



Human Rights Watch Submission to the CEDAW Committee on Cambodia's Periodic Report for the 74th Session

September 2019

1. Protection of Education During Armed Conflict (CEDAW article 10)

Between 2005 and March 2019, Cambodia has sent 5,783 troops, including 277 women, to assist in United Nations peacekeeping missions and thus is the third largest contributor of UN peacekeeping forces in the ASEAN region.¹

As of July 2019, Cambodia is contributing 744 troops and 18 staff officers to UN peacekeeping forces. Cambodia's peacekeeping troops are deployed in the Central African Republic, South Sudan, Lebanon, and Mali, all countries where attacks on students and schools, or the military use of schools, have been documented.²

Peacekeeping troops are required to comply with the UN Department of Peacekeeping Operations "UN Infantry Battalion Manual" (2012), which includes the provision that "schools shall not be used by the military in their operations."³

Moreover, the 2017 Child Protection Policy of the UN Department of Peacekeeping Operations, Department of Field Support, and Department of Political Affairs notes:

United Nations peace operations should refrain from all actions that impede children's access to education, including the use of school premises. This applies particularly to uniformed personnel. Furthermore ... United Nations peace operations personnel shall at no time and for no amount of time use schools for military purposes.⁴

¹ FULL CITE <https://www.phnompenhpost.com/national/government-approves-15m-un-peacekeepers>

² Education Under Attack: 2018, The Global Coalition to Protect Education from Attack, 2018, http://www.protectingeducation.org/sites/default/files/documents/eua_2018_full.pdf.

³ United Nations Infantry Battalion Manual, 2012, section 2.13, "Schools shall not be used by the military in their operations."

⁴ UN Department of Peacekeeping Operations, Department of Field Support and Department of Political Affairs, "Child Protection in UN Peace Operations (Policy)," June 2017.

According to Cambodia's "2006 Defense White Paper," Cambodia's rationale for providing UN peacekeepers—to build "prestige in the international arena" for the Royal Cambodian Armed Forces—should be reflected in its commitment to promote and protect international human rights law and international humanitarian law.⁵ The Safe Schools Declaration is an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict⁶; the importance of the continuation of education during armed conflict; and the implementation of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*.⁷ As of August 2019, 95 countries have endorsed the Safe Schools Declaration.⁸

Cambodia participated in the Third International Conference on Safe Schools in Palma de Mallorca, Spain, in May 2019, but has not endorsed the declaration.

Human Rights Watch recommends that the Committee ask the government of Cambodia:

- Are protections for schools from military use included in the pre-deployment training provided to Cambodian troops participating in peacekeeping missions?
- Do any Cambodian laws, policies, or trainings provide explicit protection for schools and universities from military use during armed conflict?

Human Rights Watch recommends that the Committee calls on Cambodia to:

- Endorse and implement the Safe Schools Declaration to deter the military use of schools, including by bringing the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* into domestic military policy and operational frameworks.

2. Labor Rights (CEDAW Article 11)

Cambodia does not have comprehensive law governing violence and harassment, especially sexual harassment, at work. The Cambodian garment industry is the sector employing the greatest number of women in the country. According to a study conducted by the International Labour Organization (ILO), one in five garment workers reported experiencing sexual harassment at work. While voluntary initiatives led by nongovernmental organizations and unions have sought to improve standards, a comprehensive law would ensure that all organizations, public and

⁵ Defense White Paper (2006), <https://www.files.ethz.ch/isn/156829/Cambodia-2006.pdf>.

⁶ Safe Schools Declaration, May 28, 2015, https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf (accessed November 6, 2018).

⁷ Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, March 18, 2014, http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf (accessed November 6, 2018).

⁸ "States that have endorsed the Safe Schools Declaration" Government.no https://www.regjeringen.no/en/topics/foreign-affairs/development-cooperation/safeschools_declaration/id2460245/ (accessed August 27, 2019)

private, take preventive and responsive steps to curb violence and harassment at work.

Human Rights Watch recommends that the Committee calls on Cambodia to:

- Ratify and implement ILO Convention No. 190 on violence and harassment at work.
- Consult with women's rights groups, human and labor rights organizations, trade unions, and experts to enact and implement comprehensive legislation to prevent and respond to violence and harassment at work.

