



NGO-CEDAW

CEDAW Monitoring Report for Cambodia

2021



NagaWorld workers strike on December 24, 2021. Picture: CCHR

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Overview of 2021

Overshadowing most events of 2021 was the emergence of COVID-19 transmission within the community, leading to new restrictions including curfews and lockdowns, a strain on hospitals, and deaths which disproportionately affected unvaccinated pregnant women. Existing restrictions including limitations on travel, and closures of many schools and businesses continued to have harmful emotional, educational, and economic effects on Cambodian girls and women. Government funding to local authorities was increased to help anti-COVID-19 measures, but was also diverted away from direct services for women's health and gender-based violence. Many positive efforts by the government such as efforts to adopt a National Policy on Gender Equality were paused, although some progress was made towards implementing the existing National Action Plan to Prevent Violence against Women (NAPVAW III) and crafting policies to teach local authorities to avoid misusing alternative dispute resolution in domestic violence cases. It has been helpful that in late 2021 additional funding was announced by UN Women and the Australian Embassy for implementing NAPVAW III and for other gender mainstreaming work. However, this does not address the chief concern of civil society that without dedicated, long-term funding from the national budget, gender is not truly being prioritized.

Additionally, many fundamental freedoms for women remained unprotected. The year ended with crackdowns on peaceful women-led strikes against NagaWorld, which in 2021 laid off many of its workers, disproportionately affecting pregnant and nursing women and women unionists.

This report is a summary of key concerns and events which occurred in the calendar year 2021. It does not attempt to comprehensively address all issues facing women, girls, and nonbinary persons living in Cambodia, but rather focuses on those which were new or of particular concern in 2021. Some updates may have occurred in 2022, but those also are beyond the scope of this report.

Fundamental freedoms

Despite Cambodia's commitments in the Constitution and in recent UN review processes to protect the exercise of fundamental freedoms of women and girls, the State routinely restricts and violates these rights in practice, and there is no domestic legal process for obtaining remedies for violations of these rights. Indeed, the laws are interpreted and misused to stifle diverse opinions. The government arbitrarily enforces existing laws for purposes they were not designed for in order to detain, arrest, and criminalize acts by women which prevent them from exercising freedom of self-expression and other fundamental freedoms. Specifically, the Law on the Suppression of Human Trafficking and Sexual Exploitation (Trafficking Law) and parts of the Criminal Code designed to stop human trafficking have been used against women for being sex workers, dressing/acting in a sensual manner online, or acting as a surrogate. Moreover, the government uses the Law on Peaceful Assembly, the Criminal Code, and newly enacted laws on COVID-19 as a pretext to block unionists from attending peaceful strikes and to detain, arrest, and charge them. The newly amended Constitutional ban on insults to the king have been used to charge environmental activists with a crime for their private speech.

In 2021 at least 39 people, many of whom were women, were arrested, detained, or sought for such by the authorities for communications made on social media which should be protected speech under the Cambodian Constitution.¹ Moreover, it is still possible for the government to renew efforts to pass the draft Law on Public Order (DLPO). Also, in 2021 the Trafficking Law's pornography provision was used against women deemed to dress or act "too sexy" on Facebook, and the Ministry of Culture is mulling a new code

¹ Cambodian Center for Human Rights (CCHR) monitoring data.

of cultural conduct to further restrict women's self-expression.² Finally, no gender impact assessments are being conducted before these policies and laws are drafted or implemented despite the CEDAW Committee's recommendation that Cambodia perform such assessments.

1) Freedom of Assembly

Despite the Committee's urging, civil society has not observed any effort by the RGC to reduce its ongoing harassment and restrictions of women activists' exercise of fundamental freedoms.

The treatment of female union leaders who face hurdles which have been exacerbated during the COVID-19 pandemic illustrates the erosion of freedom in Cambodia. One target is the Labor Rights Supported Union of Khmer Employees of NagaWorld (LRSU), whose members are predominantly women. In December 2021 LRSU launched a strike and demonstrations near the NagaWorld casino in central Phnom Penh following layoffs of 1,329 workers by NagaWorld in 2021. Layoffs were made under the guise of COVID-19 even though the business made substantial profits in 2020 and the company is continuing to build Naga 3, which will require an additional 4,000 employees. Eighty-two percent of workers who were dismissed were union members, including the entire local union leadership. Union leaders also noted that the layoffs targeted women who were pregnant or had recently given birth. The recent strike has called for the reinstatement of 365 workers.

RGC took the employer's side in the labor dispute, while the Ministry of Labor was at the same time taking the role of mediator in the dispute. Government officials in December 2021 posted claims on social media that pregnant women were being forced to protest as part of a color revolution and that the demonstrations are instigated by foreigners, allegations which undermine Cambodian women's agency and fundamental freedoms. Later that month, they began the process of arresting and detaining women leaders of the union, misusing laws to charge them with incitement and by misusing COVID-19 restriction and demonstration laws against peaceful, women-led strikers. It is notable that when garment factories had large COVID-19 outbreaks, the factory owners were not prosecuted; the prosecutions against women strikers are designed to silence speech that the government does not like.

2) Freedom of Speech

The government continues to detain other women for being outspoken. As the 2022 Commune Elections approached, Sam Sokha, a woman who was imprisoned in 2017 for throwing a shoe at a campaign poster during the previous election period, was reaching the end of her four-year sentence at the end of 2021. Three members of the environmental group Mother Nature, Sun Ratha, Yim Leanghy and Ly Chandaravuth, were arrested in 2021 for allegedly violating the law though words spoken in a private Zoom meeting. While these activists, along with 3 previously detained members of Mother Nature, Thun Ratha, Phuon Keoraksmeay and Long Kunthea, were released from prison in late 2021, their criminal charges were not dropped. Half of these environmental campaigners are women, and all had been peacefully documenting and raising awareness of environmental damage caused by development in Cambodia.

