

QUICK GUIDE TO ADDRESS WOMEN'S ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON CAMBODIA

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- A reference to "gaps", that is, issues on which the National Report should/could have applied a gender perspective but failed to do so.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.
- In all cases we have included suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted. References from the National Report are *in Italics*.

Recommendations - including those from UN treaty-monitoring bodies, are at the end of the document.

All women's rights issues (included sexual rights' issues related specifically to women) are referred to in this Guide. Other sexual rights issues are referred to in the Sexual Rights Guides for each state under review

CEDAW ratified. Rome Statute ratified. Palermo Protocol ratified (all without reservations). OP-CEDAW not ratified.

Gaps

The National Report should/could have applied a gender perspective -that is, make reference to how the issue affects women and men in particular ways- but failed to do so in the following sections: Development Of Institutional Frameworks of Human Rights (17-24), Legal And Judicial Reforms (25-30), Economic, Social and Cultural Rights (32), Poverty Reduction (33-34), Ownership and Land Reform (42-47), Social Security (48-51), Religions and Beliefs (59-61), Cultural Diversity (62-63), Civil and Political Rights (64-69), Rights to Life (70), Freedom of Expressions (71-72), Freedom of Assembly (73), Freedom of Press (74-76), Rights to Be Free From Torture (77-78).

ISSUE	N Report	Compilation	Summary
Access to justice		Many obstacles in reporting abuse (38)	No independent judicial system (26)
Domestic workers			Exploitation of girls (42)
Early / forced marriage		Need for minimum age for marriage and sexual consent (4). Lack of free consent and equal minimum age (39)	
Economic rights/ Right to development	Programs to promote gender development equity (79)	Lack of access to economic resources as critical gender issue. (72)	
Equality and Non	Constitutional	Ethnic minorities and	Gender discrimination

discrimination	provisions (62)	disabled women (65)	remains at all levels (15)
Gender mainstreaming	Gender mainstreaming Strategy-phase II (81) Factors that handicap women's socio-economic development (102)	Recommendations on women's integration (10)	Gender responsive measures in policies and programmes, requested. (11)
Illiteracy		Call for urgent reduction and to address obstacles such early / forced marriages (62)	
Harmonization of laws with international treaties.		Ensure the harmonization of domestic legislation with conventions (3)	
Laws that discriminate against women		Traditional norms perpetuate stereotypes and restrict rights (16) Urgent measures to accelerate de facto equality, requested (17)	
Maternal mortality /maternal health	Figures (53). High rates. Lack of quality health services (100)	Alarming high rates. Unsafe abortions (53)	Disparities in access and availability of health services. Highest rate in the region (45)
Poverty		High levels among rural women (50)	
Public and political participation	Promotion of empowerment at community level (82) Gender equality at representative levels (83)	Increase as voters and candidates (46) Low representation level (47)	High gender disparity in public employment (39)
Reproductive health/rights	Maternal leave rights (84) Supporting measures to maternal leaves (85)		Lack of information, services, education. Need for awareness campaigns, provision of contraceptives and anonymous testing, esp. for young people (46)
Right to education	Equality at formal and informal education (57) Constitutional provisions (86) Scholarships to female students. Increase of teaching staff (58)	High drop-out rate, esp. girls (61) Rural-urban and gender disparities in access (55)	Gender disparities and high drop-outs (53) Disabled girls (54)
Right to health	Efforts to improve health services (52)		
Right to housing		Gender vulnerability conditions (18)	
Right to social security	Maternity allowances guaranteed (49) Social support to		

	vulnerable women and victims of trafficking (50)		
Right to work	Labour law and constitution guarantee equal right to choose employment (36, 87) Equal wages (Para 88)	Equal pay for equal work not reflected in legislation. Need to ensure equal access. High unemployment rates. (48)	
Rural women			Unsafe, unhealthy work conditions. Unequal payment. No legal support (41)
Trafficking of women/ Forced prostitution	Legislation (80) Implementation of law against sex abuse, sex trade and trafficking. It includes police training. (91)	More vulnerability of migrant women (26) High prevalence. Vulnerability to STI /HIV. Need for gender sensitive policies to combat it. Call for respect of illegal migrant victims rights (27)	
Violence against Women /Gender Violence	National Plans and legislation on domestic violence (80)	Limited access to justice and housing. Need for enforcement support measures for victims and increase of number of female judges (25)	High levels, including rape. Judiciary obstacles to denounce (19)

