



Exploring the links between
**women's economic,
social and cultural rights**
and
**violations of land and
housing rights**
in Cambodia.



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER
Cambodia





»» What's the link?

Between violations of land and housing rights, and women's **right to work** in Cambodia?

Introduction to the right to work

The right to work is essential for realising other human rights, and forms an inseparable and inherent part of human dignity. Every individual has the right to be able to work, and states must ensure that everyone can enjoy their **right to freely choose or accept work**, as well as the **right not to be deprived of work unfairly**.¹

The right to work encompasses all forms of work, whether independent work (such as producing crops on a small family farm) or dependent wage-paid work. This right is recognised in law as contributing not only to the survival of the individual and to that of their family, but also to an individual's development and recognition within the community.²

The ability to freely choose or accept one's work is an expression of their human dignity – it is a right that reflects the importance of work for personal development as well as for social and economic inclusion.

How do housing and land rights violations affect the right to work?

According to a recent study done by the Cambodian Centre for Human Rights (CCHR), “the majority of Cambodians rely on land to sustain their livelihoods - almost 80% of the population inhabits rural areas and therefore are largely dependent on access to, and control over, land and other natural resources.”³

However, natural resource exploitation, and agribusiness development have led to the dispossession of members of many rural communities, often in the form of land appropriation and forced evictions.⁴

Such actions can constitute violations of a community's rights to housing, food, and water (as detailed in other infographics in this series). However, less often acknowledged is the fact that the dispossession of land without the free, prior and informed consent of communities who earn incomes and sustain their livelihoods by tending and farming the land can constitute a violation of their right to work.

Under international law, violations of the right to work can occur when states do not provide adequate safeguards to prevent individuals or corporations from impeding the right of others to work (including, by extension, the ability to freely choose their work).⁵ Where smallholder farmers wish to continue farming their land for household consumption and/or for the sale of crops for cash, this constitutes a form of employment. Importantly, under international law, this choice or acceptance of employment cannot be ‘unfairly deprived.’

While many smallholder farmers manage to find (or, in some cases are offered) waged employment after being dispossessed of their land, this is often precarious work for meagre wages, usually in another location or even abroad.⁶ While some find work elsewhere, many of these farmers have still been unfairly denied access to work of their free choice, which is a violation of the right to work.

Recommendations:

1. The Royal Government of Cambodia (RGC) should ensure that the legitimate tenure rights to land, fisheries and forests of all individuals, communities or peoples are respected and protected by laws, policies, strategies and actions. Emphasis should be placed on women farmers, small-scale food producers, and vulnerable and marginalised people.
2. The RGC should recognise that smallholder producers, particularly women, contribute significantly to food security, poverty eradication and environmental resilience, and that their right to freely choose their work should be protected, respected and fulfilled in accordance with international law.

How are women impacted differently?

While both men and women in Cambodia perform work as smallholder farmers of family plots, there are more women than men in this informal sector and therefore are at greater risk of losing their right to freely choose or accept their work.⁷

Further, women are also more likely to take on work that is close to the home due to their additional performance of care and domestic work. This can make it more difficult or undesirable for them to seek employment alternatives outside the community.⁸

As CCHR put it, “the ability of women to fulfil traditional gender roles of providing food and shelter for the family were inextricably linked to their security of land tenure. That security has been shaken for an estimated 700,000 Cambodians thanks to land grabs by companies or authorities.”⁹



1. UN CESCR, (2005) General comment No. 18, E/C.12/GC/18.

2. Ibid.

3. Cambodian Centre for Human Rights (CCHR), (2016) 'Cambodia's women in land conflict,' p.2.

4. 'Forced eviction' is defined as the "[P]ermanent or temporary removal against the will of individuals, families or communities from their homes or land, which they occupy, without the provision of, and access to, appropriate forms of legal or other protection" (UN CESCR (1997) General Comment No. 7, E/1998/22).

5. UN CESCR, (2005) General comment No. 18, E/C.12/GC/18.

6. Park, above n., p. 29.

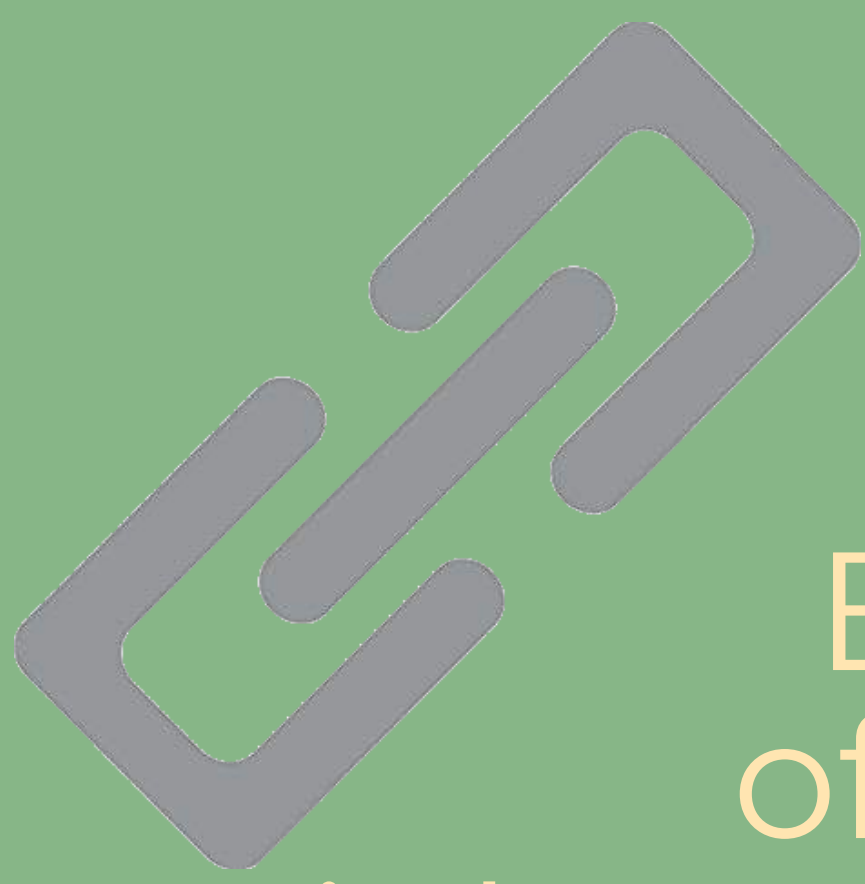
7. Park, above n., p. 28.