The government further restricted free speech in February 2021 by enacting the Sub-Decree on the Establishment of National Internet Gateway, a regulation giving the government unprecedented power to monitor and control the communication of ordinary Cambodians. This sub decree is scheduled to be enforced in 2022, but already in 2021 at least 39 people, many of whom were women, were arrested, detained, or sought for such by the authorities for communications made on social media which should be protected speech under the Cambodian Constitution.³

² <https://thmeythmey.com/?page=detail&id=110232>

³ Cambodian Center for Human Rights (CCHR) monitoring data.

3) Freedom of Self-Expression

The government is continuing to keep its options option in terms of passing new laws to restrict women's freedom of expression, particularly related to how they dress and how they express themselves online. The draft Law on Public Order (DLPO), while not adopted last year, has not been eliminated as an option. This proposed law contained Article 36 on "Protecting the Dignity of the Nation" which relied on patriarchal ideals of Cambodian women as chaste and modest, and would have prohibited women from wearing clothes that are "too short" or "too revealing" as arbitrarily interpreted by officials. Strong opposition by the general public and civil society organizations prevented the law from being enacted quickly.

However, new attempts to restrict women's self-expression arose in 2021 from the Ministry of Culture and Fine Arts (MoCFA), which has a history of suspending women artists from working for wearing outfits deemed "too sexy" and therefore allegedly going against Khmer culture. In December 2021, the Ministry of Culture announced that it was considering adopting a Cultural Code of Conduct to regulate the general public's actions that cause damage to the national cultural values.⁴ The scope of the draft legislation would apply to all people who behave offensively regarding the dignity of the culture or national tradition.⁵ It is truly a concern that such the code will likely use to mainly target women and LGBTQ individuals. It has taken years of lobbying and education to remove the Chbab Srei (the traditional, but not legal, code of conduct for women) from most schools; but recently, women have been arrested for violating such traditional and discriminatory social norms, even without a specific law in place. Currently, the pornography section of the Anti-Trafficking law, a law specifically intended to prevent women from being exploited by being forced to pose for pornographic images, is instead being used to jail the women it was meant to protect. Such weaponization of legislation against women's rights to choose, autonomy and expression is a means of formalizing the ongoing crackdown on civil rights and fundamental freedoms in Cambodia.

The everyday norms referred to in draft laws as Khmer morality, which people live by without consciously noticing, consistently favor men and discriminate against women and nonbinary individuals. These norms reinforce the perceived validity of traditionally allocated gender norms, which prescribe roles of leadership and dominance to men, and caregiving roles to women. Thus, such pieces of legislation exploit society's sexist gender norms to disproportionately harm women and girls and nonbinary individuals and further limit their freedoms.

Women in Prisons

LICADHO monitors 19 out of 28 prisons in Cambodia, housing 32,719 people as of December 2021. Of these, 23,436 were in pre-trial detention or awaiting a final verdict as of December 2021 (71% of the total people detained). Even though case clearing efforts have been made by ministries, new detentions and the continued practice of unnecessarily imprisoning people while their cases are pending meant that the overcrowding issue has not improved. Fifteen out of 19 prisons monitored by LICADHO were over capacity at the end of the year, with Kampot Prison at 504% occupancy and Kandal Prison at 463% occupancy. Throughout 2021, 179 children (84 girls and 95 boys) were incarcerated with their mothers and 47 pregnant women were detained in the 19 prisons monitored by LICADHO.

⁴ <https://thmeythmey.com/?page=detail&id=110232>

⁵ David, S., Marza, C. (December 2021). Phnom Penh Post: A Ministry of Culture and Fine Arts Advisor to Suggest Implementing a Cultural Code of Conduct. Phnom Penh Post. Available at <https://cambodianess.com/article/a-ministry-of-culture-and-fine-arts-advisor-to-suggest-implementing-a-cultural-code-of-conduct> accessed in January 2021.

The combination of widespread transmission of COVID-19 within the community in 2021 combined with the lack of any physical distancing and the persistent failure to provide sufficient sanitation including soap, meant that prisons were incapable of keeping detainees safe from the disease. On a positive note, even though there was no protection from contracting the illness, there the government vaccination campaign did reach the prisons. Each of the pregnant women in CC2 received two COVID-19 vaccinations at the National Maternal and Child Health Centre. According to government data, the remaining pregnant detainees also received vaccinations. In 2021 vaccinations were not yet authorized for children under age 5, and since all children living with their mothers in CC2 were under 5 years old, they could not get vaccinated in 2021.

Gender-based violence

Gender-based violence is a broad term, encompassing rape, sexual harassment (in the world of work, in schools, and in public spaces), domestic violence (DV), (including child abuse, abuse of household members, and intimate partner violence (IPV)), human trafficking and sexual exploitation, and state-sponsored violence. Many girls and women including nonbinary individuals in Cambodia not only consistently endure various forms of GBV but also face great barriers in accessing services and justice either through the formal justice system or alternative dispute resolution mechanisms.

1) Statistics on GBV for 2021

According to data collected through a monthly media monitoring by ActionAid Cambodia, the average number of rapes, DV cases, and other attacks on women and girls reported by the formal news media on a monthly basis in 2021 is between 35 to 40 cases. ActionAid observed the following trends: 1) increasing numbers of published reports of sexual assaults and rapes of young girls including incest compared to previous years; and 2) homicides of partners accounted for 50% of published reports of IPV cases. The majority of perpetrators were closely related to the victims/survivors.⁶ While the majority of VAWG cases reported by the media took place in the capital of Phnom Penh data collected by members of NGO-CEDAW's GBV working group show that rates of violence are also high in rural areas. Civil society organizations working directly with communities at the subnational level recorded 114 cases of VAWG in Pursat province,⁷ 104 cases of VAWG in Siem Reap, and 83 cases of VAWG in Battambang province.⁸ Although multiple forms of VAWG were reported by the media their coverage focuses on physical violence (51%) and sexual violence (45%). This is consistent with the types of violence reported at the community level. Since prevalence studies of violence show that emotional and economic violence are more commonly experienced, this reflects the cultural mindset that considers only physical violence resulting in visible injuries and sexual violence to be worth reporting.