Access to justice

The 2009 UN report noted **significant obstacles** for **women and girls** in accessing justice. Impunity, limited legal aid and high cost of medical certificates proving sexual assault were **severe deterrents to women reporting abuse** (Para 38, Compilation)

() According to Cambodian League for the Promotion and Defence of Human Rights (LICADHO) **corruption and political interference** in the **police** and **judiciary** were the major obstacles to the rule of law in Cambodia. The gravest of crimes - including murder, torture, rape, and trafficking of women () - **frequently go unpunished if the perpetrators have money or influential connections**. Similar concerns () were also raised in Joint Submission 3¹ (JS3) () (Para 26, Summary)

Domestic workers

Joint Submission 4² (JS4) referred to reports **on working conditions of girl child domestic workers**, which were found to be very harsh, with long working hours of an average of 13.5 per day. JS4 indicated that a substantial number of these child domestic workers **never received salaries** as these were directly paid to their relatives. These informal workers were entitled to **neither legal nor social protection under the**

¹ JS3 Joint submission by Centre on Housing and Evictions (COHRE)*, Bridges Across Borders South-East Asia (BABSEA) and Cambodian League for the Promotion and Defence of Human Rights (LICADHO)

² Joint submission by Gender and Development for Cambodia (GAD/C), SILAKA, Development and Partnership for Action (DPA), NGO-FORUM on Cambodia, Dan Church Aid (DCA), OXFAM/GB, International Cooperation Peace and Development (PYD)

current labour legislation, exposing them to unmonitored exploitations (Para 42, Summary)

Domestication of CEDAW / Harmonization with international treaties

See Recommendations (Para 3, Compilation)

Early / forced marriage

In 2006, CEDAW was concerned that traditional and cultural factors were preventing women's full enjoyment of rights within the family, particularly the right to enter into marriage with free and full consent (Para 39, Compilation)

Economic rights/Right to development

Progress has been made in such cross-cutting areas as gender. Women are regarded as the backbone of the national economy and society. The Royal Government has exerted all effort to promote the status of women through the continued implementation of "Neary Rattanak" or "Women as Valuable Gems" to deliver value and hope to Cambodian women with emphasis on gender equity in economic development. (Para 79, NR)

United Nations Development Assistance Framework (UNDAF) indicated that lack of access to, or control over, productive resources and services including credit, land and land titles, agricultural inputs and extension services were critical gender issues. (Para 72, Compilation)

Equality and non-discrimination

Constitutionally Cambodia prohibits any discrimination on grounds of sex. The Article 31-2 of its Constitution states that "Every citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of sex, or other status." This stipulation provides guarantees for equality before law and equality of opportunity for all citizens including the affirmative action that applies for the minority and other disadvantaged groups () (Para 62, NR)

JS4 noted that Article 31 of the Cambodian Constitution fully acknowledged equal rights of men and women to participate actively in the social, economic, and cultural life of the nation without discrimination. However, despite legal provisions and mechanisms, Cambodian women had yet to fully enjoy the same status as men (Para 15, Summary)- CEDAW expressed concern that women from ethnic minorities and disabled women faced multiple discrimination () (Para 65, Compilation)

Gender mainstreaming

Priority is now given by the Royal Government to the implementation of this Gender Mainstreaming Strategy-phase II, which aims at promoting women's capacity building, enhancing women's ability to participate in education and health sector, and economic resources, eliminating negative perception and attitudes towards women, and promoting women's participation in public affairs. This policy is aimed at ensuring an equitable contribution of active women's rights to the national development (Para 81, NR).