8. Brickell, K., & Chant, S. (2010). 'The unbearable heaviness of being' reflections on female altruism in Cambodia, Philippines, The Gambia and Costa Rica.'

Progress in Development Studies, 10(2) p.151.

9. CCHR, above n, p 1.





»» What's the link?

Between violations of land and housing rights, and women's right to an adequate standard of living in Cambodia?

Introduction to the right to an adequate standard of living

Under international law, everyone is entitled to an adequate standard of living for themselves and their families, including food, clothing and housing, and to the continuous improvement of their living conditions.

The right to adequate housing is made up of the following components:

- **Security of tenure:** housing is not adequate if its occupants do not have a degree of tenure security which guarantees legal protection against forced evictions, harassment and other threats;
- **Availability of services, materials, facilities and infrastructure:** housing is not adequate if occupants do not have safe drinking water, adequate sanitation, energy for cooking, lighting or waste management;
- **Affordability:** housing is not adequate if its cost threatens or compromises the occupants' enjoyment of other human rights;
- **Habitability:** housing is not adequate if it does not guarantee physical safety, provide adequate space, or protect against the elements;
- **Accessibility:** housing is not adequate if the specific needs of disadvantaged and marginalised groups are not taken into account, such as ramps for persons living with disabilities and older persons;
- **Location:** housing is not adequate if it is cut off from employment opportunities, health care services and schools, or if located in polluted or dangerous areas.¹

The right to food requires "the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture." This must be physically and economically accessible to all. The right to food also implies a right to water.²

These human rights obligations have been voluntarily accepted by the Royal Government of Cambodia (RGC) through its ratification of international human rights instruments, especially the International Convention on Economic, Social and Cultural Rights (ICESCR).

How do housing and land rights violations affect the right to an adequate standard of living?

The effects of forced evictions, land and housing loss have been consistently shown to have devastating impacts on people's right to adequate living standards. Authorities who violate communities' enjoyment of equitable and secure land tenure, by extension violate their enjoyment of these core human rights.

Those resettled after land or housing dispossession often face a dire lack of service provision in their new location. A 2012 study of urban resettlement sites by OHCHR Cambodia found that such sites did not initially feature any housing or shelter at all. The sites also lacked basic infrastructure, especially access to water and sanitation, as well as essential services: "The situation becomes worse during the rainy season as sites, latrines, sewage systems or homes become flooded."³

Alarming, the same study also found that many families faced food insecurity as a result of their resettlement: "Relocated families have had precarious access to food and have overwhelmingly cut down their food intake."

Research by Equitable Cambodia (EC) and Inclusive Development International (IDI) found that villagers affected by land acquisitions in Ratanakiri province reported an adverse change in the quantity and quality of food available in their village as a result of losing access to productive land, streams and forests.⁴ In 2011, the UN Special Rapporteur on the Right to Food asserted that states are in violation of the human right to food if they permit foreign or domestic land appropriation that deprives people of access to life sustaining resources.⁵



"Agreements to lease or cede large areas of land should under no circumstances be allowed to trump the human rights obligations of the States concerned."

(UN Special Rapporteur on the right to food 2009: 33)

How are women impacted differently?

Forced eviction from one's home and community is a traumatic experience that can have catastrophic consequences for both men and women, but often has specific, disproportionate impacts on women.⁶

Research by EC and IDI suggests that women affected by land loss are more likely to absorb resultant food reductions into their diet, in order to provide their husbands full meals. Women in several villages in the study said they also prioritise their children's meals above their own.⁷

Conversely, according to the Cambodian Centre for Human Rights, increases in women's tenure security result in their increased household decision making power, and decreases in domestic violence.⁸

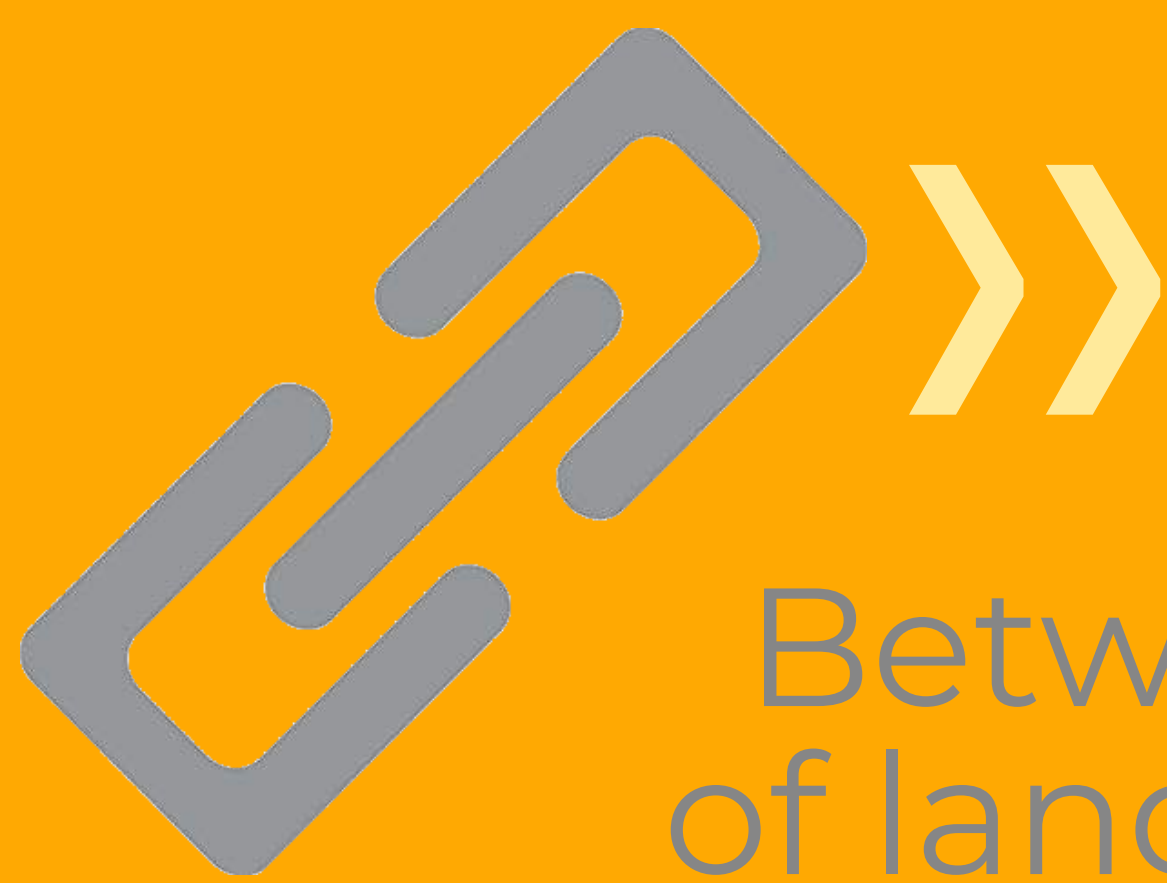
Such findings are important in the Cambodian context, where gender bias is keenly felt: "Women's access to land and other natural resources is essential to ensuring gender equality and an adequate standard of living."⁹