CSOs contributing to this report collected testimonies of women and girls who experienced negative impacts from the COVID-19 pandemic on their physical safety and mental health. This was particularly acute when they were cut off from their social support systems, and had limited access to services due to restrictions on mobility during the lockdown period and ongoing enforcement of the social distancing protocols issued by the Cambodian government.

One NGO contributing to this report observed that reports of rape have increased from 35 cases in 2020 to 42 cases in 2021 in their target provinces. This NGO also observed a reduction in physical violence among youths in its target areas during 2021 compared against its baseline data. Nonetheless, the figure remained

⁶ <https://www.facebook.com/safecitiesforwomencambodia/posts/2939209179690474/> ActionAid's report for April and May 2021 showed 1 case of GBV against a man and 40 against women and girls from 9 Khmer language media outlets.

⁷ Information provided by ActionAid Cambodia and the Provincial Department of Women's Affairs

⁸ Information provided by Banteay Srey and the Provincial Department of Women's Affairs

at a high rate, 37.9%. Data further indicated that young women have experienced violence more than young men (39.1% and 36.4% respectively). Further, the same study found that Cambodian youth are more aware of the presence of GBV responsive services and mechanisms available in their community (73.9%).⁹

2) Shadow pandemic of GBV in the context of COVID-19

One key concern globally as a result of lockdowns and restrictions on movement has been the shadow pandemic of gender-based violence in which women and girls are at a higher risk due to being confined with their abusers in the home, and the decreased opportunity to access services and report violence due to the closures of workplaces and schools. A March 2021 joint report by the Cambodian government, UNICEF and Save the Children found that 17% of girls felt that they were at an increased risk of violence, child labor, child marriage, or a juvenile offence. The study found that 30% of caregivers, 32% of local administrators, 64% of education administrators, and 54% of teachers believed that girls would face additional risks.¹⁰ Additionally, service providers in Ratanakiri and Mondulakiri provinces have seen an increase in child marriage during COVID-19.¹¹ These two provinces are primarily rural areas with high populations of indigenous groups.

3) Human Trafficking

2021 saw an increase of human trafficking and exploitation cases handled by the Ministry of the Interior. In the first six months of 2021, there were 198 cases, versus 63 in the first six months of 2020.¹² Additionally, over 300 Cambodian women were rescued from being trafficked as a bride to China in the first nine months of 2021, more than double the number for the full year of 2020.¹³ The United States State Department's Trafficking in Persons report for 2021 categorized Cambodia as a Tier 2 country that needed to be observed due to ongoing human trafficking. The report noted some efforts by the government, including "improving data collection and monitoring of prosecutions and convictions of traffickers, as well as victim identification data, throughout the entire country; continuing to investigate, prosecute, and convict traffickers; and continuing to implement a national action plan to combat trafficking."¹⁴ However, the report noted that there was no significant improvement over the previous year, and corruption resulted in many claims going uninvestigated and in some perpetrators being allowed to flee without punishment. The report noted that Cambodia would have been downgraded to Tier 3, except that there was hope that the government might enforce its written action plan in the future.

4) Online Harassment Against Women, Girls and Nonbinary Individuals

Online harassment in all of its myriad forms can happen to anyone, anywhere, regardless of their gender identity and sexual orientations and is not solely carried out against women and girls. However, in our society with its persistent negative gender-based stereotypes, women, girls, and nonbinary individuals are more vulnerable to such harassment. Those who campaign for gender equality are even more often targeted and in a vicious manner, even receiving direct threats to their lives and families. This has contributed to silencing their voices by driving them completely away from digital space or forcing them to exercise self-censorship as coping mechanisms.

The Cambodian League for the Promotion and Defense of Human Rights (LICADHO) recently published a report entitled 'Status Update Harassment on Social Media in Cambodia' which found that sexual

⁹ Ibid.

¹⁰ Cambodia COVID-19 Joint Education Needs Assessment, March 2021, p. 44

¹¹ <https://cambodianews.com/experts-fear-child-marriage-on-the-rise-in-ratanakiri-and-mondulakiri-amid-covid-19-pandemic/>

¹² <https://www.khmertimeskh.com/50924773/cambodia-sees-spike-in-human-sex-trafficking-cases-in-first-half-of-2021/>

¹³ <https://vodenglish.news/bride-rescues-from-china-number-more-than-one-a-day/>

¹⁴ https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf Page 156.

harassment and discrimination were the most common types of online harassment in 2021, and 38 % of people surveyed have experienced online harassment. The highest rates were reported by LGBT+ people, activists, and youth, although women and men reported online harassment at roughly equal rates. Additionally, 54% of all respondents know someone who has experienced harassment, and in most cases that other person was a woman. Of note, 24% of women aged 18 to 24 years old reported having received an unsolicited sexual message, photograph, video, or request, and/or hacking.¹⁵ The study also found that online discrimination against LGBT+ people is common: 23% of LGBT+ people surveyed reported having experienced discrimination online and among those, 93% experienced multiple acts of online discrimination.

Harassment and discrimination against girls, women and nonbinary individuals in digital space is challenging to stop and cannot be reported easily due to a lack of robust protection measures. While it is positive that the Cambodian government, including the Ministry of Women's Affairs, has led numerous workshops during 2021 to highlight dangers to youth of online harassment and to teach prevention techniques, it is also imperative that the Cambodian government take necessary and urgent steps to monitor this situation rigorously. Moreover, social media companies must use their technological skills and financial resources to put freedom online for girls and young women and nonbinary individuals at the heart of their agenda.

