

W Visibility

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A participatory exploration of Minority Women's human rights in Cambodia



A Feminist Participatory Action Research Study by Women Peace Makers

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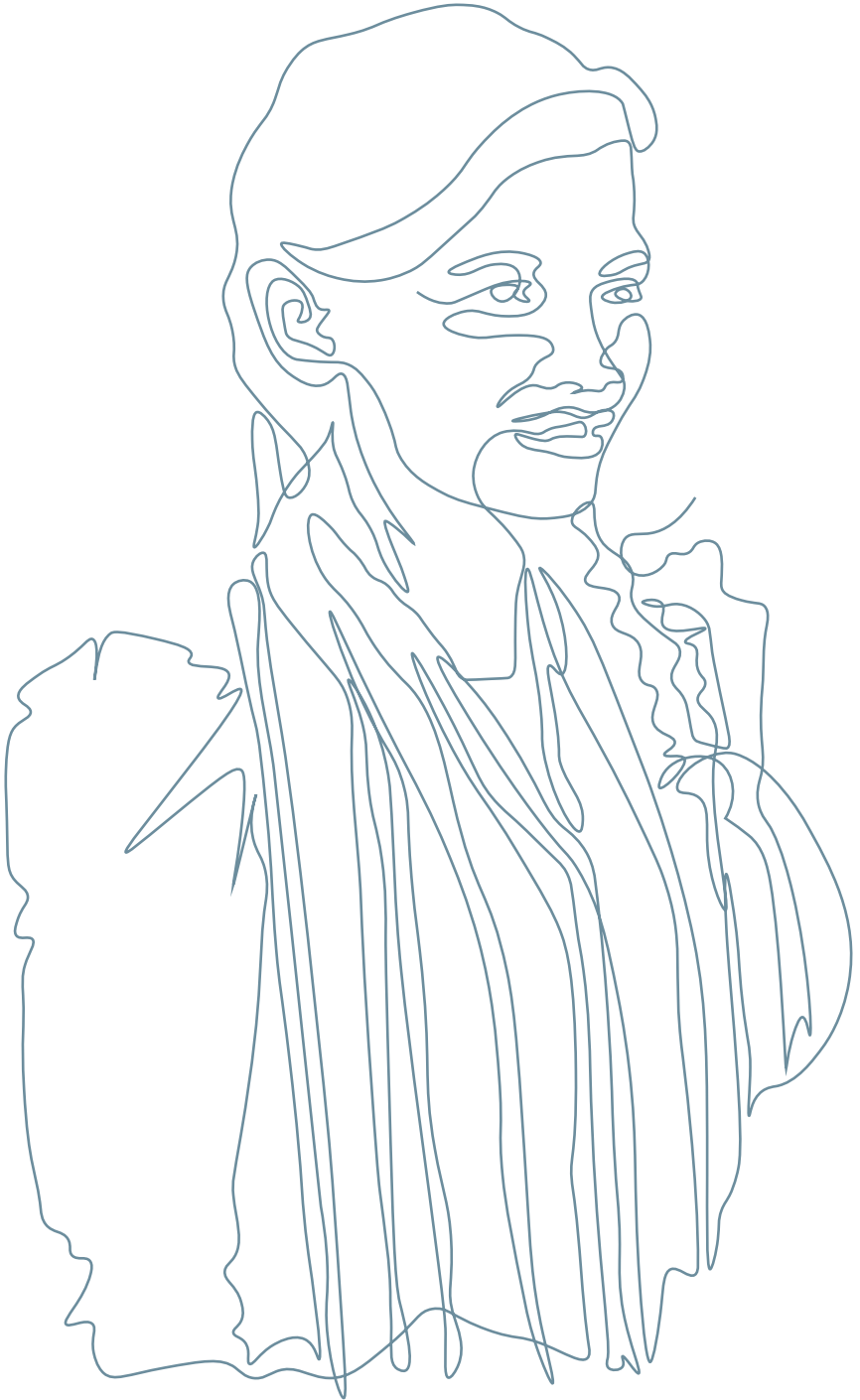
A Feminist Participatory Action Research Study by Women Peace Makers

Visibility



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Phnom Penh



Voice and Visibility

A participatory exploration of minority women's
human rights in Cambodia

Kate Seewald, Suyheang Kry and Malen En

A Feminist Participatory Action Research Collaboration

Action Researchers

Sa Maly

Sley Ainy

Teth Koteyjas

Keo Somaly

Kasorl Sinourn

Chompus Banhchey

Choum Paly

Ney Navy

Im Sreymey

Ya Yanny

Ret Bin

Touch Sreyoun

Tim Pisey

Vann Chanthey

Ly Nary

Copy Editing

Tuğçe Yeter

Cover and Layout Design

Tan Vatey

Illustration

PNouk

English fonts

Kantumruy Pro

© Tep Sovichet / Wei Huang

Averia Sans Libre

© Dan Sayers

The views expressed in this book come directly from research participants who shared their perspectives, the action researchers who reflected on the findings and their experiences, and the WPM research team and authors of this publication, Dr. Kate Seewald, Suyheang Kry, and Malen En. These views do not necessarily reflect the position of any particular organisation or partner involved in the implementation or publication of this work.

All respondents provided informed consent to enter the process freely with full information on the project's scope and the plans for publication of the perspectives they shared.

Some names and identifying details have been changed to protect the privacy of certain individuals.

We would like to take this opportunity to thank the female respondents from each community and all those who participated in this research. We would also like to thank all of the CSO partners, namely Khmer Kampuchea Krom for Human Rights and Development Association, Khmer Krom Women Association, and Cambodian Indigenous Women Association, for their guidance and inputs to the research development. We are particularly indebted to the community members, volunteers, and all the supporters associated with this initiative for their contributions to implement this research study smoothly. Thanks particularly goes to the action researchers (ARs), namely, Ainy Sley, Sreymey Im, Nary Ly, Chanthy Vann, Koteyjas Teth, Maly Sa, and Sinourn Kasorl for their contribution to the initial drafting of the thematic data analysis. Most significantly, we are extremely grateful to all of the ARs for co-leading, co-designing, and co-implementing this FPAR study with great enthusiasm and dedication which profoundly enriched the study and the overall initiative.

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Women's Fund Asia



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The letter 'P' is rendered in a dark blue, bold, sans-serif font. It is enclosed within a circular frame composed of multiple overlapping, slightly offset lines of the same color, creating a textured, scribbled effect around the letter.

Preface

"Voice and Visibility: A Self-Exploration of Minority Women's Rights and Needs in Cambodia" emerges from a recognition of the intersecting challenges faced by indigenous and ethnic minority women as they navigate life in a country grappling with numerous social, economic, and developmental challenges.

As someone engaged in this endeavor in my capacity as the project coordinator, I embarked on this journey with an initial understanding rooted in my own experiences as a woman of mixed ethnic identity as a Chinese Cambodian. However, the past two years have been a revelation, broadening my perspective beyond measure. I stand humbled by the realization of how little I truly knew about the lives of other minority women living across the country.

From the Indigenous highland communities of Monduliri and Ratanakiri to the ethnic minority Vietnamese communities along the Tonle Sap river, the Cham Muslim in Kampong Chhnang and the Khmer Krom community in Siem Reap and Phnom Penh, this work has been enriched immeasurably by insights from diverse minority communities. Each community presents its own tapestry of challenges and triumphs. This publication stands as a testament to the efforts, determination, and passion of young minority women who have tirelessly contributed their voices and

own this collective narrative.

In a landscape where data on minority women is scant, our research team embarked on a participatory and grassroots approach, while being aware of the challenges it entailed. Yet, as we conclude our inquiry, I am steadfast in my conviction that we made the right choice.

Within these pages, our research team not only offers new insights into the plight of minority women in Cambodia but also presents their voices in what we believe to be in an authentic form. It is our hope that through this endeavor, readers may come to understand, empathize, and take action to realize the rights and needs of minority women, and that their voices resonate loudly in the corridors of power and beyond.

Together, let us amplify the voices and visibility of minority women and girls, forging a path toward a more inclusive and accessible society for all.

Malen En
Project Coordinator
Women Peace Makers



Introduction

“
Minority
women and girls suffer
from multiple forms of
discrimination,
intersectional discrimination,
and compounded discrimination...
States [should] take a holistic approach to
eliminate multiple forms of discrimination
that ethnic minority women face
and accelerate the achievement
of their de facto equality.”¹”

1. Opening address by Dubravka Šimonovic, member of the UN CEDAW Committee at the First Forum on Minority Issues, UN Human Rights Council, Geneva, Switzerland, 15 December 2008.