Recommendations:

1. The RGC should continue to take steps to ensure effective remedies for human rights violations, including by encouraging and facilitating dialogue between alleged land appropriators and affected communities, with the aim of achieving full restitution for affected people.
2. The RGC should urgently institute measures to protect against any future land and housing-related human rights violations by corporate or state actors.

1. UN CESCR, (1997) General Comment No 7, E/1998/22.
 2. UN CESCR, (1999) General Comment No 12, E/C.12/1999/5.
 3. OHCHR Cambodia Country Office, (2012) 'Eviction and Resettlement in Cambodia Human Costs, Impacts and Solutions.'
 4. Equitable Cambodia and Inclusive Development International, (2014) 'A Human Rights Impact Assessment of Hoang Anh Gia Lai's Economic Land Concessions in Ratanakiri, Cambodia,' p. 49.
 5. UN Special Rapporteur on the Right to Food, (2009). 'Large-scale land acquisitions and leases: A set of core principles and measures to address the human rights challenge. Report by the Special Rapporteur on the Right to Food, Olivier De Schutter.'
 6. Amnesty International (2012) 'Eviction and Resistance in Cambodia: Five women tell their stories.,' p. 7.
 7. Equitable Cambodia and Inclusive Development International, above n, p. 51.
 8. Cambodian Centre for Human Rights (2016) 'Cambodia's Women in Land Conflict,' p.2.
 9. UN Women, (2013) 'Realizing Women's Rights to Land and Other Productive Resources,' p. 2.





What's the link?

Between violations of land and housing rights, and women's right to family life in Cambodia?

Introduction to the right to family life

The family is recognised under international law as "the natural and fundamental group unit of society."¹ The International Covenant on Economic, Social and Cultural Rights (ICESCR) requires states to accord it "the widest possible protection and assistance, particularly for its establishment and while it is responsible for the care and education of dependent children."² These human rights obligations have also been voluntarily accepted by the Royal Government of Cambodia (RGC), through its ratification of the ICESCR.

Such recognition emphasises the valuable functions that families perform towards their members, as well as to the wider community. It is also widely recognised that States bear the primary obligation to provide protection and assistance to the family so it can fully assume these functions. For example, mothers should receive special protection for a reasonable time before and after childbirth, including maternity leave with pay or with adequate social security benefits.³

Given their unique potential to promote the enjoyment of the basic human rights of their members, including to food, clothing, housing, water and sanitation, families play an important role in protecting human rights and dignity, and are crucial actors in poverty eradication.

Article 12 of the Universal Declaration on Human Rights provides that "[n]o one shall be subjected to arbitrary interference with his privacy, family, home or correspondence." This right has been interpreted broadly, to include protection against forced evictions, protection against the demolition of homes and the destruction of traditional burial grounds. The right to family life is reflected in the preference for preserving the family unit and non-separation of its members, particularly dependent members.⁴

How do housing and land rights violations affect the right to family life?

Research of families' experiences of relocation following land and housing dispossession has found that resettled families often experience enormous difficulties in securing sources of livelihood and employment options.⁵

Urban relocation sites, usually located on the outskirts of the city, offer very few work opportunities. In such circumstances, it is very difficult for families to continue or seek employment in the city centre, given transport costs and other obstacles. This results in many cases of breadwinners returning to the city centre in search of employment, often separating families in the process.

Similarly, the impact of land loss and/or forced eviction often have devastating impacts on families within rural and indigenous communities. Many men in particular have been

forced to migrate to neighbouring provinces or even pushed into precarious work abroad, often on construction sites or fishing vessels.⁶ In many cases these migrants are then unable to see their families for months or years at a time.

Relatedly, families' difficulties in securing livelihood and work opportunities is intimately linked to their food security. Relocated families often have precarious access to food, and overwhelmingly cut down their food intake. The social ramifications of these coping manoeuvres on the family are extensive, at times causing a breakdown in the family structure.

Dispossessed families have also reported encountering difficulties with civil and administrative matters upon relocation including in obtaining or updating residency books and identity cards.⁷



Recommendations:

1. Evictions and land acquisitions should not result in individuals or families being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, RGC should take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available in order to protect their right to family life.
2. Civil society and donor agencies should respond to the need for increased tenure security for women by funding and delivering relevant programs at the local level.

How are women impacted differently?

