to discover the extent to which women face discrimination from their male colleagues in government.

### ***2003 National Elections***

In the 2003 national elections, a high percentage of women exercised their right to vote. The elections were recognised by impartial observers to be better than those held in 1998, but were still conducted in an atmosphere of violence and intimidation both pre- and post-election. Human Rights monitors recorded an increase in spousal killings during the election period. Local observers indicated possible linkage between political activism and spousal killing, but little is known about the full facts surrounding these cases.<sup>106</sup> It is possible that these were incidents of domestic violence that were cast under the guise of political violence.

<sup>103</sup> Under the CEDAW convention State Parties are allowed to introduce affirmative action for women, if this action is aimed at de facto equality between men and women and is only a "temporary special measure." (Article 4).

<sup>104</sup> Cambodian Human Rights Action Committee (CHRAC).

<sup>105</sup> *Good Governance from the Ground Up: Women's Roles in Post-Conflict Cambodia*, (Women Waging Peace, Policy Commission, February 2004), p.3.

<sup>106</sup> Observers include NICFEC and LICADHO.

The election results were rejected by both FUNCINPEC and the SRP. Coupled with a weak system of checks and balances between executive and legislative branches of government, political deadlock continued until July 2004. This 11 month delay in forming a government has had serious ramifications for women in Cambodia. The National Assembly has still not ratified vital laws that seek to ensure better protection for women. Furthermore, much needed judicial reform that seeks to alleviate impunity and corruption in the legal system has still not been initiated.

### ***Women in the Judiciary***

Like the legislative and executive branches of government, women are also under-represented in the judiciary. In 2003 there were 14 women judges (12%) of a total of 119, 1 woman prosecutor (1.5%) of a total of 63, and 129 court clerks (19.25%) of a total of 668.<sup>107</sup> Female representation amongst practising lawyers also remains very low throughout Cambodia.

Despite the political deadlock ensuing from the 2003 elections, there has been some slow improvement in the judicial reform process. A woman now heads the newly established Royal School of Magistracy, which is a hopeful sign for women in the judiciary. Other positive signs have been donor-sponsored efforts to encourage women into legal training through offers of scholarships and academic support<sup>108</sup>.

### ***Women in international affairs***

Currently there are no female ambassadors representing Cambodia abroad. The RGC blames this phenomenon on prevailing cultural and social values, which make it difficult for a woman to leave her home and accept an overseas posting.

Women are better represented in NGOs in Cambodia. These positions may serve as launch pads for further work on the international scene in conferences and Cambodian delegations.

### ***Recommendations***

- Quota or affirmative action systems should be in place for female candidacy *within* political parties, and women standing for election.
- Further support, encouragement and training should be given to women to give them the confidence to stand for public office.
- Women should be given encouragement and the practical right to form trade unions at their factories or enterprises. This will help to ensure that women's rights at the workplace are protected through peaceful corporate bargaining strategies.
- It is vital that draft laws protecting women are passed and much needed judicial reform continue at a quicker pace.
- Women should be actively encouraged and promoted to diplomatic missions and participate in international delegations.

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<sup>107</sup> *Initial, Second and Third Report on the Implementation of the International Convention on the Elimination of all forms of Discrimination Against Women in Cambodia*, (Royal Government of Cambodia, October 2003), pp. 41-42.

<sup>108</sup> The German Government (through GMZ) has been particularly active in funding and supporting these initiatives.

## XI. Conclusion

### *The Future empowerment of women in Cambodia*

This report has indicated that there are many obstacles on the road to complete empowerment for women in Cambodia. At times the study has sought to highlight the despicable such as Touch's story. At other times it has revealed the routine dispassion shown by any number of actors in society who deny women their fundamental rights enshrined in law. With such a well of adversity to draw on, it is easy to overlook the positive steps that are being taken to improve the opportunities and lives of Cambodian women. Despite the many causes for concern and change, there is also space for reflection on the incremental improvements that have been made in the last decade.

### *Freedoms and self-confidence*

Empowerment is underscored by freedom. Active empowerment includes the freedom to go to school, the freedom to receive quality health care, the freedom to choose a job and the freedom to choose a partner. Passive empowerment is to live free from fear of physical and sexual violence, and freedom from discrimination and subservience. These freedoms are enshrined in Cambodian laws and CEDAW, and promoted and protected by NGOs and other organisations. Through their efforts, Cambodian women are gradually learning their rights as women and humans. This is the first important step towards women in society generally having the confidence to form their own guilds and cooperative groups to protect and advance these freedoms.

### *State institutions and government: A path to empowerment*

Little over a decade ago Cambodia existed in a virtual state of nature. It was through the efforts of women such as Madame PUNG Peng Cheng (Siv Eng TONG) and Kek GALABRU (PUNG Chhiv Kek) that peace talks were able to culminate into peace accords. This small anecdote, which could be chosen from many others, demonstrates that women are by nature peace builders and adept in the art of resolving conflict by non-violent means. They have an integral role to play in civil society and government by helping Cambodia develop into a country that is marked by good governance and a respect for human rights.

Many women *are* changing the political and social landscape through their work in NGOs and government. Women campaign tenaciously in all types of NGOs above and beyond the many working on women's issues cited in this report. As director of the Centre for Social Development, CHEA Vannath has tackled one of the most serious problems in Cambodia today - corruption. She has raised awareness of this cancer that pervades all levels of Cambodian government and administration, and exposed the chasm that exists between functioning and impotent democracy.

Inside the government MU Sochua has broken through male patronage networks to hold a ministerial position. Her background in NGO and social work has enabled her to build a bridge of cooperation between civil activism in regard to women's rights and government. Once asked why she had chosen to enter government she declared,

“I want [the] power to change, the power to go to the head of police and say ‘Sir! You are responsible!’”<sup>109</sup>

Lack of culpability, exacerbated by corruption, has led to an insidious culture of impunity in Cambodia. These endemic faults go to the heart of why it is so difficult to enforce women’s rights in Cambodia today. With increased numbers of women in prominent civil societal and governmental positions, both at a central and grassroots level, there can be a future where women say, “Sir! You are responsible *and now you will be held responsible!*” This is empowerment.

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<sup>109</sup> Cited in *Good Governance from the Ground Up: Women’s Roles in Post-Conflict Cambodia*, (Laura McGrew, Kate Frieson, Sambath Chan; Women Waging Peace Commission, March 2004), p.15.

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