Context

In Cambodia, women and girls continue to face hardship, discrimination, and violence: more than 1 in 5 women (21%) report having experienced gender-based violence (GBV).² However, it is important to recognise that not all women in Cambodia are alike. Their individual experiences are shaped by a myriad of cultural, social, religious, and economic factors.

Indigenous and other Minority women face particular forms of discrimination, marginalisation, and vulnerability to violence. Simultaneously subjected to gender and ethnicity-based oppression, they face a 'double burden'. Wider recognition and urgent action to address these intersecting and compounding forms of oppression is needed, with Minority women³ at the centre of and active in any decisions that affect their lives.

The female participants and action researchers in this study represent some of Cambodia's most marginalised minority groups. WPM's recent extensive research and engagement with women and girls in Cham, Indigenous, Khmer Krom, and ethnic Vietnamese communities show that they encounter severe intersectional and historical discrimination.⁴

These women and girls face negative gender stereotypes from within their own communities, which frequently discourage them from speaking out, seeking higher education, working outside the home, and representing their communities in political or advocacy

positions. Additionally, they face simultaneous challenges stemming from negative stereotypes among the wider Cambodian society, placing them at a disadvantage based on their ethnic identity.

For example, Cham Muslim women belong to one of the poorest groups in the country, with low education outcomes. In more restrictive or conservative Cham communities, women rarely participate in social or political spheres, with girls often finding themselves married before reaching the age of 18.

Indigenous groups in Cambodia face systematic discrimination and resource alienation. Education and public services are seldom provided in Indigenous languages. Indigenous girls face heightened risks of gender-based violence (GBV), and in recent years numerous cases of GBV including rape and murder of Indigenous girls have gone uninvestigated and unprosecuted when reported to the authorities.⁵

2. Hyun, M. (2019) 'Cambodia Gender Based Violence Institutional Mapping Report,' The World Bank, available online: <<https://documents1.worldbank.org/curated/en/644691594091820996/pdf/Cambodia-Gender-Based-Violence-Institutional-Mapping-Report.pdf>>.

3. In this report, the term 'Minority women' is used as shorthand to refer to women belonging to the range of Indigenous and ethnic/cultural Minority groups included in this study, while recognising that each group has specific characteristics, experiences and needs.

4. Sen, L., Kry, S. and Hyma, R. (2022) *Making the Space: Voices from girls of Cambodian Minority communities*, (Phnom Penh: Women Peace Makers) available online: <<https://wpmcambodia.org/project/making-the-space>>.

5. Diokno, M. & Bunn, R. (2021) '2020 Report on Gender-Based Violence against Indigenous Women in Three Provinces of Cambodia,' available online: <<https://cipocambodia.org/2020-report-on-gender-based-violence-against-indigenous-women-in-three-provinces-of-cambodia/>>.

Khmer Krom (ethnic Khmer whose families lived in what is now part of southern Vietnam) and ethnic Vietnamese whose families have lived in Cambodia for multiple generations are often denied the ability to obtain birth certificates, or Cambodian citizenship documentation. Indeed, 55% of Ethnic Vietnamese girls who participated in a 2020 WPM field study claimed to have no citizenship at all. The family books and identity cards of thousands of ethnic Vietnamese families have reportedly been seized and not yet replaced in recent years.⁶

Without a birth certificate, these women and their families often have no access to education or decent employment and are effectively stateless. Longstanding tension between Cambodia and neighbouring Vietnam has led to an unwillingness of Cambodian society to accept these minority groups, and so change has been slow. Cambodia's nationality law requires proof that the parents of children born in Cambodia were lawfully living before the children can be recognised as citizens, and so the cycle of statelessness and exclusion continues.

Throughout this report, these and other rights issues identified by Minority women themselves will be examined. Through a feminist participatory action research (FPAR) methodology, young women from across the four Minority groups have been equipped with the technical research skills to harness their own expert knowledge and lived experience to explore these issues and to make recommendations to the government and other duty bearers.

Any research applying FPAR sees the methodological process as being of equal or greater importance to any subsequent output.

As the section on methods (Section 2) explores, marginalised community members telling their own stories and using their voices to make their struggles and aspirations visible is a crucial step in the decolonisation of knowledge production, as well as towards a fairer and more intersectional development agenda at the local and national level.

As outlined in greater detail in Section 3 (Context) this research study also coincides with an important development in international human rights standards. In late 2022, the United Nations Committee on the Elimination of Discrimination against Women released its long-awaited General Recommendation No. 39 on the rights of Indigenous women and girls. General Recommendations are important documents released by treaty bodies to clarify, extrapolate or provide other detail that are not contained within the main body of a given Convention – in this case, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which is the primary international treaty dealing with the human rights of women.

General Recommendation No. 39 was campaigned for by First Nations activists around the world for years. This landmark document provides guidance to States Parties (including Cambodia) on legislative, policy and other relevant measures to ensure the implementation of their obligations in relation to the rights of Indigenous women and girls under the main body of the CEDAW Convention.

⁶ WPM, above n. 4

While tailored to the experiences and needs of Indigenous women in particular, the majority of its principles were assessed by the Action Research team of young minority women to be broadly applicable to each of the minority communities included in this study. As such, General Recommendation No. 39 has provided a useful and cutting-edge legal foundation for this study. During initial workshops, the Action Researchers together analysed General Recommendation No. 39 and extracted the parts they felt most resonated with the research needs and rights issues they face in their own lives, using these extracts to design field research instruments.

As well as operationalising or 'bringing to life' the new General Recommendation No. 39, an additional advocacy opportunity that this study aims to capitalise on is that of the CEDAW Committee's regular reporting process. In short, the Convention obliges States Parties to submit a report every four years on the legislative, judicial, administrative or other measures that they have adopted to eliminate discrimination against women within their own country.

The Cambodian government is soon expected to submit their 7th periodic report. As part of the CEDAW reporting process, civil society organisations are invited by the Committee in Geneva to submit alternative or 'shadow' reports on a government's progress (or failure to make progress) towards ending all forms of discrimination against women.

Shadow reports generally comprise individual or joint submissions written by local or international NGOs. Thus far, the voices and agendas of minority women have not featured prominently in CEDAW submissions. A key aim of this research project therefore

lies in both amplifying these voices through the CEDAW process, and in decolonising the CEDAW advocacy chain itself; it seeks to bring the process 'closer to the ground' through the production of an alternative report by rights-holders themselves, putting forward their own interests and concerns to diplomats and other stakeholders in Geneva.

Report Structure

This Introduction section is followed by a Methodology section (Section 2) and a Context section (Section 3). Section 2 provides more detail and insight into the FPAR methodology applied as well as specifics concerning sample size, ethical considerations and reflexive thematic analysis of the empirical data. Section 3 contains some contextual information pertaining to this research, and snapshot-style summaries of the key rights issues facing each separate minority group as captured in the existing literature.

Section 4 contains the thematic findings of this research and is divided into five subsections: equality and non-discrimination; rights to education and public participation; citizenship and identity rights; freedom from gender-based violence; and marriage, family relations and sexual/reproductive health rights (SRHR). Section 5 contains some key recommendations and also concludes the study.



Summary of Key Findings



Key finding 1:

Restrictions on free movement (Section 4.1.1)

When asked whether women in their community have the same rights as men have to go outside the home as they wish,

64% of minority women participants responded 'no',
while only **36%** responded 'yes'.

During interviews, participants reported considerable restrictions on their freedom of movement outside the home that drastically limited their opportunities for personal and professional development, as well as for educational and leisure activities. These restrictions, usually enforced by husbands and/or parents, were socially and culturally informed but also strongly reinforced by concerns about the physical safety of women and girls in the community. This shows that measures to transform social norms limiting women's free movement at the household and community level must also be coupled with action to tackle sexual violence and harassment in public spaces.



Key finding 2:

Barriers to quality inclusive education (Section 4.2.1)

When asked whether they had ever felt discriminated against at school because of their minority status,

29% of respondents said ‘no’, **46%** said ‘yes’, and **25%** said they weren’t sure (or this did not apply to them because they were unable to access mainstream education).