5) Misuse of Alternative Dispute Resolution in GBV cases

Cambodian women, particularly those living in rural areas and/or belonging to minority and indigenous groups, face great barriers to accessing the formal justice system due to “geographical distance, economic costs, social stigma, fear of exposure, fear of retaliation, lack of access to information and legal services”.¹⁶ Alternative Dispute Resolution (ADR) has therefore continued to be an established and preferred option by both women and local authorities in addressing many forms of domestic violence cases.

However, according to a 2020 ADR study entitled ‘Preserving Harmony, or Preventing Justice? A study of local dispute resolution practices in cases of domestic and intimate partner violence in Cambodia’, only about 20% of those who sought ADR assistance and participated in the study had a positive experience, while the remaining 80% did not. These negative experiences were mainly due to the failure of authorities to refer cases for further investigation and prosecution despite serious violence and/or the survivor's requests, refusal to process criminal complaints, community power dynamics, victim blaming and stigma, repeated ADR sessions despite repeated failures, and problems related to divorce.¹⁷ This study also found that the local forms of ADR practice are not gender-responsive and do not take a survivor-centered approach. The ADR methods used “often closely resemble reconciliation/conciliation or arbitration process and do not conform with modern mediation principles, often fail to serve women's best interest and/or protect their safety and security.”

In response to the issues noted above as well as to meet the concerns expressed by the 2019 CEDAW concluding observations on this matter, the Ministry of Women's Affairs (MoWA) sponsored the drafting of “Guidelines on the Limited Use of Mediation as a Response to Violence Against Women.” Members of the Technical Working Group on Gender – Gender-Based Violence (TWGG-GBV) voted to adopt these Guidelines during the 24th meeting of the TWGG-GBV on July 29, 2021. These Guidelines “provide procedures to ensure that mediation is not misused as a substitute mechanism to continue the impunity of perpetrators of violence against women. [...] mediation is allowed only in the case of petty crimes and civil cases [...] and

¹⁵ The Cambodian League for the Promotion and Defense of Human Rights (*LICADHO*): Status Update Harassment on Social Media in Cambodia, November 2021

¹⁶ Ministry of Women's Affairs (MoWA). 2021. Final draft on Guidelines on the Limited Use of Mediation as a Response to Violence Against Women, p. 5. Adopted by the Technical Working Group on Gender based Violence on July 29th, 2021.

¹⁷ Kry, S., Seewald, K., Sok, L., Meas, S., & Oy, M. (November 2020). [Preserving harmony, or preventing justice? A study of local dispute resolution practices in cases of intimate partner violence in Cambodia](#). Phnom Penh: Women Peace Makers.

must ensure safety, equity, and equality, and a survivor-centered approach.¹⁸ Although the adoption of these Guidelines is a positive step to address the issue, civil society remains concerned that the language of the DV Law still promotes the use of informal reconciliation in most DV cases, which is inconsistent with the Guidelines and CEDAW. The amendment of the law is still urgently needed.

Cambodia urgently needs to develop and disseminate specific and easily followed procedures for both court-issued protection orders and the parallel process of commune hall-issued administrative decisions. More than 78% of women service users in the previous study had never heard of either a protection order or administrative decision order, while the remaining 22% had heard the terms but didn't know how to access them. A majority of the interviewed local service provider authorities also demonstrated a serious lack of knowledge and skills on this important GBV response service.

Furthermore, safe shelters and other survivor support services including, but not limited to, a national GBV hotline, and access to financial support, legal aid, psychological and legal counseling, should urgently be made available nationwide and free of charge. The former GBV hotline has been completely transferred to the Child Helpline, which can only assist adult survivors through referrals to civil society organizations in limited geographic areas.

However, it is impossible to ensure that GBV cases will be consistently addressed in a rights-based, gender-responsive, and survivor-centered manner without the DV Law amendment and its effective enforcement accompanied by more accessible nationwide gender-responsive services and infrastructure. Systemic misuse of local ADR methods that don't comply with international standards will continue. Thus, Cambodia must act quicker to develop and implement a concrete plan to amend and effectively enforce the DV Law, which contains a number of conflicting and controversial clauses. For example, the DV Law states that mediation is appropriate for "minor misdemeanor" cases even though the Criminal Code does not categorize misdemeanors into "minor" or "severe." Furthermore, to ensure that these Guidelines are implemented effectively, RGC must exert more effort, resources, and actions to strengthen and improve awareness and implementation of more gender-responsive services and infrastructure on the ground.

6) Arbitrariness in law enforcement in GBV cases

Despite several laws¹⁹ that criminalize and respond to violence against girls and women in Cambodia, women continue to experience high rates of violence, and relatively few of those cases ever result in prosecutions. Cambodian women's access to justice is in part limited due to: misperceptions about their own rights and freedoms; stigma; lack of financial independence from perpetrators of violence; and lack of information about free or low-cost services. High profile cases of GBV committed by authorities and/or affluent individuals highlighted in the 2020 CEDAW monitoring report remain unprosecuted: No legal action was taken against Oknha Heng Sear, former Oknha Duong Chhay and Mr. Ouk Kosal, former Provincial Police Commissioner of Kampong Thom Province.

The Ministry of Interior (Mol), claimed in a statement released in 2021²⁰ that in 2020 it dealt with 2,940 cases involving 4,276 people and had disciplined 256 police officers, including expelling 123 of them from the force. However, it has failed to provide information on the category of those cases, so that it is not possible to ascertain how many of those cases were related to GBV. Likewise, there is no information as to

¹⁸ Ibid. [Footnote #10]

¹⁹ Law on the prevention of domestic violence and protection of victims (2005); the Criminal Code, the Criminal Procedure Code, and the Law on the Suppression of Human Trafficking and Sexual Exploitation (2008). These laws spell out the different types of violence that are criminalized under Cambodian law, sentencing (what the punishment is for committing these crimes) and procedure (how the justice system works to ensure fair treatment and access to justice under the law for everyone involved).