According to a study by the Cambodian Centre for Human Rights (CCHR), "Gender bias within Cambodia has led to women being disproportionately affected by land conflict, with links between land disputes, domestic violence and family breakdown particularly apparent."⁸

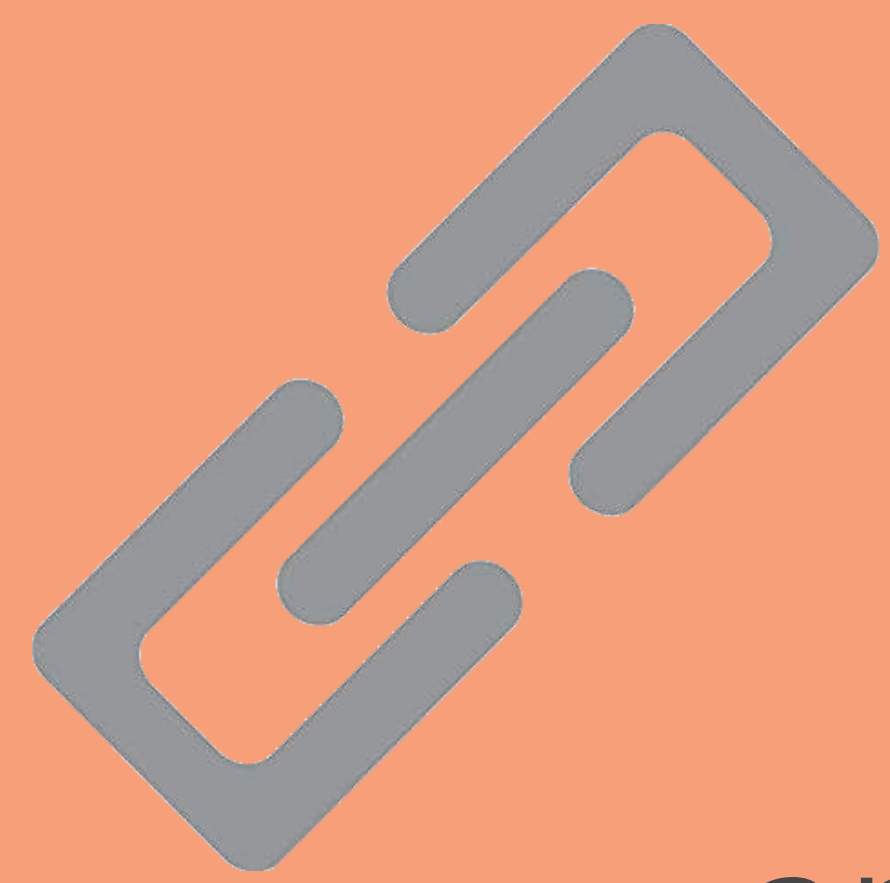
Cambodian women are generally expected to fulfil traditional roles, involving duties that can only be performed with security of tenure, such as providing shelter and food for the family. Given their intrinsic link to the land, women often bear the brunt of the country's widespread land conflict.

In the CCHR study, just over half (51%) of women reported that land conflicts have impacted their familial relationships. The four main reasons for the deterioration of familial relationships were financial concerns, emotional distress caused by land conflict, loss of land and poor health.

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

1. UN General Assembly (1948), Universal Declaration of Human Rights, 10 December 1948, Art. 16 (3).
 2. UN General Assembly (1966), International Covenant on Economic, Social and Cultural Rights, Art. 10 (1).
 3. UN General Assembly (1966), International Covenant on Economic, Social and Cultural Rights, Art. 10 (2).
 4. UN HRC, (2016) 'Protection of the family: role of the family in supporting the protection and promotion of human rights of persons with disabilities: resolution / adopted by the Human Rights Council,' (A/HRC/RES/32/23).
 5. OHCHR Cambodia Country Office, (2012) 'Eviction and Resettlement in Cambodia: Human Costs, Impacts and Solutions,' p. 6.
 6. Sherchan Depika, (2015) 'The Bitter Taste of Sugar: Displacement and Dispossession in Oddar Meanchey Province,' ActionAid Cambodia and Oxfam GB, p. 43.
 7. OHCHR Cambodia Country Office, above n., p. 6.
 8. Cambodian Centre for Human Rights (2016) 'Cambodia's Women in Land Conflict,' p.3.





»» What's the link?

Between violations of land and housing rights and **women's right to participate in cultural life** in Cambodia?



Introduction to the right to participate in cultural life

Cultural rights are an integral part of human rights and, like other rights, are **universal, indivisible and interdependent**. The full promotion of and respect for cultural rights is essential for the maintenance of human dignity, and for positive social interaction between individuals and communities in a diverse and multicultural world.¹

As culture encompasses such a wide range of beliefs, values and practices, the right to culture has a broad scope. For instance, subsistence rights, rights to lands and resources, burial rites and family rights have all been determined to fall under the right to culture.²

The right to take part in cultural life can be characterised as a **freedom**. This means that in order for this right to be ensured, it requires two things from the state:

- 1 Abstention** - This means that the state should not interfere with the exercise of cultural practices or with access to cultural goods and services, and
- 2 Positive action** - This means that the state should take active steps to enable the participation, facilitation and promotion of cultural life, and access to and preservation of cultural goods.

The right to participate in cultural life is especially important for **indigenous peoples**, who have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms.³

How do housing and land rights violations affect the right to participate in cultural life?

The strong communal dimension of indigenous peoples' cultural life is indispensable to their existence and well-being, and includes the right to the **lands, territories and resources** which they have traditionally owned, occupied or otherwise used or acquired.

Indigenous peoples' cultural values and rights associated with their lands should be regarded with respect and protected, in order to prevent the degradation of their particular way of life, including their means of subsistence, the loss of their natural resources and, ultimately, their cultural identity.⁴

In addition to indigenous peoples in Cambodia, cultural rights are also particularly relevant to ethnic and religious minority communities, as well as many rural and even some urban communities.

When such communities lose access to or control over their land, including through land grabs and forced evictions, it can have devastating impacts on their ability to participate fully in and maintain the values of cultural life, which may be strongly communal or which can only be expressed and enjoyed as a community.

Recommendations:

1. The Royal Government of Cambodia (RGC) should continue to take measures to recognise and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources. In cases where they have been otherwise inhabited or used without their free and informed consent, the government should take steps to return these lands and territories.
2. The RGC should ensure that indigenous peoples have access to effective remedies, both judicial and non-judicial, for all infringements of their individual and collective rights. These remedies should be sensitive to indigenous cultures and accessible to indigenous peoples.⁸

How are women impacted differently?

While both men and women are affected by loss or erosion of cultural heritage, recent studies have shown specific impacts for women from indigenous and minority communities, including the disappearance of traditional customs, assimilation, displacement, poor health and diminished status within their own community.⁵

For instance, a 2017 study in Ratanakiri province examined dramatic changes in the region and their effect on the socially and culturally rich systems of local indigenous communities.

In this study, such developments as the alienation of land and natural resources due to economic land concessions, were shown to have affected traditional agrarian practices, livelihoods and entire belief systems.