Participants discussed barriers faced while seeking access to education on two fronts: as women, and as members of minority communities. These barriers were found to be intersecting and mutually compounding, and included those pertaining to gender inequality, such as a belief among families and community members that educating girls is of lesser importance than boys, and that girls should marry locally rather than seeking opportunities for higher education outside the community. They also included barriers pertaining to racial inequality and ethnic discrimination, which often discouraged participants from attending school. These barriers included racialised bullying by majority ethnic students (and some teachers) related to language, dress, diet, religion, and physical appearance.



Key finding 3:

Barriers to public participation (Section 4.2.2)

When asked how often women in their community participate in addressing community issues and development,

most **61%** answered ‘never’ or ‘rarely’ while **18%** answered ‘sometimes’ and **21%** answered ‘often’ or ‘always’.

The exclusion of minority women from public participation processes and opportunities was reflected throughout the interview data from across the four ethnics minority groups represented in the study. This exclusion was reportedly based on the following:

- **‘Natural’ gender roles:** As well as a grossly disproportionate unpaid care work burden borne by women, participants discussed pervasive social norms that hold women and girls to be naturally averse to, uninterested in or unqualified to participate in public affairs and politics.
- **Authorities discouraging or prohibiting participation:** Many respondents reported that they were consistently not invited to join public meetings, and that

when they did attend, they were not provided with space to share their views on an equal basis with male attendees.

- **Political sensitivities:** Some respondents reported that the reluctance or inability of minority women to participate in public fora with authorities present was due to the political risk inherent in doing so. This was particularly the case for participants from communities affected by land conflict, where for Indigenous women, “women’s participation... is discouraged by authorities, especially on land-related issues,” while for Cham women, “in some cases, women can put their lives in danger if they participate in the issues around land conflict.”



Key finding 4:

Citizenship and identity rights issues (Section 4.3)

Despite the fact that the RGC has declared that all Khmer Krom people are eligible for citizenship, respondents in this study reported an ongoing failure to ensure this is uniformly acknowledged and implemented at the local level. While some participants were able to obtain documentation, others were unable to despite repeated attempts. These women (nine out of the total 31 Khmer Krom women interviewed in the study) reported enduring ongoing legal precarity and hardship because of their inability

to obtain documentation proving their identities as Cambodian nationals.

For ethnic Vietnamese respondents, access to documentation was reported to be even more difficult. Among 48 ethnic minority Vietnamese respondents, 41 were born in Cambodia and 68% of them do not possess birth certificates while 63% do not have identity cards. Noticeably, among 23 Ethnic minority Vietnamese respondents from the floating village, 22 were born in Cambodia and have had family living in Cambodia since the 1960s. Only one respondent among the 23 possesses a birth certificate and the rest do not.

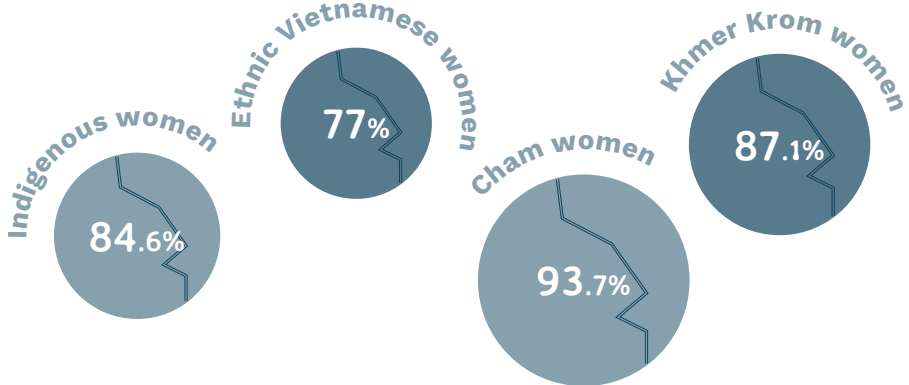
The numerous accounts of hardship, precarity and an inability to access basic services and rights including healthcare, education and decent housing show the urgent need to reform legislation as well as documentation processes at the local level to address the specific issues that Khmer Krom and ethnic Vietnamese women face in accessing identity documents.



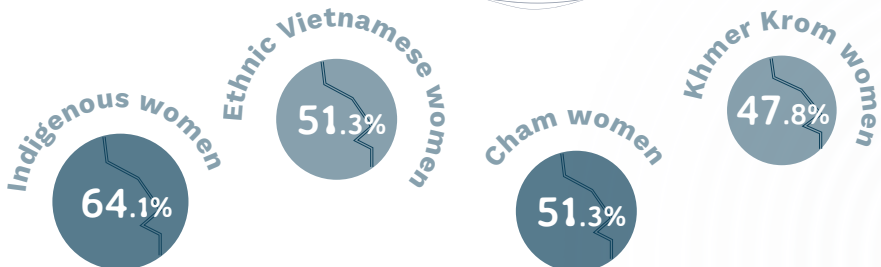
Key finding 5:

Gender-based violence (Section 4.4)

When asked whether domestic violence is a problem in their community, the following numbers of percentages answered 'yes':



When asked whether they or someone in their family had experienced domestic violence, the following percentages of respondents answered 'yes':



These figures indicate that minority women in Cambodia continue to face significantly high levels of gender-based violence (GBV). The interviews with respondents also revealed that specific challenges include a high level of community acceptance of spousal rape; the prevalence of stigmatization and victim-blaming of GBV survivors; and that some Minority women are targeted for sexual harassment and violence by majority ethnic ‘outsiders’ on the basis of their ethnic identities.



Key finding 6:

Access to justice and alternative dispute resolution (ADR) (Section 4.4.2)

The study found there to be a serious and widespread lack of access to justice for minority women survivors of violence. Confusion around the permissibility of local alternative dispute resolution (ADR) practice in cases of GBV is compounded by a lack of effective guidance available to local authorities. Interviews with minority women survivors who experienced cases being settled via ADR revealed an urgent need to overhaul the practice, so it does not subject survivors of rape and violence to further revictimization and prevent access to formal justice procedures. Concerningly, as well as local authorities performing ADR in response to GBV, respondents reported that ADR is also being practiced

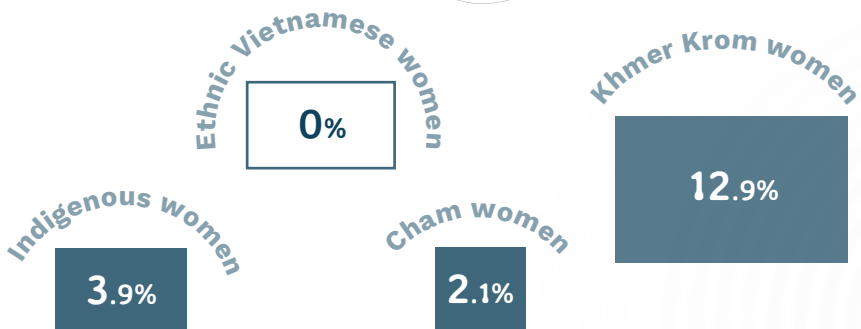
by other actors including cultural or religious leaders: “My mother has told family members and cultural leaders when she gets abused or forced to have sex with my father. They have guided him, but there is no sign that his domestic violence will be prevented or stopped.” This account shows that current government and civil society efforts to reform ADR practice by local authorities must also consider how and why ADR is being performed by other local actors including family or community elders, cultural/religious leaders, and police officers.



Key finding 7:

Shelters (Section 4.4.2)

When asked whether women in their community have access to a safe shelter in case of domestic violence, the following percentages of respondents answered ‘yes’:



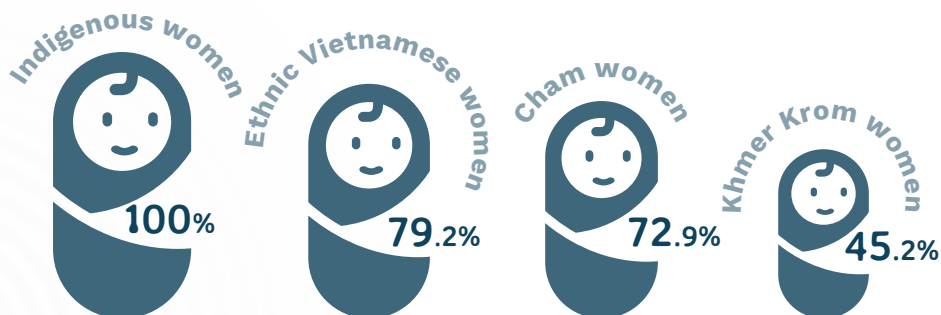
These figures, along with qualitative interview accounts, show there to be an urgent need for investment in accessible, inclusive, and child-friendly emergency accommodation for minority women survivors of gender-based violence. According to some respondents, minority women often return home after bouts of serious violence not because they feel safe, but either because they have “no other choice” or because there are children in the household with the abusive partner.