3. Protecting Victims of Acid Violence and Other Forms of Gender-based Violence

Acid Violence

Since passing a law in 2012 specifically designed to address acid violence, Cambodia has seen a drop in acid attacks. However, due to gaps in the implementation of laws to prevent violent crime and to protect those most vulnerable to abuse, attacks still continue. While there are more male victims of acid violence in Cambodia than in other countries, female victims still make up the majority of cases and there is a clear gendered dimension to many of the acid attacks in Cambodia. For example, many attacks are preceded by gender-based offenses against the victim, such as domestic violence, that go unaddressed. Women who are subjected to domestic violence often do not feel comfortable reporting the incident to police because they fear both that the police will not take their case seriously and that the perpetrator will retaliate against them for having reported the crime. In some cases, without intervention, such violence escalates and can include an attack with acid. In 2015, the World Health Organization (WHO) found that only two in five women who experienced domestic violence in Cambodia sought assistance. When they do seek help, women often rely on informal mechanisms due to lack of resources and legal information, but also out of concerns about corruption and indifference by law enforcement officials.

Acid attack survivors described to Human Rights Watch that they had been pressured by police and court officials to drop their cases or settle out of court, to pay bribes in exchange for justice; at times, police officers were reluctant or outright refused to pursue their cases. Victims of rights abuses face challenges accessing Cambodia's courts, which lack independence and often serve the interests of the powerful.⁹

Domestic Violence

Cambodia passed a law criminalizing domestic violence in 2005, and has undertaken two National Action Plans to Prevent Violence Against Women (NAPVAW), both of which

⁹ Human Rights Watch, "What Hell Feels Like" – Acid Violence in Cambodia, February 2019, <https://www.hrw.org/report/2019/02/04/what-hell-feels/acid-violence-cambodia>.

emphasized preventive measures.¹⁰ The Domestic Violence Law itself, however, includes an ambiguous distinction between “minor” and more severe forms of domestic violence that interferes with timely prevention efforts. In cases of “minor misdemeanors” or “petty crimes,” the law recommends reconciliation or mediation, seemingly reserving prosecution for cases that have already resulted in serious injury.¹¹

In 2017, the Cambodian League for the Promotion and Defence of Human Rights (LICADHO), a domestic human rights group, released a report based on investigations of nearly 400 domestic violence cases between 2014 and 2016. It found that more than 40 percent of cases ended with the survivor remaining with her violent partner, and only 20 percent resulted in any criminal proceedings.¹² Reflecting the law’s stated goal to “preserve the harmony within the household in line with the nation’s good custom and tradition,” LICADHO found that when a woman approached the village or commune chief or the local police for help, the most common response was to discourage her from taking legal action.¹³

Cambodia does not provide effective reparations to victims of gender-based violence consistent with CEDAW Committee General Recommendation No. 35. The Committee urges governments to provide effective reparation to women victims and survivors of gender-based violence, including monetary compensation and legal, social, and health services. It also recommends that governments “establish specific funds for reparations or include allocations in the budgets of existing funds [...] for reparations to victims of gender-based violence against women.”¹⁴ The General Recommendation maintains that the failure to take all appropriate measures to prevent acts of gender-based violence, including the provision of reparations to victims of such violence, constitutes a human rights violation.

Human Rights Watch recommends that the Committee urges Cambodia to:

- Set up a specific reparations program for victims of gender-based violence, including acid attacks, in line with General Recommendation No. 35. The reparations program should be established in a transparent, consultative, and timely manner; draw on good practices from other countries; and provide financial compensation and legal, social, and health services support to victims.
- Ensure accessible and sufficient primary counselling services for survivors of domestic violence, and to provide accessible and safe shelters in every district for survivors of

¹⁰ The 2009-2012 plan sets out goals and the 2014-2018 plan serves as a policy framework for the implementation of the first plan.

¹¹ The Law on the Prevention of Domestic Violence and the Protection of Victims (2005), arts. 1 and 26.

¹² LICADHO, “No Punishment, No Protection: Cambodia’s Response to Domestic Violence,” December 2017.

¹³ Ibid.; Domestic Violence Law, art. 1.

¹⁴ UN Committee on the Elimination of Discrimination against Women, General Recommendation No. 35, Gender-Based Violence against Women, updating General Recommendation No. 19, CEDAW/C/GC/35 (2017), paras. 46-47.

domestic violence, in line with the strategic goals of Cambodia's National Action Plans to Prevent Violence Against Women 2009-2012 and 2014-2018.

- Enact the long-promised victim and witness protection laws. Protection measures should include a program for the relocation of those at risk, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of witnesses, and evidentiary rules that permit witness testimony to be given in a manner that protects against harassment, intimidation, or coercion of the witness, while upholding the fair trial rights of the accused.
- Revise the Criminal Code to make it a crime to obstruct the administration of justice, including by instructing or putting pressure on police officials, judges, or prosecutors to act or not act in a particular manner.
- Prohibit informal financial settlements in criminal cases, including those involving acid violence, that interfere with appropriate criminal prosecutions.