²⁰ Ministry of Interior (2021). Information Announcement on the Implementation of the Mol's Duty #002.Sor.Brur.Kor, May 2021

whether those cases were resolved through alternative dispute resolution mechanisms, or through formal justice systems.

One concern that CSOs have raised is the need to amend and enforce laws aimed at the elimination of intimate partner violence, sexual violence against girls, and all other forms of gender-based violence, particularly by providing responsive services that focus on the physical and mental wellbeing of survivors and ensure access to justice for survivors. While no progress has been made toward amending any law related to gender-based violence, the government has taken a positive step toward reducing the use of reconciliation in favor of professional mediation. The new Guidelines on the Limited Use of Mediation as a Response to Violence Against Women has been adopted to encourage local authorities to take a survivor-centered approach and perform a screening before conducting mediation to ensure that no child or woman is in danger or intimidated into participating. The Guidelines state that any form of alternative dispute resolution should be avoided other than by a professional, impartial mediator, and cases that cannot safely be mediated should be referred to prosecutors and/or lead to the issuance of administrative decisions or judicial protection orders.

Employment

1) Discrimination in the media sector

Women journalists in 2021 made public statements about facing ongoing gender-based discrimination and sexual harassment at their workplace as well as in the field.²¹ Previous research by International Federation of Journalists (IFJ) shows how extensive the discrimination has been. Women in the media have reported enduring pressures from their families to leave their profession²² due to rigid gender norms identifying journalism as a profession for men.²³ While sexual harassment is prevalent at workplace the majority of media outlets did not have a formal mechanism and/or anti-sexual harassment policy as of 2015. This has made it even more difficult for survivors to seek redress and justice on top of the constraints caused by stigma and fear of retaliation.²⁴ IFJ also found a huge gender pay gap incurred in the media sector: “Overall, more women (48.88 percent) earned between US\$80 to \$250 a month versus most men (37.70 percent) who earned more than US\$800 a month – a pay gap of at least US\$550 [...]”

Media also have a common practice of sensationalizing GBV cases and treating them as entertainment for the reader/viewer instead of showing sensitivity toward survivors. Sexist language, unnecessary exposure of victims/survivors’ images and/or identity and graphic violent narratives are still the common practice when reporting cases of GBV. In the nearly five years since the Ministry of Women’s Affairs (MoWA) and the Ministry of Information (Mol) jointly introduced a Media Code of Conduct for reporting on violence against women²⁵ and MoWA’s establishment of a media monitoring working group, civil society has observed only a minor impact on the sector’s attitudes and behaviors toward ethical reporting on VAWG and GBV cases. A concrete plan with timebound indicators and dedicated resources should be established by MoWA and Mol

²¹ <https://vodenglish.news/opinion-womens-challenges-in-newsrooms-are-going-unreported/>

²² *Country Report: “Media and Gender in Cambodia” Part of the IFJ Media and Gender in Asia-Pacific Research Project* available at: https://www.ifj.org/actions/ifj-campaigns/charting-cambodias-declining-press-freedom.html?tx_wbresources_list%5Bresource%5D=550&cHash=49c39a4ff769425ef49ef3f9fee6b582 accessed in January 2021.

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ Ministry of Women’s Affairs and Ministry of Information (2017): Joint Prakas on Media Code of Conducts for Reporting Violence Against Women <http://ngocedaw.org/wp-content/uploads/2014/10/Media-Code-of-Conduct-for-Reporting-on-Violence-Against-Women-English-Translation.pdf>

in order to improve capacity for ethical reporting. Furthermore, the government should take administrative disciplinary actions and impose penalties against media outlets who violate the Code of Conduct.

2) Discrimination against Entertainment workers

As of 2019 there were approximately 70,000 entertainment workers, 75% female, working as massage workers, sex workers, restaurant workers, and beer promotion workers as well as those working in karaoke parlors, hotels and casinos.²⁶ These entertainment workers are vulnerable to labor exploitation and all forms of GBV, particularly sexual harassment and pregnancy-based discrimination. They are often excluded from accessing the country's social protection scheme as the majority of them are not registered with the National Social Security Fund. Additionally, entertainment workers face great challenges to exercising their union rights. A legal framework including national policies, laws and prakas has been put into place by RGC, particularly the Ministry of Labor, and Vocational Training (MoLVT) to improve working conditions and protect benefits for these workers; yet the discrimination persists.

As noted above, the most salient example of discrimination against unions in the entertainment sector in 2021 is the dismissal of active members and leaders of the Labour Rights Supported Union of Khmer Employees of NagaWorld (LRSU). NagaWorld laid off 1,329 NagaWorld's employees in mid-2021, citing the loss in revenue due to the impact of COVID-19. Yet the employees selected were disproportionately women union leaders and those who were pregnant or new mothers. LRSU contested the layoff decision by bringing their complaint to the Cambodian National Arbitration Council, MoLVT and the International Labour Organization (ILO), but there was no positive result from their efforts. Consequently, they began a peaceful strike in 2021, but have faced ongoing challenges to their rights to strike and to free association, and they have experienced the use of state-sponsored violence, including sexual harassment and arbitrary arrests. While the government has made positive steps in recruiting more women as security personnel forces, the ongoing violence indicates that much more work needs to be done to ensure that all security is fully trained so that they interact with public gatherings in a safe, ethical, and gender-responsive manner.

3) Sexual harassment

There is no significant progress toward clarifying laws on sexual harassment or establishing the guidelines on sexual harassment which are listed as an activity in NAPVAW3.

In 2021, the ILO Convention to Eliminate Gender-Based Violence and Harassment in the World of Work (ILO C190) which provides guidelines to prevent and eliminate all harassment, violence, and other forms of gender-based discrimination in the world of work went into effect for those countries which have ratified it. However, despite the RGC's vote to adopt ILO C190 when it was first approved by the ILO, no progress has been made towards ratification.