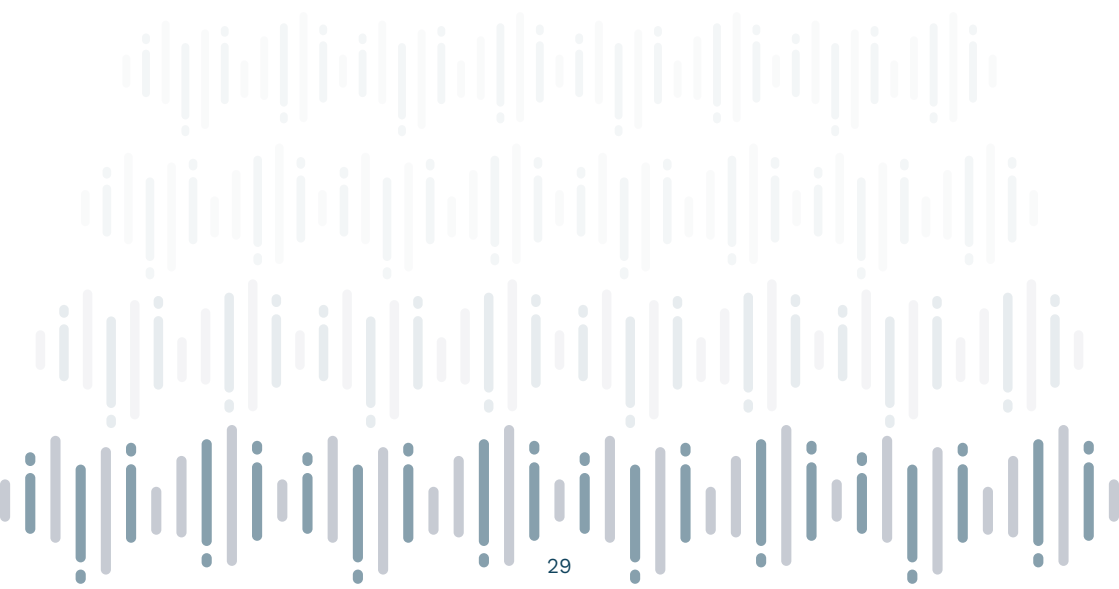
Key finding 8:

Early/child marriage (Section 4.5.1)

When asked whether they had seen early or child marriages (under 18 years old) in their communities, the following percentages of respondents answered ‘yes’:



Concerningly, cases of marriages between minors as young as 12, 13 and 14 years old were reported by both Indigenous and Khmer Krom respondents, while marriages between minors aged 15 years old were reported by ethnic Vietnamese and Cham respondents. Accounts of such marriages often reflected the notion that parents and community leaders had “no choice” but to wed teenage couples in order to pre-empt sex and pregnancy out of wedlock. Others reported that minors were marrying of their own volition and there was little that could be done to prevent this. While Indigenous respondents reported there having been multiple interventions from outsiders (usually from the government or civil society organisations), these were ineffective “because they didn’t use the local language, and their trainings lacked pictures and videos.”



2



Methodology



This research has applied Feminist Participatory Action Research (FPAR) principles at all stages of its design and development. Through FPAR, young Minority women have been central to the research process, creating new knowledge on their own communities.

According to the Asia Pacific Forum on Women, Law and Development (APWLD), who have pioneered FPAR research praxis in the region, FPAR is a method of investigating social issues that directly involves the participation of oppressed and ordinary people in problem posing and solving.

It is a “way for researchers and participants to join in solidarity to take collective action, both short and long term, for social change.”⁷ FPAR also thoroughly integrates feminist perspectives and processes, as well as capacity building and knowledge sharing. To this end, a team of local researchers with direct lived experience of the issues was engaged to co-design and co-develop the research with WPM. The action research team comprised sixteen young minority women between 18 and 30 years of age. The women represent distinct minority groups in Cambodia (see table overleaf).

The Action Researchers (ARs) participated in numerous workshops, trainings and coaching sessions to ensure they were readily equipped with all of the technical research skills required to co-design and implement a qualitative study.

They were also trained in a rights-based approach to research design, with a focus on CEDAW. These sessions involved practical group work and open discussion among the ARs on the applicability

of CEDAW principles to the rights issues affecting minority women in Cambodia today.

Through these early sessions, CEDAW's new General recommendation, No. 39 (2022), on the rights of Indigenous women and girls was chosen as the foundation on which the questionnaires and other research instruments were developed.

In an FPAR study, the process of creating research is considered equally as important as any ultimate output. In this study, each of the research design workshops brought together minority women from some of Cambodia's most marginalised minority groups.

As well as enhancing their personal research capacity, these women were able to openly discuss their communities' diverse backgrounds and experiences together, in a safe and non-discriminatory environment. Indeed, space for this process of seeking out commonalities in struggles, hopes and experiences across ARs of different minority backgrounds was consciously built into each workshop.

Peer learning, collaboration and cooperation has thus formed an integral part of the research process and has served to enrich the findings. In addition, each AR received customised support on the research design process, with some steps tailored specifically for those with different learning needs to prevent them from falling behind the group during or between sessions. For instance, extra support was on hand for those who might benefit due to issues related to literacy/numeracy levels or IT skills/computer access.

7. Asia Pacific Forum on Women, Law and Development (APWLD), 'Feminist Participatory Action Research (FPAR)', APWLD <<https://apwld.org/feminist-participatory-action-research-fpar>>.



Action Researchers



2.1

M Methods & Analysis



FPAR Demographics

Age

| Age of the participants | # of participant | % of (205) |
|-------------------------|------------------|------------|
| Young Women (below 25) | 59 | 29% |
| Adult (26-39) | 96 | 47% |
| Middle age (40-59) | 42 | 20% |
| Older women (60+) | 8 | 4% |

Most of the participants in FPAR research represented the adult population aged 25 to 29 years old (47%), followed by 29% of young women (below 25) and 20% of middle-aged women. Four percent of the research participants were older women (60+)

Minority Groups

| Minority status | # of participant | % of (205) |
|-------------------|------------------|------------|
| Indigenous | 78 | 38% |
| Cham | 48 | 23.5% |
| Ethnic Vietnamese | 48 | 23.5% |
| Khmer Krom | 31 | 15% |

In this study, we focus on the minority women within four target communities and five provinces that made up of 38% of indigenous women in Mondulkiri and Ratanakiri provinces, 23.5% of Cham (Kampong Chhnang province) and Ethnic Vietnamese women (Kandal and Kampong Chhnang provinces), as well as 15% of Khmer Krom women in Phnom Penh and Siem Reap provinces.

Occupations

Based on the finding of this study, the majority of FPAR research participants are farmers, sellers at home, housewives, students, garment workers, and fishermen, while the rest are listed as shown in the below figure.