Lack of education, domestic violence and human trafficking are the major factors that handicap women from realizing their full potential in contributing to socio-economic development (Para 102, NR)

CESCR welcomed in 2009 the Rectangular Strategy for Growth, Employment, Equity and Efficiency, and its programmes for good governance and human rights. CEDAW

welcomed the adoption of the five-year national plan, *Neary Rattanak*, on building women's capacity (Para 10, Compilation). JS4 noted that under the Government's Rectangular Strategy and National Strategic Development Plan, 15 government institutions had developed gender mainstreaming actions plans and established gender mainstreaming action groups to institutionalize the development and monitoring of ministry-specific gender mainstreaming strategies and plans, and advocate for the integration of gender responsive measures into sector policies and programmes (Para 11, Summary)

Illiteracy

See Recommendations (Para 62, Compilation)

Laws that discriminate against women

CEDAW expressed concern about strong gender-role stereotyping, particularly in the traditional code of conduct, *Chhap Srey* (Para 16, Compilation)

Maternal mortality/maternal health

As a result, child mortality rate drops from 95 in 2000 to 66 per 1,000 in 2005. Maternal mortality rate also declines from 472 to 437 out of 100,000 births () (Para 53, NR). The provision of quality public health services is still limited. In spite of numerous achievements in the health sector, the maternal mortality rate is still high. The progress in promoting health care services, () needs to be further speeded up in order to meet the targets as set in the Millennium Development Goals (MDGs) (Para 100, NR)

CESCR, a 2008 UNFPA report and the Resident Coordinator's report expressed concern at lack of improvement in the alarmingly high maternal mortality rate. CESCR noted that rates of delivery in health facilities remained low, that unsafe abortions were key factors to maternal mortality, and that newborn mortality remained high. CESCR (Para 53, Compilation). CESR made reference to stark disparities in accessibility and availability of health services across Cambodia's provinces () JS4 noted that Cambodia had among the highest rates of maternal mortality () in the region. Although contact with professional healthcare services during pregnancy and childbirth increased between 2000 and 2005, there was no significant decrease in the maternal mortality rate (Para 45, Compilation)

Poverty

() CEDAW expressed concern at higher poverty levels among rural women (Para 50, Compilation)

Public and political participation

The Royal Government of Cambodia has provided women the equal rights between men and women, and has taken a number of steps and measures to empower women rights at the community level (at commune/Sangkat and villages) with the aim, among others, to promote women equality within women and children committee at commune/sangkat levels; to empower women leadership at grassroots level (namely at the villages); and to endorse 40 per cent of women being involved in the village development sub-committee. At the same time, at community level, the Royal Government of Cambodia has given favorable condition to women to obtain high position in leadership and the management level (Para 82, NR). During the fourth legislature of the National Assembly, the

Government has assigned **one woman as a deputy prime minister**. The Royal Government has set the principle that: "Through all the selection and recruitment process of new officials, there must be **50 per cent of women candidates selected or recruited**." (Para 83, NR)

() The Resident Coordinator's report indicated that although the 2008 elections did not meet international standards in a number of key areas, participation of women, **as voters and candidates**, and young people **increased** (Para 46, Compilation). A 2008 UNFPA report indicated that the number of women in senior Government positions **was increasing but remained low**. Meanwhile, a 2008 United Nations Statistics Division (UNSD) source indicated that women held **19.5 per cent of seats** in the national parliament in 2008, up from 9.8 per cent in 2005 (Para 47, Compilation)