Civil society organizations monitoring Cambodia's progress towards implementing the CEDAW Concluding Observations from 2019 on the labor sector noted very little progress on any of the Committee's recommendations, including that to ratify ILO C190. Civil society has conducted ongoing campaigns to implement the recommendation to ratify International Labor Organization Convention No. 190 on Violence in the World of Work, which would be a relevant mechanism to address sexual harassment and provide a structure for the guideline on sexual harassment proposed by NAPVAW 3.

Health

²⁶ Data from Oxfam and CFSWF in 2019. https://oi-files-cng-prod.s3.amazonaws.com/cambodia.oxfam.org/s3fs-public/file_attachments/Entertainment%20Workers.pdf

In 2021, women have faced disproportionate health effects due to the spread of COVID-19 in the community. Women's health care has faced barriers in recent months when the government focused its health-related efforts on combating COVID-19, but unfortunately did so in part by diverting resources away from women's health. For example, on March 27, 2021, the Nokor Tep Women's Hospital, which launched in 2019 in order for low-income women to access reproductive health services²⁷, was purchased by the government for use in treating COVID-19 patients. While the owner of the original hospital announced his intention to build a new hospital, the end result was that women would not have access to gynecological services for an extended period of time.²⁸

A particularly disturbing outcome of the reduction in services is that pregnant women made up a disproportionate number of deaths caused by COVID-19. Over 560 pregnant women died of COVID-19 related complications as of early November 2021, representing 20% of all COVID-19 deaths in Cambodia.

While the government did have a five-year National Strategy for Reproductive and Sexual Health in Cambodia 2017-2020, there is little publicly available data on how well the government performed on implementing this plan. The National Maternal and Child Health Center (NMCHC) and UNFPA did publish a rapid assessment in July 2021 of the impact of COVID-19 on sexual reproductive and maternal health (SRMH) in areas of Cambodia which had experienced lockdowns.²⁹ This assessment, based on phone interviews conducted during and soon after the lockdowns, revealed that services had been interrupted and did not immediately return to normal levels. While service providers attempted to provide routine care remotely through means such as telephone check-ups, many health workers were diverted from SRHS to COVID-19 work.

The CEDAW Committee in its 2019 Concluding Observations on Cambodia, expressed concern about "limited access to sexual and reproductive health-care services and information, including access to modern contraceptives and safe abortion, particularly by unmarried women and girls, and the stigmatization of women and girls who use such services, leading to high rates of maternal mortality and early pregnancy" and recommended to the government to strengthen SRHR accessibility, including safe abortion services; both abortion and post abortion care, confidential counselling, and STI/STD treatments. The Committee further recommended that Cambodia "combat the stigma attached to girls and women, especially those who are unmarried, who use contraceptives and safe abortion services, including by implementing the comprehensive sexuality curriculum in schools."³⁰

Reproductive Health Association of Cambodia (RHAC) conducted a study in 2021 to follow-up on a 2019 study, the "National Baseline Research on The Right to Safe Abortion" which examined abortion-related stigma and discrimination in Cambodia. Survey results in 2019 from Kampot and Siem Reap provinces showed that limited awareness of legal protections for abortion is closely associated with barriers to women's access to safe abortion including cost, time, distance, quality of care, stigma, and misconceptions of the legality of the service. 2021 results showed a decrease in social stigmas while individual stigma remained very strong. The study recommends prioritizing increased support and advocacy for knowledge and behavior changes. When designing the project and program, providers must consider the needs of service users, including women and youth with limited literacy, and the role of social pressure of stigma and discrimination, especially that faced by unmarried pregnant women. Information materials should be developed with an aim of ensuring equal access to all women and marginalized groups.

²⁷ <https://www.khmertimeskh.com/50589884/nokor-tep-womens-hospital-launched-in-phnom-penh/>

²⁸ <https://www.phnompenhpost.com/national/covid-treatment-facilities-expand>

²⁹ <https://nmchc.gov.kh/en/final-report-of-rapid-assessment-of-srmh-under-covid-19/>

³⁰ CEDAW Concluding Observations, November 12, 2019, Paragraphs 38, 39

During 2021, National Maternal Child Health Center has been drafting an extension of the existing National strategy for reproductive and sexual health for the period 2021-2023 in collaboration with RHAC, UNFPA, CHAI and other stakeholders. One input from civil society was to include a plan to reduce abortion stigmas and improve service provision by integrating and abortion values clarification and attitude transformation (VCAT) into the Comprehensive Abortion Care (CAC) training guideline. A key positive outcome of the consultation process was the intention to include SRH into the national curriculum on “Health Education” of the Ministry of Education Youth and Sports.

In 2021, RHAC conducted an assessment on “Effectiveness of using the national protocol on health care for women subjected to violence” which found that communities and service providers, especially those not specifically trained on the protocols, still have very limited understanding about health and gender-based violence. Negative mind-sets persist resulting in barriers to accessing SRH services and information. Service users who are survivors of violence may not fully describe what they are experiencing due to stigma, and may not seek counseling because they fear further violence and retaliation. Factors contributing to continuation of violence against women, girls and non-binary persons include: trauma, concerns about safety, lack of access to information on social protection, lack of services that support and strengthen resilience, as well as stereotypes about widows or other women who have previously been sexually active.

Discrimination Against LGBTIQ Community particularly their Access to Health and Employment

The last CEDAW review session in 2019, civil society has noticed with appreciation that the RGC has made progress related to the promotion and protection of equal rights of LGBTIQ Cambodians. For instance, the Ministry of Education Youth and Sports (MoEYS) in collaboration with development partners and civil society organizations have rolled out the new comprehensive sexuality education (CSE) curriculum in schools within the “Health Education” subject. This curriculum for upper secondary grades includes concepts related to Sexual Orientation and Gender Identity and Expression and Sexual Characteristics (SOGIESC) and rights including sexual and reproductive health. MoWA has identified lesbian, bisexual, and transgender (LBT) women as a priority in the Neary Rattanak strategic plan and noted that they are at increased risk of violence in its Third National Action Plan to Prevent Violence Against Women (2019-2023). Of further note, during the 2021 PRIDE month and International Day against Homophobia Transphobia and Biphobia (IDAHOTB) high level government officials publicly encouraged the public to not discriminate against the queer community. While all of these are considered to be positive steps, these should be viewed with caution since the Cambodian government has yet to take concrete and significant actions to advance the process of legal reforms necessary for the full implementation of SOGIESC rights including marriage and adoption equality for LGBT+ couples. Discriminatory social norms and gender roles persist throughout society and discrimination is common against LGBTIQ community in both the private and public spheres including in employment.