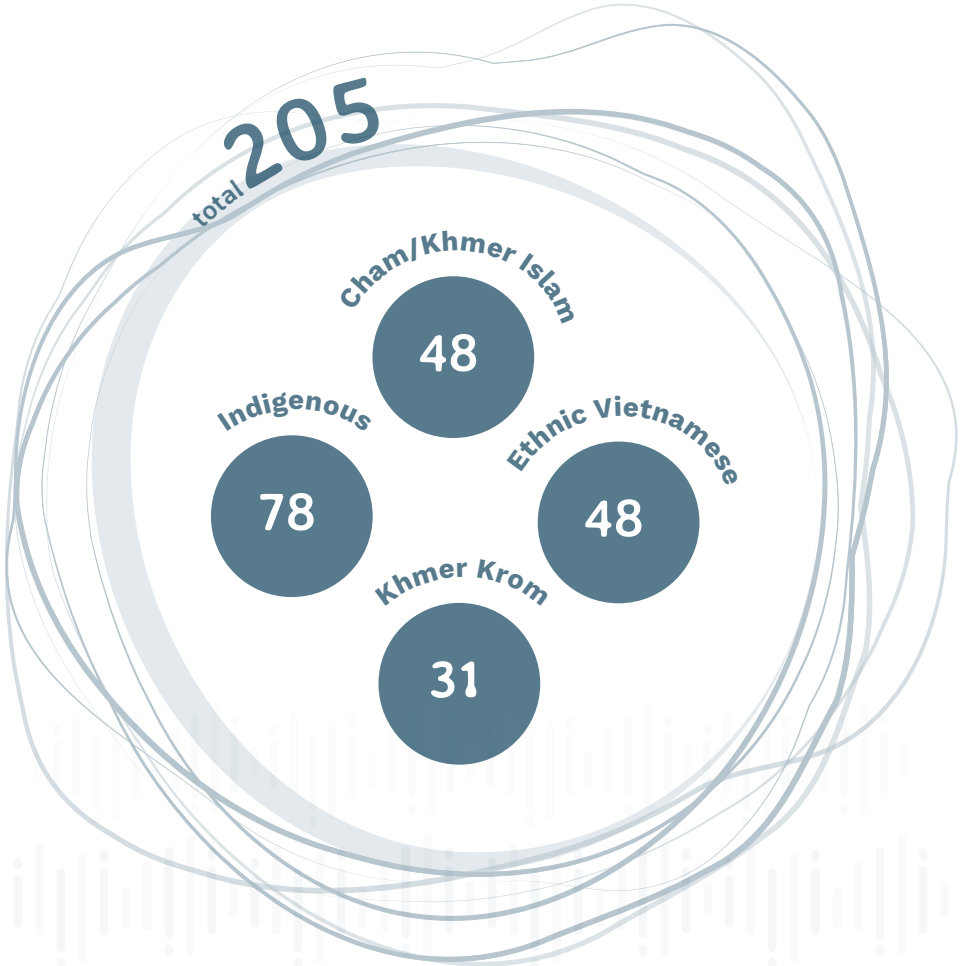
| Minority status | # of participant |
|--------------------|------------------|
| Farmer | 60 |
| Seller | 35 |
| Housewife | 25 |
| Student | 24 |
| Garment worker | 19 |
| Fishing | 12 |
| Teacher | 9 |
| Employee | 6 |
| Worker | 5 |
| Government officer | 3 |
| NGOs officer | 2 |
| Physician | 2 |
| Hairdresser | 2 |
| Delivery | 1 |

A total of 205 minority women (plus 4 minority women CSO workers) took part in this research study. While this is first and foremost a qualitative study, the Action Research team members expressed a desire to add a quantitative element to the research design, through the addition of a survey at the beginning of each semi-structured interview. This study is thus also supplemented with quantitative survey findings.

Interviews took place in a location that was quiet, comfortable, and convenient for each participant and after obtaining informed consent. Most interviews were recorded, however some participants expressed that they did not wish to speak on tape, so these interviews were recorded through notetaking. Each Action Researcher interviewed between 10 and 15 participants each, with their participants comprising minority women from their own community and/or ethnic background.

Following data collection and transcription, the Action Researchers took part in a two-day workshop in Phnom Penh, where they received training in qualitative coding techniques. A reflexive thematic analysis approach to coding was applied, whereby 22 individual codes were identified and grouped under five primary themes. These five themes have provided the structure for the thematic findings section of this report (Section 4). Coding the data was done in Khmer prior to translation into English, with all ARs taking part in this data analysis phase as well as WPM team members.

Research Participants



2.2

Research Objectives

1. *To explore any existing rights challenges and needs faced by minority women at the individual, family, and community/society levels.*

2. *To document their suggestions and proposed solutions to address those stated challenges and needs.*

3

Minority groups have long struggled to enjoy equal rights in the Kingdom of Cambodia. As previous authors such as Sperfeldt have noted, Cambodia “inherited the nation-state idea” during the French colonial period of the mid-19th to mid-20th centuries, and “has since struggled to adapt it to the realities of a culturally and ethnically diverse country.”⁸

Context

Indeed, since that time, significant periods of war, occupation and political turmoil have failed to establish an environment conducive to the fair and equal treatment of the non-Khmer population. While ethno-cultural notions of a single Khmer national identity proved a powerful tool for shaking off colonial rule, these notions continue to permeate the national consciousness as well as Cambodia's regulatory frameworks, and have tended to exclude other groups from full participation in society – and in some cases, from citizenship.

As part of its Sustainable Development Goals commitments, the Cambodian government has committed to 'leaving no one behind' on its path towards higher development. It has also ratified international human rights treaties aimed at eliminating discrimination against specific groups across a range of rights and freedoms.⁹

However, despite the fact that internationally proclaimed and protected rights and freedoms should be available equally to everyone, the reality in Cambodia remains one where “those vulnerable to being left behind frequently suffer from discrimination heightening their marginalisation.”¹⁰

This section briefly highlights key rights issues affecting the four minority groups as detailed in the existing literature, through a series of contexts excerpts taken from WPM's 2022 publication, *Making the Space: Voices from girls of Cambodian minority communities*.¹¹

8. Sperfeldt, C. (2017) Report on citizenship law: Cambodia, p. 1.

9. Cambodia acceded to the International Convention on the Elimination of All Forms of Racial Discrimination in 1983, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women in 1992, and the Convention on the Rights of Persons with Disabilities in 2012.

10. Smith, R. (2019) 'Assessing protection of those at risk of being left behind: Report of the Special Rapporteur on the situation of human rights in Cambodia,' A/HRC/42/60/Add.1, p. 3.

11. Sen, Kry and Hyma.

3.1



Cambodian Muslims





Background*

Although Cambodia is well-known for a Buddhist identity that is enshrined as the state religion, Islam has a long history in the country with Muslims being very much part of society. According to 2019 government census data, Cambodian Muslims account for 2% of the population.¹² Some non-governmental organisations, however, estimate the number of people practising Islam to be more around the 4-5% mark.¹³ Most often referred to as “Cham” by the Cambodian mainstream, Cambodian Muslims have significant diversity within their own communities and by no means are a single collective. In fact, many of the considerable differences between distinct Cambodian Muslim groups have purported to cause some divisions, often stemming from differences in practice of the Islam faith.¹⁴ In particular, with increasing external influences from the Muslim world outside of Cambodia and the changes happening in the practices within, conflict among different Muslim groups reflect past tensions between modernists and traditionalists in the evolution of Islam.¹⁵ There are three main subgroups recognised by Cambodian Muslims; the Cham Bani (traditionalist Cham), Cham-Cham (orthodox Cham), and Cham-Chvea. An additional group includes ethnically Khmer Muslims, a small minority that have usually converted to Islam or through intermarriage.¹⁶

* Full excerpt taken from Sen, Kry and Hyma: 158-162.

¹² Royal Government of Cambodia, *General Population Census of the Kingdom of Cambodia 2019*, 23.

¹³ U.S. Department of State, *Cambodia 2020*, 2.

¹⁴ Claudia Seise, “The Cham Minority in Cambodia: Division within - Introduction to Contemporary Changes in Cham Communities,” *Religi Journal*, Vol. VI, No.1, (Jan 2007).

¹⁵ Philipp Bruckmayr, “The Cham Muslims of Cambodia: From Forgotten Minority to Focal Point of Islamic Internationalism,” *American Journal of Islam and Society* 23, no. 3 (2006): 15.

¹⁶ John Goodman, *The Minority Muslim Experience in Mainland Southeast Asia: A Different Path* (New York: Routledge, 2022), 50.