JS4 noted that men represented 77 per cent and women **only 23 per cent of total public sector employment** and there were even fewer women in senior positions. In the judicial branch, **female judges accounted for only 8.5 per cent** and **2.7 per cent of prosecutors and prosecutors general**. There had, however, been a remarkable increase in women representatives **directly elected to institutions** such as the National Assembly and Commune (Sangkat) Councils (Para 39, Summary)

Reproductive health/rights

The Kingdom of Cambodia considers **maternal leave** as a vital social function. It clearly states in article 46-2 of the constitution that: "A woman shall **not lose her job because of pregnancy**. Woman shall have the right to take maternity leave with full pay and with no loss of seniority or other social benefits" (Para 84, NR). Particularly, for civil servants working in civil service, some special measures have been taken by the Royal Government of Cambodia (RGC) to provide **support and assistance** to women **on maternal leaves**. Within the period of delivery, the mother can take leave for three months with full payment together with some other additional benefits (Para 85, NR).

Joint Submission 6³ (JS6) indicated that a high proportion of the population fell within the age group of 15-24 years, and faced concerns with regards to sexual and reproductive health. **Sexually transmitted diseases, unwanted pregnancies and HIV/AIDS remained the biggest threats to youth due to lack of information, knowledge, services and education**. (Para 46, Summary)

Right to education

The rights to education are promoted and **protected by the Constitution**. For this purpose, the Government of the Third Legislature has published the "Educational Strategic Plan for 2006-2010" (). The objective of this strategy is to ensure that all Cambodian children and adults have **equal rights and opportunities** in receiving the basic formal and informal education without discrimination against () gender, among others. (Para 57, NR). The Kingdom of Cambodia provides **equal rights between men and women** in receiving education by all means and all forms and in all situations as it states in **article 65 of the Constitution** ().(Para 86, NR). In undertaking this strategy, the Royal Government has made significant progress in ensuring **equity in the 9-year basic education** for all children.() The number of **scholarships** provided to poor students at secondary level rises to 45,754, of which **female students** account for **63.2 per cent**. The number of teaching staff has increased from 73,642 in 2003-2004 to 78,606 in 2006-2007 academic years (Para 58, NR)

³ Joint Submission by People Health Development (PHD) and Sexual Rights Initiative (SRI)

CESCR noted with concern that primary education is not compulsory. () the 2009 UN report, also noted the persistently high drop-out rate.

() According to Joint Submission 5⁴ (JS5), fewer girls than boys were enrolled in elementary schools and girls accounted for more drop-outs. CESCR noted that gender disparities increased at secondary and tertiary levels, with much lower rates of participation for girls (Para 53, Summary). JS5 also made reference to the evident reluctance of some families to provide their scarce funds for the education of a disabled child, particularly a girl child, notably, in remote and very poor areas (Para 54, Summary) CESCR noted that many adults had no education at all, and there were wide rural-urban and gender disparities in access to education (Para 55, Compilation)

Right to health

In the health sector () Efforts have been made to improve the overall people's welfare, especially for () women () by providing support to improve health services with ensured cost-effectiveness, quality and accessible prevention and treatment () (Para 52, NR)

Right to housing

The Special Rapporteur on adequate housing in 2006 highlighted that women were more vulnerable when communities were under threat of eviction, often involving intimidation and violence. Women commonly faced discrimination in dealings with officials and private companies to negotiate compensation, the terms of relocation and access to basic services (Para 18, Compilation)

Right to social security

In order to implement the Social Security Regime under the Labour Law, the Royal Government of Cambodia (RGC) has established the National Social Security Cash Box (). It has the duty to manage the Social Security Regime, to guarantee all allowances () in the event of () maternity (Para 49, NR). In short, during the third legislature, the Royal Government succeeded in rescuing, and providing support to a large number of vagrants, vulnerable people including women () people with disability and the victims of human trafficking () (Para 50, NR)