Civil society’s recommendations to better implement the CEDAW concluding observations:

NGO-CEDAW and its partners suggest the following actions which RGC could prioritize to better implement CEDAW in Cambodia:

- 1) We call for a comprehensive anti-discrimination law that guarantees a legal mechanism for enforcing women’s rights under the Constitution and CEDAW and for a repeal of all articles within existing laws

that conflict with those rights. We urge the government to conduct routine gender analyses for every draft law or policy.

- 2) We continue to call for dedicated, long-term funding for gender mainstreaming work out of the national budget.
- 3) We call for significant efforts to counter the prevailing mindset that reconciliation in intimate partner violence cases is an adequate result. The government needs to take concrete action to amend and strengthen laws on domestic violence to reflect the rights of survivors to their choice of effective remedies.
- 4) We continue to urge the government to ratify ILO Convention No. 190 on Violence in the World of Work and to provide clear and comprehensive definitions and remedies for all forms of harassment.
- 5) We continue to urge the government to provide comprehensive training to all security personnel on how to interact with the public — particularly women protesters and union of Khmer Employees of NagaWorld (LRSU) strikers — in a safe, non-violent, and gender-responsive manner, and to hold personnel accused of perpetrating violence and harassment to account.
- 6) We urge the government to recommit resources from the national budget to ensure that women and nonbinary individuals receive proper sexual and reproductive health care, including prenatal care and campaigns to vaccinate all pregnant women and to reduce maternal deaths.

Progress of Implementation of 2019 CEDAW Concluding Observations

(Status is based on the traffic light system: red=little/no progress; yellow=some progress; green=significant progress)

CEDAW CoB paragraph	Topics	Summary	2020 rating	2021 Progress	2021 rating
6	SDGs	Recognize women as the driving force of the sustainable development	Green	Already implemented.	Green
9a	Legislative framework	Definition of discrimination in law	Red	Not implemented.	Red
9b	Legislative framework	Systemic gender impact assessments of laws	Red	Not implemented.	Red
11a	Access to justice	Legal aid with long-term State funding; regional appeals courts	Yellow	Partially implemented in that there is additional legal aid funding, but it is not enough and not long-term. No new appeal courts were established in 2021.	Yellow
11b	Access to justice	End stigma to reports of rights violations	Yellow	The government and development partners continue to implement campaigns to encourage reporting of GBV cases, but there is no support for reporting state-sponsored violence.	Yellow
11c	Access to justice	Disseminate remedy info	Yellow	Ministry of Women's Affairs have helped disseminate some information on the limited services available, but there is little help in obtaining effective judicial remedies.	Yellow
11d	Access to justice	Gender-responsive justice system; more women, training on CEDAW	Yellow	Training on the new Guideline on the Limited Use of Mediation as a Response to VAW is being piloted, and includes training on CEDAW. However, much more work is needed to make the justice system gender-responsive.	Yellow
11e	Access to justice	Impartial, independent judiciary; investigation and punishment of cases, including DV and rape	Red	No progress. The judicial system is not impartial or independent. DV and rape cases are not consistently investigated and are still often met with impunity.	Red
11f	Access to justice	Hold officials accountable for corruption	Red	No progress.	Red
13a	Conflict	Redress to Khmer Rouge GBV victims	Red	The ECCC dropped its last remaining case, against the Khmer Rouge official Meas Muth, in December 2021. The tribunal is not expected to provide any redress at this point.	Red
13b	Conflict	Action Plan on SCR 1325	Red	No action.	Red
13c	Conflict	Women involved at all stages of peace-building	Yellow	No change. Cambodia continues to include women at most stages except at the highest level.	Yellow
15a	National machinery	Autonomy for CNCW	Red	No change.	Red
15b	National machinery	National budget for full gender policy implementation	Red	No action.	Red

15c	National machinery	CSO participation in NPGE		All action paused in 2021.	
15d	National machinery	Effective M&E for policies, ministry gender activities		Some ministries participated in a TWGG-GBV workshop to develop action plans on NAPVAW 3, but M&E remains weak.	
17	Human Rights institution	Establish national human rights institution per Paris principles		The government is proposing a NHRI, but there is no mechanism to make it consistent with the Paris principles. The current political and human rights environment would prevent any institution from being independent or effective.	
19	Civil Society	Guarantee freedom of expression, assembly and association		There has been regression on this point. Cambodian women were less free in 2021.	
21a	Temporary Special Measures	Land reallocation for equal women's ownership		No efforts.	
21b	Temporary Special Measures	Housing security for women		COVID-19 has worsened conditions for women.	
21c	Temporary Special Measures	Improved economic opportunities with quotas		No temporary special measures.	
23a	Stereotypes	Comprehensive strategy to eliminate patriarchal attitudes		No comprehensive strategy. High-ranking officials continue to embrace a traditional attitude towards women's morality.	
23b	Stereotypes	Alternate ways to teach gender without Chbab Srey		No effort. Worse, the Culture Ministry suggested making an official code reminiscent of Chbab Srey.	
23c	Stereotypes	Promote positive attitudes toward gender equality in youth		The government continues to participate in social media campaigns that promote equality in some contexts.	
25a	GBV	Assess impact of measures and address root cause		No new efforts; Some monitoring is being done on NAPVAW3 implementation to measure impact; however, most efforts do not address the root causes.	
25b	GBV	Comprehensive review of DV Law; amend to criminalize all DV, facilitate protection orders, effective remedies		No action in 2021 on amending the DV Law. There is a plan to make a plan in 2022 or 2023.	
25c	GBV	Improve essential services		Implementation of NAPVAW3 has provided some increased capacity to provide services, but lack of funding and COVID-19 restrictions kept many from accessing services.	
25d	GBV	Systemically collect GBV data		No improvement.	
27a	Trafficking	Address root cause of lack of economic opportunity		No progress.	
27b	Trafficking	Improve identification and referrals for victims		Limited progress. Government agencies continue to engage in multi-sectoral services for survivors, but relies too heavily on NGOs and outside donors and has needs to progress more.	