In particular, these shifts were shown to be "creating hierarchies of power that risk marginalising indigenous women and girls, and eroding the spaces of recognition, autonomy and agency they once had."⁶

1. UN CESCR, (2009) General comment No. 21, E/C.12/GC/21.
 2. Minority Rights Group, (2005) 'Economic, Social and Cultural Rights: A Guide for Minorities and Indigenous Peoples,' p83.
 3. UN CESCR, (2009) General comment No. 21, E/C.12/GC/21.
 4. Ibid.
 5. Park, C. M. Y., & Maffii, M., (2017). 'We are not afraid to die': gender dynamics of agrarian change in Ratanakiri province, Cambodia. *The Journal of Peasant Studies*, 44(6), 1235-1254.
 6. Minority Rights Group, (2016) 'State of the World's Minorities and Indigenous Peoples 2016,' p39.
 7. UN CESCR, (2009) General comment No. 21, E/C.12/GC/21 at 7.36.
 8. UN CESCR, (2017) General comment No 24, E/C.12/GC/24 at 4.46.



»» What's the link?

Between violations of land and housing rights, and women's **right to health** in Cambodia?



Introduction to the right to health

Health is a fundamental human right that is essential for the exercise of other human rights. Everyone is entitled to the enjoyment of the highest attainable standard of health, to enable them to live a life in dignity.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) provides the most comprehensive article on the right to health in international human rights law. It sets out the right to health as "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health." It also provides states with a number of illustrative steps to be taken "to achieve the full realisation of this right." These steps include creating conditions in which everyone would be able to access all medical services and medical attention in the event of sickness.¹

From a human rights perspective, therefore, health does not only mean access to healthcare; it also includes a wide range of factors that can help people lead a healthy life, such as safe drinking water and adequate sanitation, adequate food, and healthy working and environmental conditions. Health services, goods and facilities must be provided to all without discrimination, and they must be available, accessible and of good quality.²

The right to health is also set out under Article 48 of the Cambodian Constitution: "The health of the people shall be guaranteed. The State shall give full consideration to disease prevention and medical care. Poor people shall receive free medical consultations in public hospitals, infirmaries and maternities. The State shall establish infirmaries and maternities in rural areas."³

How do housing and land rights violations affect the right to health?

According to a 2012 study by OHCHR of urban families who had been relocated as a result of forced evictions, families at resettlement sites generally reported a deterioration of their health conditions following relocation.⁴

The most common health problems at the sites were reportedly respiratory tract infections, gastro-intestinal illnesses, skin diseases, and illnesses related to malnutrition and vitamin deficiency among children. There were also cases of chronic diseases such as high blood pressure, diabetes, and tuberculosis. In the rainy season, common illnesses included fever, cold, diarrhoea and dengue.

Such problems are directly associated with a lack of basic infrastructure, potable water, sanitation and adequate housing, together with a lack of essential food and nutrition following eviction and relocation.

In a similar study by the Cambodian Centre for Human Rights (CCHR), the impact of land dispossession on psychological health was made clear, with 98% of the 612 women interviewed reporting that the land conflict had negatively impacted their mental health. Many also reported sharp increases in domestic violence perpetrated against them following land conflict.⁵

Recommendations:

1. The Royal Government of Cambodia (RGC) should continue to take measures to ensure the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalised groups such as those who have faced forced evictions or land loss, and should note the special obligation to provide for those who do not have sufficient means with the necessary health care facilities;
2. In particular, the RGC should take steps to ensure that particular health needs of women and PLHIV are accounted for and responded to following land loss or forced eviction.

How are women impacted differently?

Women, children, youth, older persons, people living with HIV (PLHIV), indigenous people, ethnic and other minorities, and other vulnerable individuals and groups all suffer disproportionately from the practice of forced eviction and land dispossession.⁶

Women in all groups are especially vulnerable, given the reported sharp increase in the severity and frequency of domestic violence perpetrated against them, as well as fear of physical and sexual violence at insecure relocation sites. As reported by CCHR, "Alarminglly, 88.3% of

women living at relocation sites reported not feeling safe at their current residence," thus violating their ability to live free from fear.⁷

Women themselves have specific health needs, particularly in relation to sexual and reproductive health. They also perform most of the caregiving duties for sick relatives, especially infants, children and elderly family members, the burden of which is greatly exacerbated when adequate public health services are not available or accessible due to land conflict.

1. UN CESCR, (2000) General Comment No 14, E/C.12/2000/4.
 2. World Health Organization (WHO) and OHCHR, 'The Right to Health, Fact Sheet No. 31.'
 3. Constitution of the Kingdom of Cambodia, (1993), Art. 48.
 4. OHCHR Cambodia Country Office, (2012) 'Eviction and Resettlement in Cambodia: Human Costs, Impacts and Solutions,' p. 7.
 5. Cambodian Centre for Human Rights (CCHR), (2016) 'Cambodia's Women in Land Conflict,' p. 17.
 6. OHCHR Cambodia Country Office, above n., p. 8.
 7. Cambodian Centre for Human Rights (CCHR), above n., p. 12.





»» What's the link?

Between violations of land and housing rights, and women's and girls' right to free education in Cambodia?

Introduction to the right to free education

Education is both a human right in itself and an indispensable means of realising other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalised adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative labor and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth.¹

The International Covenant on Economic, Social and Cultural Rights (ICESCR) recognises the right of everyone to free education (free for the primary level and "the progressive introduction of free education" for the secondary and higher levels). Under the ICESCR, educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the State party. **Accessibility** has three overlapping dimensions:

- 1 **Non-discrimination** - education must be **accessible to all**, especially the most vulnerable groups, in law and fact, without discrimination on any prohibited grounds
- 2 **Physical accessibility** - education has to be **within safe physical reach**, accessible either at a reasonably convenient geographic location, or via modern technology
- 3 **Economic accessibility** - education has to be **affordable to all**.²

Access to free education in Cambodia is a right set out in the Constitution, obliging the state to "protect and promote citizens' rights to quality education at all levels and [to] take all measures, step by step, to make quality education available to all citizens... as well as to ensure for all citizens free primary and secondary education at public schools. Citizens shall receive schooling for at least nine years."³

How do housing and land rights violations affect the right to free education?