Right to work

Rights to work and the selection of jobs in the Kingdom of Cambodia are practiced without any discrimination as stipulated in article 12 of the Labour Law. () (Para 36, NR). () Article 63-1 of the Constitution state that: "Khmer citizens of either sex shall enjoy the right to choose any employment according to their ability and to the needs of the society." This principle provides equal rights to men and women in performing their job, both in private and public sectors. The above principle is applied in an appropriate legal action to ensure rights to employment for women based on the equality basis between men and women (Para 87, NR). In the Kingdom of Cambodia, rights to obtain equal wages for men and women in performing the same kind of jobs has been guaranteed by article 36-2 in the constitution () (Para 88, NR)

CESCR noted with concern high unemployment and underemployment, particularly among youth (Para 48, Compilation)

⁴ Joint Submission by Franciscans International (FI) and Marist Foundation for International Solidarity (FMSI)

Rural women

JS4 noted that given the low level of education and skills, garment factories were a notable source of employment for rural women. However, factory management and union leaders were mostly men. Health and safety conditions in the workplace were constantly reported as not meeting basic standards. JS4 estimated that on average women were paid 30 per cent less than men for commensurate work. It said that no mechanism existed for women to challenge such discrimination and no specific policy or law existed to ensure equal opportunity to promotion, job security and other benefits for women (Para 41, Summary)

Trafficking of women/Forced prostitution

() The Royal Government has exerted all efforts to fight women () trafficking since 2006. The Law on Anti-trafficking was also passed in 2008 and the enforcement of it is now being carried out forward (Para 80, NR). The Department of Anti-Human Trafficking and Juvenile Protection of the Ministry of Interior has worked cooperatively with the coordination committee of UNICEF, World Vision, Save the Children_Norway, and UNOHCHR to implement the Program called the implementation of law against sex abuse, sex trade, women () trafficking (LEASETC). Those partnership include, for example, a series of courses for training that have been conducted to enhance the capacity for provincial/municipal police sub-commissioners and police experts (in total of 600), 1,500 of justice police, and 294 special police. The aim of trainings was to upgrade the skill of investigation, seeking evidences, providing assistance, interview procedure, and filing a case being sent to the Court (Para 91, NR)

The 2009 UN report and CEDAW highlighted that physical violence and economic hardship made women and girls vulnerable to trafficking and exploitative prostitution, particularly young women who migrate to neighboring countries in search of work (Para 26, Compilation). () CEDAW noted with concern the high prevalence of sexual exploitation of women and girls and their vulnerability to sexually transmitted diseases and HIV/AIDS (Para 27, Compilation)

Violence against Women/Gender Violence

Along with this line, steps have been taken to tackle violence against women, as the Law on the Prevention of Domestic Violence and the Protection of Victims was adopted in 2005 and implemented through a National Plan of action. The Law effectively and timely provides legal protection to victims, of which women () account for the majority. () The National Plan of preventing domestic violence is being prepared to promote awareness and the implementation of women-related laws. (Para 80, NR)

Noting the high level of domestic violence affecting 20 to 25 per cent of Cambodian women, Joint Submission 1⁵ (JS1) added that rape and other sexual assaults remained a serious problem, with state authorities often seeking to resolve complaints through compensation rather than criminal prosecution. Victims were often unable to bring civil claims against perpetrators due to the fees imposed by the courts (Para 19, Summary)

CESCR and three United Nations reports registered grave concern that violence against women and girls remained high, including spousal violence, supported by attitudes blaming the female victim. CESCR noted that redress was limited and legal protection constrained, and victims of domestic violence have limited access to adequate housing

⁵ Joint Submission by Cambodian Human Rights and Development Association (ADHOC) (Phnom Penh, Cambodia) and Asian Forum for Human Rights and Development (FORUMASIA) (Bangkok, Thailand)*

elsewhere, according to the Special Rapporteur on adequate housing. (Para 25, Compilation)

