

FACTSHEET – UPR 2018 – Cambodia

3rd CYCLE UNIVERSAL PERIODIC REVIEW

Gender and Women's Rights

Joint submission by ActionAid Cambodia, CamASEAN, the Cambodian Center for Human Rights (CCHR), the Cambodian NGO Committee on CEDAW (NGO-CEDAW), DanChurchAid (DCA), Gender and Development for Cambodia (GADC), Khmer Youth and Social Development (KYSD), Legal Support for Children and Women (LSCW), Rainbow Community Kampuchea (RoCK), SILAKA, Solidarity Center and Women's Network for Unity (WNU)



SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

Gender was among the top five themes for key recommendations made to Cambodia in the 1st and 2nd UPR cycles, in 2009 and 2014 respectively. Over the two cycles, 42 recommendations addressed gender and women's rights (40 supported, 2 noted). During the 2nd UPR cycle, 24 recommendations on gender, girls, and/or women were supported. Of these, 12 were mostly or fully implemented, 6 were partially implemented, and 5 were not implemented or mostly unimplemented. Unimplemented recommendations include: 118.53 for a gender equality law addressing property and marriage, 118.65 for reform of legislation addressing gender-based violence, 118.94 on access to justice, 118.150 on free treatment for men and women living with HIV/AIDS (services had been provided by NGOs, whose funding has now been reduced), 118.151 on improving reproductive healthcare and contraception for rural women, and 118.161 on compulsory education.

NATIONAL FRAMEWORK

Cambodia is a party to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol. Cambodia's Constitution references the treaty on women's rights in Article 31 and prohibits discrimination against women in Article 45. However, no law clearly and comprehensively defines discrimination, and criminal law does not ban all forms of discrimination. Cambodia has a domestic violence law which does not outlaw domestic violence, but merely urges the prevention of violence within households and between spouses. Cambodia's national action plan for gender equality, Neary Rattanak IV, sets broad goals for addressing specific areas of inequality.

CHALLENGES & IMPACTS

GENDER RESPONSIVE BUDGETING

While the Royal Government of Cambodia (RGC) has indicated a willingness to work toward gender-mainstreaming, the reality is that very little of the national and local budgets are dedicated to this goal. Most of the responsibility at the national level for any gender-related action is assigned to the Ministry of Women's Affairs, which does not receive the financial and technical resources necessary to fully implement these actions.

LACK OF SERVICES FOR GENDER-BASED VIOLENCE SURVIVORS

Few services are available to survivors of gender-based violence (GBV). Medical staff and other individuals bearing responsibility for addressing this issue are unaware of the need to treat survivors with sensitivity and to respond to all forms of violence. Many Cambodians do not acknowledge that GBV is wrong unless it results in severe physical injury or death, and/or violates a specific article in the Criminal Code. Access to justice is not a reality due to insufficient legal aid, lack of trust in the judicial system, a low conviction rate, and the rarity of protection orders.

WOMEN LEADERS

Women are underrepresented at all levels of leadership in both the government and the private sectors. There is no legal mandate or budgetary support for women's representation in political governance at the local or national level in Cambodia. Therefore, the RGC's voluntary targets for increased representation often go unmet.

Negative gender stereotypes and norms have contributed to the creation of discriminatory selection criteria by leaders of all political parties. Male-dominated power structures make it difficult for a woman candidate to be certain of her nomination on the top of the list. This has the practical effect of excluding most women from the political process regardless of the intention of the leaders not to deliberately discriminate against women.

WOMEN IN PRISON

The Cambodian government has recently engaged in a high-profile campaign against illegal drug sales and use; the methods used have resulted in a significant increase of women in prisons. Instead of providing treatment options for Cambodian women using drugs, the government often sends them directly to prison. The already overcrowded prisons had an influx of 37% more female inmates in 2017. Capacity of many prisons is more than 200%, and the main women's prison reached 257% capacity in 2017.

Notably, numbers have increased for pregnant women and mothers who have no choice but to bring their young children with them to prison. Article 41 of the Prison Law, the Convention on the Rights of the Child, and the Bangkok Rules require these children's needs to be paid for by the State. Yet, in reality, the government allots only 35 cents per day per child, and mothers are forced to pay for basic necessities themselves.

DISCRIMINATION AGAINST SEX WORKERS

Cambodian criminal and anti-trafficking laws focus on prosecuting and restricting those who exploit women and girls for prostitution; yet, they also penalize women who should be protected. Not only sex workers, but women in any part of the entertainment industry are at risk of prosecution or harassment by authorities. Women who are merely suspected of engaging in prostitution are often denied basic services by local authorities, treated as criminals even if they are not violating any specific laws, and placed at risk. In early 2017, one woman drowned to death after a group of district government security guards chased her into a river because they suspected that she was a sex worker. Moreover, due to the lack of access to safe reproductive health care, sex workers suffer an unusually high maternal mortality rate, often related to abortion.

EDUCATION

Girls still lag behind boys in education. Cambodia is rated 126th out of 144 nations for secondary school enrolment. Cambodia does not require children to attend school despite prior UPR recommendations that education be mandatory for all children. There is no incentive to encourage parents to keep their daughters in school. Some girls are forced to marry at an early age (marriage is legal at age 16 with parental consent). Women traditionally take care of the family, which leads to girls leaving school earlier than boys, often to work in factories, sending money home to support their families.

LABOR

Cambodian women are employed at almost the same rate as men, but are more likely to be in the informal economy or in lower-paid positions. Regionally, relatively few women are employed at senior or managerial levels. The majority of women are employed at the lower end of the value chain, typically performing entry-level clerical and sales roles. Cambodian women make up a high percentage of the garment sector (80-90%) and 30-40% of the construction sector. The majority of these workers are internal migrants and are especially susceptible to mistreatment.

RECOMMENDATIONS

- 1) Establish a budget line for gender responsive budgeting for every ministry/agency in the Royal Government of Cambodia (RGC) national budget by 2020 and allocate 5 percent of the total national budget to these budget lines.
- 2) Enact all necessary measures, including regulations and policies, by the next review session requiring local commune governments to allocate 20 percent of their annual development budgets to support the administration and activities of the Commune Committees for Women and Children.
- 3) Establish and allocate in the national budget adequate human and financial resources for the Royal Government of Cambodia to manage and operate at least 5 one-stop service centers by 2024 which provide medical, legal, psychological and economic (shelter, food, cash assistance, vocational training and job placement) services free of charge to all victims of all forms of gender-based violence, in accordance with SDG 16.1.
- 4) Adopt effective legal and practical measures to guarantee that 35 percent of government decision-making positions will be filled by women by 2023, at the national and subnational levels including civil service, elected office, and all parts of the justice system, in line with SDG 5.5.
- 5) End pre-trial detention in prisons of pregnant women and women living with young children by 2020.
- 6) Conduct nationwide public service announcements on TV, radio and, social media by 2022 aimed at combatting stereotypes and violence against sex workers, in line with SDG 16.1
- 7) By 2020, establish free, full-time, high quality education for all children, including nationwide access to preschools, and make education compulsory for all children.
- 8) Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by 2020.