Numerous studies have detailed the struggle faced by many families who have lost land and/or housing, to keep their children in school. For some, such as those interviewed in a report by the Cambodia Centre for Human Rights in 2016, they had no choice but to remove their children from school (43.9%) and to put them to work (36%) due to the deteriorating economic circumstances of the family.

As the report notes, in many cases, this work constitutes child labor, given that it actively deprives such children of the opportunity to attend school.

For example, in Aoral district in Kampong Speu province, community members whose land had been grabbed to make way for a sugar plantation spoke openly about having to remove their children from school prematurely as a result of the land conflict. As their land had been grabbed, they were no longer able to earn an income from farming and therefore they depended on their children earning an income to subsist.⁴ In another study, LICADHO monitors estimated that among 1,200 dispossessed families who had been forcibly relocated from Phnom Penh city to Andong, a village on its outskirts, less than 40% of children were attending school.⁵



Recommendations:

1. The Royal Government of Cambodia (RGC) should continue to improve access to free, quality education for all, noting in particular the principles of non-discrimination and physical and economic accessibility.
2. The RGC should take steps to ensure that all children and young persons, especially girls, women and members of vulnerable groups such as those living with a disability, who have been subjected to land and/or housing dispossession, are able to access free, quality education and are not pushed into child labor as a result of such dispossession.

How are women and girls impacted differently?

It is widely recognised, in Cambodia and elsewhere, that when parents are forced to take one or more children out of schooling due to poverty, those children are more likely to be girls than boys.⁶

Such a choice is often informed by cultural bias that places greater value on boys' education, seeing girls as future care-givers rather than bread-winners. Girls may also find it more difficult to travel the increased distances between school and the family's new location.

In a 2012 study, OHCHR documented cases of young girls who stopped attending school following resettlement. Their families could not afford to give them money to get to school, and they had to help their families generate income. They were reported to work 'at night', in karaoke bars.

In the same study, a mother in Spean Ches, Phnom Penh, reported how her two eldest daughters had to stop school to work as construction workers, as the family income was not enough to feed their family of eight.⁷

1. UN CESCR (2005) General comment No. 13, E/C.12/1999/10.

2. Ibid.

3. Constitution of the Kingdom of Cambodia (1993) Articles 65 and 68.

4. CCHR, (2016) 'Cambodia's Women in Land Conflict' pp. 16-17.

5. Cambodian League for the Promotion and Defense of Human Rights (LICADHO) (2009) 'Land Grabbing and Poverty in Cambodia: The Myth of Development' p. 10.

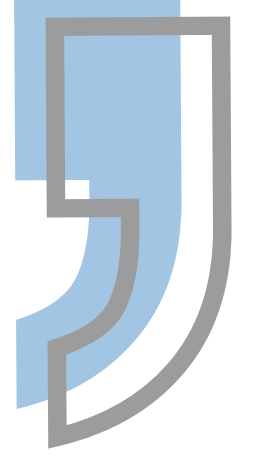
6. Speu, K., Heng, K., Sok, S., & No, F., (2016). 'School Dropout in Cambodia: A Case Study of Phnom Penh and Kampong Speu,' p. 41.

7. OHCHR Cambodia Country Office (2012) 'Eviction and Resettlement in Cambodia: Human Costs, Impacts and Solutions' p. 61.



The journey of an indigenous woman fighting to defend her housing and land rights

"I believe that every problem has solutions. As women, we should have self-determination. We need to know what we are doing and the reasons why we are taking action. Otherwise, we could get lost in the middle of the process. I have conquered my internal fears and stopped being a perfectionist – I started to take small step[s] forward, one step at a time, regardless of the result."



In 2012, the Cambodian government granted large swathes of land that were home to around 140 local indigenous families to a number of local and international actors for two projects: An economic land concession (ELC) and the Lower Sesan II Hydropower Dam (LS2). The land deals were struck without obtaining prior informed consent from the local indigenous communities, or engaging in meaningful consultation with those who would be affected. For the communities living in Kbal Romeas Village, located within the Sesan Commune of Steung Treng province, this marked the beginning of what was to be a years-long advocacy journey.

Construction on the LS2 began in 2014. Despite the efforts of the communities to halt or slow the process of construction, the dam was completed in September 2018. Costing up to USD 1 billion, the LS2 was expected to generate 400 Megawatts of electricity and provide power for consumption in five Cambodian provinces.

Circumstances remain dire for those on the ground who were either forcibly resettled to make way for the project, or who have since faced increasing concerns about their livelihoods due to lower fish yields. Non-profit environmental and human rights organisation International Rivers has said that the dam will have an increasingly "costly catastrophic impact on the Mekong River's fisheries and biodiversity".²



For Sreymom, her first experience with advocacy came at a young age when her parents wanted her to drop out of school, after she finished her secondary education. According to her, this was not an easy challenge to overcome, because her parents at the time believed that education was a privilege for boys rather than girls to enjoy. She had to advocate again and again to convince them that she would be worth the investment and assure them that she would not get romantically involved with any boy at school. Eventually, Sreymom's conviction won and she was permitted to travel to Phnom Penh to further her education. It was while at university, however, that her community came under threat of forced eviction.

Sreymom felt that she could not ignore the adverse effects caused by the LS2 project on her family and community, and became determined to find solutions to halt the planned forced evictions. She had to travel back and forth between Steung Treng province and Phnom Penh almost every weekend to organize and mobilize a youth group, and became involved in advocacy activities while back in the capital. She reached out to CSO allies and environmental activists to build support and undertake collective actions.

Despite the odds, some 52 families managed to remain on their land in Kbal Romeas. One of those families is Sreymom's, a member of the Pho-Norng indigenous community and one of many young women in Cambodia who have experienced the impacts of land grabbing and forced eviction first hand. She refuses to become a passive victim, and is determined and courageous in defending her community's rights to housing and their ability to cultivate land, as well as to take care of their communal spiritual and burial sites. Indeed, to protect their entire way of life, put under grave threat by this encroaching mega-project.

Photo credit: The Cambodia Indigenous Women Working Group (CIWWG)

¹ <https://www.youtube.com/watch?v=hFTmz86p9Hs>

² Ariffin, E., 'Are Cambodia's hydropower plans risky?' *The ASEAN Post*, 5 February 2019, <https://theaseanpost.com/article/are-cambodias-hydropower-plans-risky>

Sreymom took charge as the lead figure from the community to submit petitions from her community to relevant government institutions at the national level and follow up on the progress. Unfortunately, Sreymom's activism came at a high price for herself and her family.