Suggested questions and recommendations

CEDAW

- To define an equal minimum **age of marriage** to be set at 18 years (Para 39, Compilation)
- To integrate women's human rights into the Rectangular Strategy for Growth, Employment, Equity and Efficiency (Para 10, Compilation)
- The priority reduction of **illiteracy among women**, particularly rural, ethnic minority or disabled women (Para 62, Compilation)
- To address the obstacles preventing girls from continuing their **education**, such as early and forced marriages (Para 62, Compilation)
- To refrain from disseminating discriminatory elements such as strong **gender-role stereotyping**, as in the traditional code of conduct *Chhap Srey*, and to work actively to eliminate those stereotypes. (Para 16, Compilation)
- To include in Cambodian law a definition of **discrimination**, direct and indirect, against women; adequate sanctions and effective remedies. It recommended temporary special measures to accelerate de facto equality (Para 17, Compilation)
- To undertake a strategic plan to reduce **maternal mortality** (Para 53, Compilation)
- To ensure equal participation in the **labour market** and that women receive equal social benefits and services. (Para 48, Compilation)
- To address root causes of **sexual exploitation and trafficking**, including gender-sensitive poverty reduction strategies and that victims of trafficking not be prosecuted for illegal migration. (Para 27, Compilation)
- To increase the number of female judges and law enforcement officials and establishing victim of **violence** support measures, including shelters and legal, medical and psychological support (Para 25, Compilation)

CEDAW and CESC

- To ensure the direct applicability of the Covenants' provision in the **domestic legal order** (Para 3 Compilation)
- That the principle of **equal pay for work of equal value** be reflected in legislation, and strictly enforced. (Para 48, Compilation)

CEDAW and CRC

- To harmonize existing domestic laws with their respective conventions (Para 3, Compilation)

CEDAW, CESC and CAT

- To intensify the fight against **trafficking** (Para 27, Compilation)

CESC

- To establish a universal **minimum wage** (Para 48, Compilation)
- To focus resources to increase the participation of girls in **education** (Para 61, Compilation)

CRC

- To adopt a legal definition of the child **minimum ages** of sexual consent, and enforcement of the law on minimum age for marriage (Para 4, Compilation)

UNCT (United Nations Country Team in Cambodia)

- To prioritize victims' rights in all anti-trafficking interventions (Para 27, Compilation)

UNFPA - Executive Boards of UNDP, UNFPA, UNICEF and WFP

- To change **traditional norms** restricting women's roles and equality, highlighting challenges like discrimination and **unequal salary** levels. (Para 16, Compilation)

Joint Submission 2 (JS2)

- That **domestic violence laws** be strengthened and fully implemented through a sub-decree which would allow their effective use in combating abuse (Para 19, Summary)

Joint Submission 6 (JS6)

- To launch **sexual and reproductive health** awareness campaigns aimed to youth, adequate provision of condoms, and access to safe and anonymous testing and treatment (Para 46, Summary)

Sexual Rights Initiative

- To launch a public awareness campaign on recognizing that **bauk**⁶ involves rape, and implies criminal attitude by young men, including specific sensitization work with young men and women to make them aware of their rights.
- To take measures in order to end impunity for the perpetrators of bauk, ensuring that they will be properly prosecuted and punished
- To undertake a review of justice mechanisms in order to eliminate the obstacles that impede women and girls to report domestic violence, sexual violence and abuse
- To implement a national plan of action to reduce the high rates of maternal mortality and unsafe abortions, including guaranteed access of all pregnant women to reproductive health services and facilities, and sanitary medical staff's training.
- To develop adequate legislation and policies based on the non-discrimination principle, to ensure equal labour opportunities of access and promotion of women, and enable their access and control over productive resources and services, including land titles, credits, agricultural inputs and housing.
- To take appropriate measures to improve working conditions of rural women and girls domestic workers, considering also the amendment of laboral legislation to protect them from exploitation.

⁶ gang rape based on lack of respect for sex workers' bodies, usually carried out by many young men.