The traditionalist Cham, referred to as the Cham Bani inside Cambodia, make up about 10% of the Cambodian Muslim population.¹⁷ For traditionalist Cham, historical connection to the Champa Kingdom motherland, located in contemporary Vietnam, is one of the major focuses of their identity construction. Unlike the majority of Muslim groups, they pray once a week on Fridays, and this only includes men. Traditionalist Cham women tend to have greater roles in ceremonies and often practice rituals that date far back, including some that are even considered “pre-Islamic”. They generally use traditional Cham script and speak the historical Cham language. In contrast, the orthodox Cham, sometimes categorised as Cham-Cham and who often prefer being referred to as Khmer Islam, practice a more globally known form of Islam and make up the majority of the Cambodian Muslim population. Like the traditionalist Cham, they are also descendants of the Champa Kingdom, but tend to be more influenced by international Islamic groups. They pray five times a day adhering to the five pillars of Islam. They also often speak Cham language, but they may use Arabic script and also speak Khmer, and sometimes Malay. The Cham-Chvea make up a smaller group who trace their background to present-day Malaysia and Indonesia rather than the Champa Kingdom, and despite the subgrouping name given to them, are not ethnically Cham. They do not speak Cham, but like the orthodox Cham, practice a more universally accepted form of Islam.¹⁸ This study focused on the traditionalist Cham Bani

17. Seise, 23.

18. Deepanshu Mohan and Sen Chantarasingh, *The Ethnic-Religious Minority of Cham in Cambodia: Reflections from an Ethno- Historical Account*, Jan 13, 2020, <http://dx.doi.org/10.2139/ssrn.3518222> (accessed Feb 14, 2022); Seise, 23-25; Yekti Maunati and Betti Rosita Sari, “Construction of Cham Identity in Cambodia,” *SUVANNABHUMI*, Vol. 6, No. 1, (Jun 2014): 107-135.





and the orthodox Cham groups in Kampong Chhnang province, who are referred to as Cham and Khmer Islam respectively. Although Cambodian Muslims tend to be viewed as fairly well integrated in society, they generally live in more poverty, have less education and higher illiteracy, and poorer health than mainstream Khmer Cambodians.¹⁹ They are, however, quite well represented in Cambodian politics and government with increasing improvement in numbers and status.²⁰ Nevertheless, Cambodian Muslims have faced persistent discrimination by mainstream Khmer and other groups in the country. Historically, like several other minority groups, Muslims were specifically targeted during the Khmer Rouge genocide period from 1975-1979. Although not necessarily an initial target of ethnic racism by the regime, Muslims were killed in high numbers by the Khmer Rouge because of religious practises and their failure to comply with assimilation. The Cham language was also banned. These actions propelled more Muslims to rebel and subsequently be seen as enemies of the state.²¹ In more modern times, Cambodian Muslims have tended to be targets of systematic discrimination in relation to specific geopolitical contexts or situations. During periods of heightened threats of terrorism after the 2002 September 11 attacks in the United States, for example, Cambodian Muslims faced pressure and suspicion by others. The fear of radicalisation caused rifts between mainstream Khmer and Muslims, including

¹⁹. Federico Sabeone, "Islam in Cambodia: The fate of the Cham Muslims," EU-Asia at a Glance, European Institute for Asian Studies, Jun 2017, https://www.eias.org/wp-content/uploads/2016/03/EU_Asia_at_a_Glance_Sabeone_Cham_Cambodia_2017-1.pdf (accessed Feb 8, 2022).

²⁰. Kirchner, 14; Sabeone, 116.

²¹. Bruckmayr, 4-7.

two school closures and arrests of religious teachers.²² Covid-19 put more pressure on Cambodian Muslims after an outbreak took place early on in the pandemic. Following a religious gathering of 79 Cambodian Muslims in Malaysia, some of whom were infected and subsequently returned to Cambodia, they became a target of widespread fear and stigma among the public.²³ The government began reporting Covid-19 case numbers from its first outbreak by separating “Khmer Islam” in its own category. This initial distinction was reported to fuel others to no longer purchase at Cambodian Muslim shops and to use masks only in their presence. The government later changed course and classified all cases under “Khmer”.²⁴

Minority Muslim women around the world encounter challenges living in non-Muslim majority contexts. Often because of particular dress customs, such as using a hijab or being fully covered in long garments, it is not uncommon for them to experience discrimination or be the focus of persistent stereotypes. Differences between Muslims and non-Muslims in relations and interaction between men and women, for example, may also cause difficulties in integration or living alongside other communities.²⁵ Particular gender issues exist for women in Cambodian Muslim communities. Religious bias tended to favour men as leaders and marginalised the voices of

22. Kirchner, 2015, 15-17.

23. Sun Mesa, “Muslim community denounces discrimination,” Khmer Times, Mar 24, 2020, <https://www.khmertimeskh.com/50704916/muslim-community-denounces-discrimination> (accessed Feb 13, 2022).

24. U.S. Department of State, Cambodia 2020, 4-5.

25. Tabassum Fatima Rehman, “Women Who Choose Islam: Issues, Changes, and Challenges in Providing Ethnic-Diverse Practice,” *International Journal of Mental Health* 32, no. 4 (2003): 36-38.





women and girls. Particularly among young Muslim females, there was a perception coming directly from them that they were “too young” or not knowledgeable enough to raise issues or approach leaders.²⁶ Although the traditionalist Cham (Cham Bani) group tends to have more liberal attitudes towards women and girls than the more orthodox (Cham-Cham) group, some observations have been made that there are little differences between the groups in terms of gender equality.²⁷

Cambodian Muslim girls face significant barriers to access schooling. Many do not complete primary school. This is often because they need to take care of their siblings, do housework, farm, lack resources, and lack cultural and religious accommodation in public schools.²⁸ In fact, it was only in 2008 that Muslim girls were permitted to wear hijabs in Cambodian schools.²⁹ Prior to this, the prohibition of wearing headscarves in schools was a major factor in girls dropping out in early years.³⁰ Gender bias is a major factor determining the likelihood of Cambodian Muslim girls pursuing education. Favouring boys over girls, conservative attitudes towards girls’ education, and access to schools (both in terms of cultural differences and physical distances from communities) all impact the decision of Cambodian Muslim parents to allow their daughters to study, or not.³¹ Language has also sometimes been a barrier for young Muslims who predominantly speak Cham language at home. For those with little to no Khmer language, academic performance lagged in state schools.³²



26. Cambodia Development Resource Institute, Gender and Inclusive Development Analysis, 31-32.

27. Farina So, “The Study of the Qur-An vs. Modern Education for Islamic Women in Cambodia,” (Paper presented at the Short Course on Islam, Gender, and Reproductive Rights, Southeast Asia, Center for Women’s Studies, State Islamic University, Yogyakarta, June 4-25, 2005), http://d.dccam.org/Projects/Public_Info/Cham%20Muslim%20Leaders/Cham_Muslim_Leaders.htm (accessed Feb 13, 2022).

28. Ibid.

29. Nguon Sovan and Khouth Sophak Chakrya, “Muslims allowed to wear traditional clothes at school,” The Phnom Penh Post, May 15, 2008, <https://www.phnompenhpost.com/national/muslims-allowed-wear-traditional-clothes-school> (accessed Feb 13, 2022).

30. So.

31. American Institutes for Research. Assessing Marginalization of Cham Muslim Communities in Cambodia (Washington DC: Oct 2008), 2, http://www.kapekh.org/files/report_file/33-en.pdf (accessed Feb 9, 2022).

32. Lunsford et al., 11.



3.2



Ethnic Vietnamese





Background*

The ethnic Vietnamese make up one of the largest minority populations in Cambodia. Although there is no agreed upon universal figure, according to the 2019 population survey, 0.5% of the total 15,552,211 population identified their “mother tongue” as Vietnamese.³³ Self-identifying ethnic Vietnamese groups may represent a smaller number as the long history and mixing between Khmer and Vietnamese has resulted in people of ethnic Vietnamese who today identify as Khmer. However, given the sensitivity of this minority group in the political context of Cambodia, there has been a lack of public census data released, and issues of ethnic Vietnamese in Cambodia remain under-researched.³⁴ In 1997, the government of Cambodia reported to the UN Committee on the Elimination of Racial Discrimination (CERD) that there was a “foreign population” of 98,590 Vietnamese individuals living in the country.³⁵ However, researchers working on this particular minority group estimate the population somewhere between 400,000 to 700,000 people.³⁶ In response to the Report of the Special Rapporteur on the situation of human rights in Cambodia in 2018, the government of Cambodia

* Full excerpt taken from Sen, Kry and Hyma: 102-111.

³³ Royal Government of Cambodia, General Population Census, National Report on Final Census Results, 25.

³⁴ Christoph Sperfeldt, "Minorities and Statelessness: Social Exclusion and Citizenship in Cambodia," *International Journal on Minority and Group Rights* 27, 1 (2020): 117, doi: <https://doi.org/10.1163/15718115-02701002>

³⁵ UN Committee on the Elimination of Racial Discrimination (CERD), State Party Report, Cambodia, 5 May 1997, CERD/C/292/Add.2, <https://www.refworld.org/docid/3ae6af468.html> (accessed Jan 30, 2022).