"I suffered so much, and there were times that I felt I was emotionally abused by my own father. He forced me to stop doing advocacy and campaigning activities after my mother, my uncle and I were charged with incitement to commit a crime and disruption of civil servants' work by provincial authorities. My father feared that all of us would be arrested and thrown in jail. It was a depressing time for me. However, I knew I hadn't done anything wrong, or against the law. I was simply protecting our land. I also knew that everything I did, I did it for the sake of my family, communities and country. It was not a selfish act or decision, so I continued my activism."



Photo credit: The Cambodia Indigenous Women Working Group (CIWWG)

This is due to various factors, the most important of which are the physical risks that come with advocacy work. For instance, the requirement to actively engage in forest patrolling and/or peaceful assembly in the public and private space can be dangerous, and can expose women to physical and/or sexual harassment.

Another hindering factor, according to Sreymom, are gendered social perceptions and norms. She has noticed that young women activists tend to have difficulties in finding a life-long partner, as most men prefer to be with those who are docile and "soft". Fortunately, Sreymom has found a supportive and progressive partner – he also is an indigenous person, from Ratanakiri province. He appreciates her activism and provides a helping hand when needed, whether for emotional support and/or technical assistance to prepare advocacy strategies and documentation.

As for her advice to other young women activists fighting the same battles, she reminds everyone to support each other by checking in via phone call or face to face to talk about their feelings and challenges, rather than just to bounce ideas off one another. She further advises that young women activists should try to find ways to engage men in their advocacy journeys.

Sreymom believes that the situation of women activists in all sectors would improve if the Ministry of Women's Affairs (MoWA) started to work more closely with women activists: "To genuinely respect and promote women's empowerment, MoWA has to directly engage with disadvantaged groups and amplify their voices in both policy and implementation – this will be of great help to women activists."

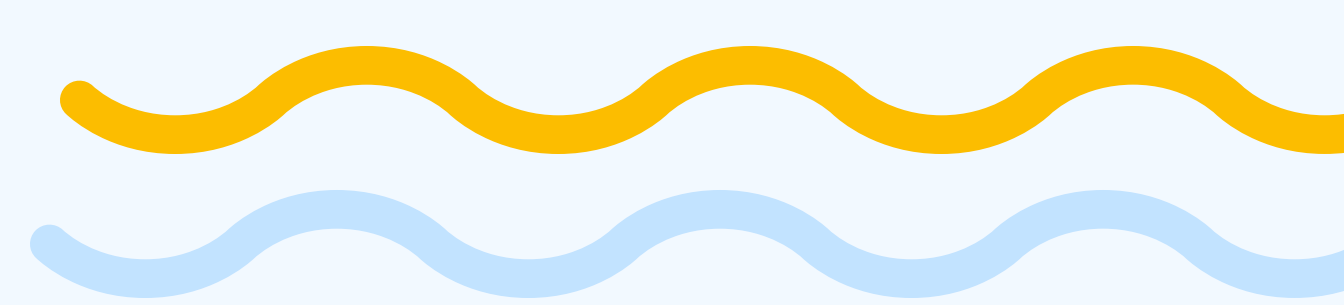
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Sreymom now works full-time as a campaigner for indigenous land rights. In her reflections, she took pride in her achievements: "Some people say our community wasn't successful in stopping forced eviction, but for me it was and is a successful case. Of course some of us were moved to a new resettlement site, but 52 families were able to stay. We have submitted an application to register for recognition as a formal indigenous community with the relevant government ministries. This process is nearly completed and soon we will be formally recognized as a legal entity and thus fully protected by law. Furthermore, the local authorities have started to reconnect public services for our community."

She shared an observation that there is a noticeable number of young women who have spoken up and engaged in advocacy and governance concerning land and natural resources. However, this number is still small if compared to the number of young men.

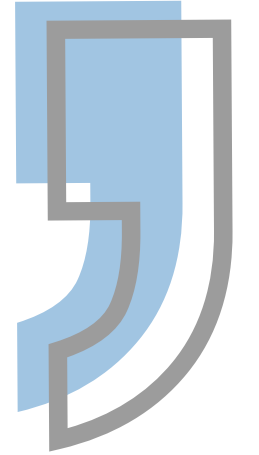


Photo credit: The Cambodia Indigenous Women Working Group (CIWWG)



On becoming a frontline land rights defender: Chray Nem's Story

"In the end, I feel happy and proud that I have done what I have done. I was successful in defending my house. I not only joined the movement, but I became the movement and resisted human rights violation with others."
Chray Nem, SoS Community Activist



Despite women being severely underrepresented within most decision-making bodies in Cambodia, there is one forum where women are consistently front and centre: in the fight against land grabs and forced evictions.



Photo credit: Supplied by Ms Chray Nem

Cambodian women are at the forefront of campaigns to protect land and housing rights, whether the affected communities are urban, or rural, indigenous or not. This may be partly explained by the fact that many assume women protestors will be less likely to carry out or to experience violence while contesting with authorities whether at the negotiation table or during protests on the streets.

Perhaps more relevant is Cambodian grassroots women's proven ability to organize, mobilize and lead effective campaigns to end land grabbing and forced eviction around the country. The intersections between the insecurity of land tenure and discriminatory social and cultural norms have placed women in a unique position to lead. But, they have also led to them experience adverse effects on their emotional and physical wellbeing, and in many cases, placed severe strains on familial relationships.