27c	Trafficking	Social reintegration of victims		Limited progress. Government relies too heavily on NGOs and outside donors and has needs to progress more.	
27d	Trafficking	Protect women from liability, witness protection		No new progress. Some policies are in place but are not yet being implemented fully.	
27e	Trafficking	Punish traffickers		Some traffickers have been arrested and charged, but many are never caught.	
27f	Trafficking	Don't misuse anti-trafficking law against non-traffickers		Several women were detained in 2021 for self-expression on social media based on this law.	
29a	Prostitution	Revise law to decriminalize sex work		No effort.	
29b	Prostitution	Punish exploiters		Some effort. While some cases are brought, many exploiters go unpunished.	
29c	Prostitution	Address root causes such as poverty, demand, inequality		No new efforts.	
29d	Prostitution	Provide rehabilitation		No new efforts.	
31a	Public life	Adopt temporary special measures, such as quotas		No effort.	
31b	Public life	Create an enabling environment for women		No effort.	
33a	Nationality	Access to nationality, education, employment, health care and housing for women of Vietnamese and Khmer Krom origin		No effort.	
33b	Nationality	Facilitate identity documentation and birth registration without confiscating documents		No new efforts.	
33c	Nationality	Ratify 2 conventions on statelessness		No progress.	
35a	Education	Increase secondary school access; eliminate barriers to girls		Gender mainstreaming strategic plan in Education 2021-2025 was adopted in 2021. School closures and lack of sufficient internet access has harmed girls.	
35b	Education	Encourage girls in STEAM		Some programs have been enacted to encourage girls to study STEAM subjects. It is part of the Gender mainstreaming plan.	
35c	Education	Comprehensive gender training for teachers		Gender mainstreaming strategic plan in Education 2021-2025 lists the CEDAW recommendations and lists teacher training in activities.	
37a	Employment	Workers on FDC enjoy freedom to unionize and maternity benefits; restore AC 2-year cap on FDCs		No effort In practice many employers practice a policy of one FDC plus 2 years.	
37b	Employment	Protect informal sector, include domestic workers in Labor Law		No significant effort. NSSF provided a verbal update calling for employers of domestic workers to provide NSSF	
37c	Employment	Promote sharing of parental duties, paternity leave		No new efforts.	

37d	Employment	Comprehensive legislation on sexual harassment with remedies		No new efforts.	
37e	Employment	Ensure equal pay for work of equal value per ILO C100		No effort to compare different job categories with equal value. No consistent implementation of existing law on equal pay for same job.	
37f	Employment	Protect migrant workers abroad		No significant effort. Some discussion of effects on migrants of closed borders and COVID-19 restrictions, and some case-by-case issues addressed.	
37g	Employment	Ratify ILO Conventions 183, 189, 190		No effort.	
39a	Health	Universal access to sexual and reproductive health-care services		Consultations on extending the national action plan were held in 2021. But actual services were interrupted during lockdowns.	
39b	Health	Combat stigma against abortion and contraceptive use		Input on inclusion in the national plan was made, but no action taken.	
39c	Health	Address women's nutritional needs in strategies		No changes.	
39d	Health	Prevention of cervical cancer		Input on inclusion in the national plan was made, but no action taken.	
41	Rural women	Regulate microfinancing institutions and improve access to low-interest loans, support large women-owned businesses		The MFI sector is not effectively regulated; borrowers are subject to predatory lending and collection processes which result in over-indebtedness, coerced land sales, child labor, food insecurity, debt-driven migration, and other harms ³¹	
43a	Climate change	Include women in policy formation		Limited inclusion of women's voices in policy formation, but no comprehensive gender analyses are being performed.	
43b	Climate change	Take explicit gender perspective in policies		The gender mainstreaming in climate change action plan was created.	
45a	Women in detention	Use alternatives to detention		No progress; alternative measures to detention such as pre-trial release and the use of suspended sentences are not adequately considered or applied, including for pregnant women and mothers with young children.	
45b	Women in detention	Address root causes, and effect on children of sentencing		No progress	
45c	Women in detention	Reduce overcrowding, services, per Bangkok rules and Nelson Mandela rules		No progress; despite added risks posed by COVID-19, prisons continue to far exceed their official capacity rates and do not ensure access to essential services	
47a	Surrogates	Repeal October 2016 decision to require surrogates to raise children as their own		No plan to reverse. In fact, the women were convicted in court for acting as surrogates.	

³¹ <https://www.licadho-cambodia.org/articles/20210628/173/index.html>

47b	Surrogates	Address the root cause by improving income opportunities		No action.	
47c	Surrogates	Ensure laws, policies address power imbalance of surrogates		No effort	
47d	Surrogates	Law should not criminalize surrogates		No positive action. Surrogates have been convicted of crimes since these recommendations were made.	
49a	Marriage	Targeted measures to reduce child marriage rates		No significant action. There is concern that COVID-19 has driven child marriage rates up in rural areas. ³²	
49b	Marriage	Repeal article 950 of the Civil Code		No effort to repeal	

³² <https://cambojanews.com/experts-fear-child-marriage-on-the-rise-in-ratanakiri-and-mondulkiri-amid-covid-19-pandemic/>
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