³⁶ Minority Rights Group International, Cambodia: Ethnic Vietnamese. It has been reported that some scholars even estimate an ethnic Vietnamese population of up to one million, see Andrea Frazzetta, “A People in Limbo, Many Living Entirely on the Water,” *New York Times*, Mar 28, 2018, <https://www.nytimes.com/interactive/2018/03/28/magazine/cambodia-persecuted-minority-water-refuge.html> (accessed Feb 17, 2022).

recognised a population of 180,690 Vietnamese residing in Cambodia, in which 69,413 were classified as “old settlers” holding older documents (49.55% being women), 76,614 possessing irregular Cambodia documents, and 34,663 without any legal documents.³⁷

Population figures seem to reveal a complex migration history and questionable legal status of a number of ethnic Vietnamese who continue to live on the margins of mainstream society. Ethnic Vietnamese populations in Cambodia can be categorised into five main groups depending on their migration backgrounds.³⁸

1. Long-term ethnic Vietnamese born in Cambodia, later evacuated to Vietnam before/during the Khmer Rouge regime, and returning back to Cambodia in the 1980s.
2. Vietnamese not born in Cambodia before the Khmer Rouge period but came with Vietnamese soldiers during the 1980s, remained living in Cambodia, and had children born and raised in Cambodia.
3. Vietnamese migrant workers coming to Cambodia in the 1990s and remained in the country.
4. Vietnamese that live back and forth between Cambodia and Vietnam.
5. Asylum seekers and refugees that have come to Cambodia.

³⁷. UN Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in Cambodia : comments by the State : note / by the Secretariat, Geneva : UN, Sept. 11, 2018, 23, <https://digitallibrary.un.org/record/1642278> (accessed Jan 30, 2022).

³⁸. Jesuit Refugee Service Cambodia, Living in limbo: A follow up report on statelessness and status of people living in the Lake and Peri-Urban communities, 2015.





It is important to note that marriage between Vietnamese and Khmer took place among all the groups and that mixed-race descendants also live in unique situations with their own context. This study has focused mainly on the populations of the first and second categories in two different locations.

Migration of Vietnamese into contemporary Cambodia can be seen well back into the 18th and 19th centuries. Given that borders were not always well defined and French colonisation in the region facilitated movement among the area referred to as Indochina (Cambodia, Laos, and Vietnam), much migration of Vietnamese people to Cambodia to work in civil administration and on rubber plantations can be traced to this period.³⁹ It has been estimated that the Vietnamese population in Cambodia sharply increased from 5,000 in 1874 to 150,000 in 1921 and later to between 230,000 – 250,000 by 1951.⁴⁰ Many of the fishing villages around the Tonle Sap Lake appear to date back to around the 1920s.⁴¹ Despite long-standing residence in Cambodia, many historical Vietnamese communities remained to be viewed as foreigners following the independence of the country in 1953.

³⁹. Keo Duong, “Migration History of Ethnic Vietnamese Living along Tonle Sap in Relations to Their Statelessness” (paper presented at the 13th Asia-Pacific Sociological Association Conference ‘Globalization, Mobility and Borders: Challenges and Opportunities in the Asia Pacific’, Phnom Penh, Sep 24, 2016).

⁴⁰. Ramses Amer, “The Ethnic Vietnamese in Cambodia: A Minority at Risk?” *Contemporary Southeast Asia* 16, no. 2 (1994): 213.

⁴¹. Lyma Nguyen and Christoph Sperfeldt, *A Boat without anchors: a report on the legal status of ethnic Vietnamese minority populations in Cambodia under domestic and International laws governing nationality and statelessness*, Phnom Penh: Jesuit Refugee Service, 11.

A new Law on Nationality was adopted in 1954 stating that naturalisation was not a right, but rather a “favor under administrative discretion, exercised upon a request.”⁴² Yet, interestingly, one of the provisions [article 22(2)] of this new Law was the principle of Jus Soli, stipulating that “citizenship is conferred automatically to a person born in Cambodia after 13 November 1954, where one of the parents was also born in Cambodia.”⁴³ Arguably, this 1954 Nationality Law was still in effect until the new Nationality Law was adopted in 1996, giving people of Vietnamese descent, who had one parent also born in Cambodia, the right to become a Cambodian citizen.⁴⁴

Given the geopolitical context of the Vietnam War at the time, a growing nationalism emerged that negatively viewed ethnic Vietnamese in Cambodia, who were estimated to have a population of around 450,000 by the end of the 1960s.⁴⁵ Ethnic Vietnamese were “accused of conducting subversive activities and of lending support to foreign forces operating in the country [leading to] arrest by the authorities.”⁴⁶ Even past naturalisation of any ethnic Vietnamese would possibly be refused or even revoked as confirmed in the 1963 National Congress.⁴⁷ Over 4,000 Vietnamese were violently

⁴². Ibid, 26.

⁴³. Christoph Sperfeldt, Report on Citizenship Law : Cambodia, [Global Governance Programme], GLOBALCIT, Country Reports, 2017/02, 4, <http://hdl.handle.net/1814/45084> (accessed Feb 9, 2022).

⁴⁴. Nguyen and Sperfeldt, 28.

⁴⁵. Jacques Migozzi, *Cambodge faits et problèmes de population*, (Paris: Éditions du Centre National de la Recherche Scientifique, 1973), 41-44.

⁴⁶. Amer, 216.

⁴⁷. Sperfeldt, “Minorities and Statelessness,” 101.





attacked and killed,⁴⁸ while 200,000 to 250,000 were forcibly sent to Vietnam in 1970⁴⁹ with over “28% of those who repatriated claimed to be Cambodian citizens.”⁵⁰ During the Khmer Rouge (KR) period of genocide from 1975-1979, an estimated 150,000-170,000 ethnic Vietnamese were deported to Vietnam.⁵¹ Those who stayed in Cambodia were targets of systematic mistreatment and killing, estimated to include approximately 20,000 victims.⁵² Senior KR leaders were later charged and found guilty of genocide against ethnic Vietnamese and Cham in 2018 by the Extraordinary Chambers in the Courts of Cambodia (ECCC) and were sentenced to life imprisonment.⁵³

Despite the fact that the current Cambodia law allows children of foreign residents living legally in Cambodia to register their birth and receive a birth certificate,⁵⁴ the majority of the children from boat communities, whose parents already possess the new permanent resident cards, could not access them. According to a 2016 study by the Minority Rights Organization, only 5% of the

⁴⁸. Karl D. Jackson, ed. *Cambodia 1975-1978: Rendezvous with Death* (Princeton: Princeton University Press, 1989), 154. ³⁹ Sperfeldt, *Report on Citizenship Law*, 6.

⁴⁹. Sperfeldt, *Report on Citizenship Law*, 6.

⁵⁰. Nguyen and Sperfeldt, 13.

⁵¹. *Ibid.*, 14.

⁵². Extraordinary Chambers of the Courts of Cambodia, “Khmer Rouge Victim in Cambodia, April 1975 – January 1979. A Critical Assessment of Major Estimates,” Demographic Expert Report, Sept 30, 2009, 49, https://www.eccc.gov.kh/sites/default/files/documents/courtdoc/D140_1_1_Public_Redacted_EN.PDF (accessed Feb 9, 2022).

⁵³. Extraordinary Chambers in the Courts of Cambodia. Case 002/2 Judgement, Nov. 16, 2018, <https://drive.google.com/file/d/1LA9ttO7C4fgC1aSb1cAoe9ofzwDuERx5/view?ts=5c9c9bb0> (accessed Feb 9, 2022).

⁵⁴. Royal Government of Cambodia, Ministry of Interior, “Directive on Issuance of Administrative Letters and Birth Certificates for Cambodian Spouses, Children and Foreign Immigrants,” Circular No 015, 2019.

survey participants had birth certificates.⁵⁵ A 2019 UNICEF report stated that most ethnic Vietnamese descendants living in the boat communities “have no legal status ... [and] face harsh environmental and legal challenges unique to their status, which work together to compound the insecurities and vulnerabilities of the children from these communities who attend floating schools.”⁵⁶ Given their vulnerability status confined to their own boat communities, many of these children do not speak Khmer which is a major educational barrier and often must drop out of school to focus on fishing activities with their families.⁵⁷

Women and girls at risk of statelessness or lacking clear legal identity face very distinct issues worldwide. They experience higher levels of sexual and gender-based violence, which has spiked particularly during the Covid-19 pandemic.⁵⁸ Stateless women and girls have also been found to be at higher risk of human trafficking and exploitation. This stems from other major barriers including lack of access to education, travel restrictions due to fear of encountering authorities with questionable legal status, an inability

55. Minority Rights Organization, Research Finding: Statelessness Minority Groups in Cambodia: Takeo, Kampong Chhnang, and Pursat Provinces, 2016, https://kh.boell.org/sites/default/files/uploads/2017/07/fact-finding_legal_document_of_minority_groups_en_final.pdf (accessed Feb 9, 2022).