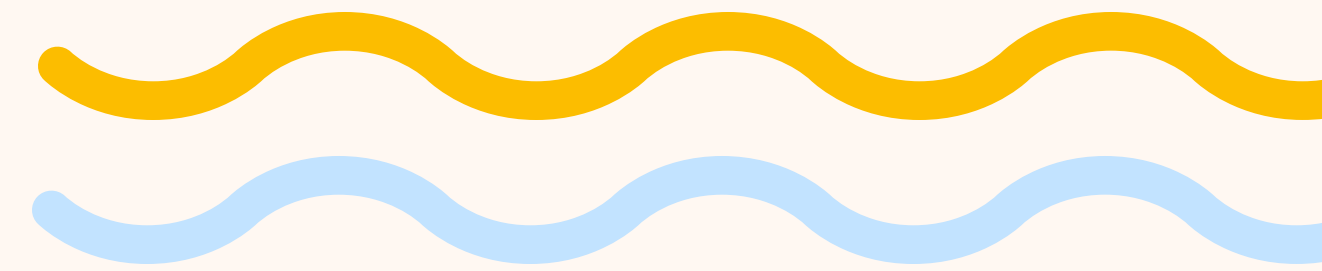
This case study pays special attention to the journey of Chray Nem, a woman land rights defender from the SOS Airport Community, who has led the movement to end forced evictions in her community.

Thmor Kol Village is a well-established village located near the Phnom Penh International Airport. It is where Nem's family, together with other villagers, have resided since the collapse of the Khmer Rouge regime in 1979. Although they only possess soft titles for their houses and land, their presence has been accepted and recognized by local authorities. Despite this, one day in 2012, villagers received an eviction notice letter from the Phnom Penh Municipality (PPM) ordering them to leave their home within seven days, accusing them of being informal settlers. This happened without any prior consultation with the authorities.

The women were told by district authorities to form a group of representatives to discuss with officials at PPM. Due to the large number of affected people located in Thmor Kol village – they decided to form the Thmor Kol Community, and selected six women as their representatives, including Nem.

"My husband was a government worker. If he went to advocate, or became politically active, he would have faced pressure at work, or even been demoted or dismissed. Hence, I have to stand at the front line in order to protect his job and defend our home."

The women met with officials at PPM and put forward three options: 1) PPM should purchase their land/house at market value price, or 2) PPM should provide an alternative land swap to villagers within five kilometres distance from their current site, or 3) PPM should purchase their land/house at the price of 700\$/square metre. All proposed options were rejected by PPM, claiming the villagers did not have legal rights over their land/houses. Since then, residents have repeatedly sought to clarify their legal status – writing letters, submitting petitions and requesting meetings with government representatives, all to no avail. Affected community members have come to depend on Nem for advice and support, and to organise campaigns. They regularly meet at Nem's home to discuss the latest cases of intimidation by local authorities, and their strategy to keep up the fight.



They work together and stick together through difficulties and happiness, and they have drawn local and international public attention to their case. As part of one tactic, Nem led her community members to spray-paint an “SOS” message on their roofs to bring attention to their plight, in the hopes that dignitaries visiting Phnom Penh for the 2012 ASEAN Summit would hear their message. Instead, they were arrested and detained.



Photo credit: Photo supplied by Ms Chray Nem

The arrest and detention brought significant public attention to the community, and since then, they have been referred to as the “SOS Airport Community” instead of “Thmor Kol Community”. Nem has also been invited to join the resistance and support the plight of other communities, including the Beung Kak Lake and Borey Keila communities. According to Nem, without knowing when and how, she became a full-time campaigner.

Physical and emotional abuse and violence

“You can be stubborn and strong as much as you want on the street, or in front of authorities, but you cannot oppose my advice. In this house, I am your husband. You have to listen to me.” Nem, recalling her ex-husband’s words.

The more public attention that Nem harnessed for her community, the more time and energy were required of her. There was little time for her family or for income generation. Nem’s husband became frustrated with her activism and feared that she would harm his job security. Thus, he ordered Nem to cease all activities and forbade her from going to any meetings or leading any street protests. When Nem resisted his repeated orders, she suffered physical and emotional abuse and violence at home. Every time that Nem went out for a meeting, or joined a street protest, she knew she would be beaten when she returned home.

After months of emotional abuse and physical violence, her husband eventually gave her an ultimatum – to choose between their marriage and her activism. Nem was torn between the choices forced upon her, and wanted to save her marriage. However, when she was approached by activist friends at Beung Kak Lake community for peer support, Nem could not ignore the call and mobilized members to help them, despite the potential risks to her marriage.

Nem’s husband was furious at his perceived disobedience, and launched a serious physical assault against her when she arrived home, knocking her unconscious. When she awoke, she decided ‘enough is enough’ and divorced her husband.

Economic insecurity and impact on familial relationships

From the beginning, Nem had turned her house into the community office, and she stopped selling fruits at Neak Meas Market. She lost her source of income and had become economically dependent on her husband. When Nem divorced her husband, he cut off all financial support for household expenses. She then turned to her relatives and mother for assistance, but this had its own challenges – everyone had distanced themselves from her fearing an economic burden. Land conflict and threats of forced eviction have not just destroyed Nem’s 20-year marriage, but also her relationship with her relatives in-law, her siblings and biological mother. All she did was protect her house for her daughter and make sure that her daughter had a roof over her head. However, she has often been labelled as an irresponsible wife and mother, and a selfish relative who puts family at risk.

Nem grew tearful when speaking about her daughter, explaining that she felt very guilty that her activism had put her daughter in so much physical and emotional pain throughout the years. She recalled that when her daughter was sick, she did not have money to pay for transportation to take her daughter to the Kantha Bopha Children’s Hospital, and to pay for the essential medicine. Worse still, Nem’s daughter had to drop out of school for two years because she was also unable to pay school fees.

“My daughter [was only] about 9 years old then, but she had witnessed so much pain. She saw her dad beating me several times. She saw police hand-cuff me, drag me and throw me into their car. There was a time that she locked herself inside her bedroom in fear of her paternal grandmother and uncle taking her away.”

Sadly, Nem’s case is not unique among Cambodian women human rights defenders. There are many women’s land rights defenders and human rights activists who have experienced similar situations to Nem. The report “Good Wives” from the Cambodian League for the Promotion and Defense of Human Rights¹ and the research report on “Cambodian’s Women in Land Conflict” published in 2016 by the Cambodian Center for Human Rights,² both suggest that cases of domestic violence have increased in the wake of land conflict, because women most often have to abandon their long-established housewife role in order to start campaigning for greater land tenure security. For Nem, however, the struggle for equal land and housing rights continues, alongside those women who now rely on her for support and leadership.

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¹ LICADHO (2014) “Good Wives”: Women Land Campaigners and the Impact of Human Rights Activism

² CCHR, (2016) ‘Cambodia’s Women in Land Conflict’

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