56. Meredith Lunsford, Solyda Say and Safa Shakhkhalili, Inclusion and Equality in Islamic Schools, Buddhist Monastic Schools, and Floating Schools, (Phnom Penh: Unicef Cambodia, 2018), 10.

57. Ibid., 37.

58. Asia-Pacific Gender in Humanitarian Action Working Group, Good Practices Brochure: Stateless Women and Girls, 2021, 3, <https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAsia/Docs/Publications/2021/05/ap-GiHA-Brochure- Stateless-Women.pdf> (accessed Feb 9, 2022).





to gain employment and earn income, and often a difficulty in owning land.⁵⁹ Statelessness and child marriage are often linked and disproportionately affect girls who may not have clear legal identity in their country of residence. As a response to other risks girls face, including human trafficking, child marriage is sometimes seen as a solution rather than a problem.

“For the stateless, child marriage is not only a traditional cultural practice. It can also be a modality through which women seek to gain protection from the vulnerabilities associated with statelessness - protection the institutions of one’s home nation normally provides.”⁶⁰

This study focused on two distinct communities: one including the women living in floating villages along the Tonle Sap River in Kampong Chhnang province, and another with women living along the border between Cambodia and Vietnam in Kandal province. These communities are vastly different, with nearly all women living on the water in boat communities finding themselves in the context of unclear legal identity and at risk of statelessness. Those near the border, on the other hand, often live in mixed-race environments and are far more integrated into Khmer mainstream culture. However, both communities face distinct challenges and obstacles.



59. Laura van Wass et al., *The Nexus between Statelessness and Human Trafficking in Thailand* (Oisterwijk: Wolf Legal Publishers, 2015); Laura van Wass et al., *A methodology for exploring the interaction between statelessness and human trafficking* (Oisterwijk: Wolf Legal Publishers, 2015).

60. Sheila Menz, “Statelessness and Child Marriage as Intersectional Phenomena: Instability, Inequality, and the Role of the International Community,” *California Law Review* 104, 497 (2016): 501-502.



3.3



Indigenous Peoples





Background*

Indigenous peoples in Cambodia make up one of the country's recognised ethnic minority groups. Statistics on the composition of Indigenous peoples within the full scope of the Cambodian population vary. The Commune Database Statistics in 2015 showed an approximate population of 276,878 Indigenous from 24 groups residing in 15 provinces.⁶¹ However, the more recent 2021 National Report on the Demographic and Socio-Economic Status of Indigenous Peoples in Cambodia, issued jointly by the Ministry of Planning and the Ministry of Rural Development, has identified 183,831 Indigenous peoples from 22 recognised groups, or about 1.25% of the Cambodian population with an annual growth rate of 0.51%.⁶² The report's identification of Indigenous communities was based on their unique languages spoken. Language has traditionally been an important indicator around the globe in regards to recognising Indigenous populations not only in its importance for communication, but also in representing a desire to preserve a culture or way of life.⁶³ The report also claims that among the 22 Indigenous groups, there are only six groups with populations

* Full excerpt taken from Sen, Kry and Hyma: 60-64.

⁶¹. Cambodia Indigenous Peoples Alliance, Cambodia Indigenous Youth Association, and Asia Indigenous Peoples Pact, Situation of Indigenous Peoples in Cambodia: Submission for the 3rd Cycle of Universal Periodic Review of Cambodia 32nd Session of the Human Rights Council January – February 2019, (2019), https://www.upr-info.org/sites/default/files/document/cambodia/session_32_-_january_2019/js1_upr32_khm_e_main.pdf (accessed Feb 9, 2021).

⁶². Royal Government of Cambodia, Ministry of Planning and Ministry of Rural Development, National Report On Demographic And Socio-Economic Status Of Indigenous Peoples In Cambodia, 8, <https://cipocambodia.org/national-report-on-demographic-and-socio-economic-status-of-indigenous-peoples-in-cambodia/> (accessed Feb 9, 2022).

over 10,000. These include the Tampuan, Bunong, Kreung, Kuy, Jarai and Brao, which account for approximately 88% of the total Indigenous population of Cambodia. 92.4% of Indigenous communities are largely concentrated in only six provinces including Ratanakiri, Mondulkiri, Kratie, Stung Treng, Kampong Thom, and Preah Vihear.⁶⁴ The Bunong Indigenous group residing in Mondulkiri is considered to be the second largest population of Indigenous peoples in the country. The most recent demographic statistic indicates a population of 47,296 (2013) with 51.2% identifying as women or girls.⁶⁵

Culture and traditions have generally been essential for the preservation of Indigenous identity among groups often living in widely dispersed communities.⁶⁶ For many Indigenous communities, language is an emerging issue that impacts the lives of different groups. Language loss is commonly acknowledged, with many having lost the ability to speak the native tongues of their community. This often leads to Indigenous peoples becoming less confident to even declare an Indigenous identity.⁶⁷ This could explain some of the potential shifts in understanding demographic changes in data on Indigenous populations in Cambodia, with

63. José R. Martínez Cobo, "Definition of Indigenous Populations," Study of the Problem of Discrimination Against Indigenous Populations (New York: United Nations, 1981), 172-209.

64. Royal Government of Cambodia, National Report On Demographic And Socio-Economic Status Of Cambodia, xii.

65. Royal Government of Cambodia, Ministry of Planning, National Institute of Statistics, Cambodia Inter-Censal Population Survey 2013: Analysis of CIPS Results Report 7, Literacy and Educational Attainment, Phnom Penh, Feb 14, 2014, <https://www.stat.go.jp/info/meetings/cambodia/pdf/c13ana07.pdf> (accessed Feb 18, 2022).

66. Kirchner, Living on the Margins, 41.





more recent research reducing the number of Indigenous groups and population numbers from prior years.⁶⁸ If language becomes a prerequisite in identifying Indigenous groups in the country, those in rapid process of language loss could be left out from general census and data statistics. Even for those navigating life in a mainstream society dominated by Khmer language, literacy is a significant issue. Some data points to only 33.8% of Indigenous peoples aged 15 and over being able to read and write Khmer, which contrasts to the general Cambodian population's literacy rate of 79%.⁶⁹

Access to education is a significant issue among Indigenous communities. The government of Cambodia has recognised that Indigenous peoples have some of the lowest registration numbers in schools in the country. In fact, the percentage of Indigenous youth pursuing an education at secondary and high school levels is the lowest among all groups in Cambodia.⁷⁰ The government has also recognised that limited access to education is one of the most significant challenges facing Indigenous communities in the country. Many young Indigenous peoples are studying in grades far below their age and school dropout is a widespread problem.

⁶⁷. Cambodia Indigenous Peoples Alliance et al., Situation of Indigenous Peoples in Cambodia, point 2.

⁶⁸. Many reports over the last decade have recognised 24 Indigenous groups in Cambodia while the most recent by the Ministry of Planning and Ministry of Rural Development only identifies 22 groups.

⁶⁹. Royal Government of Cambodia, National Report On Demographic And Socio-Economic Status Of Cambodia, 46.

⁷⁰. Son Minea, "Indigenous people are poorly educated with health, livelihood challenged," Khmer Times, Nov 5, 2021, <https://www.khmertimeskh.com/50965260/>

Nearly 66% of Indigenous youth, aged 15 years and older, do not go to school, while less than 1% ever finish high school. Almost 50% of all Indigenous children and youth, aged 6 to 18, have had no formal education whatsoever, which contrasts to the general population statistic of Cambodian children reaching high school graduation (10.59% from the same age group).⁷¹

More qualitative gender analyses have indicated that traditional roles of men and women in Indigenous communities differ among groups, but some general trends exist. Women are often tasked with duties related to preparing food, medicine, water supply, and field cultivation. Many Indigenous groups do have higher status roles for women, such as serving as community elders, religious leaders, healers, medicinal experts, and midwives, for example.⁷² However, societal changes are happening through mainstream influence in a more modern and contemporary context. As Indigenous men move more into a market economy in Cambodia's development, social biases about men also permeate traditional Indigenous ways of being and worldviews. In 2013, it was estimated that almost 58.9% of Indigenous men vs. 18.3% of Indigenous women are engaged in self-employment.⁷³ Some observers see an indication of differentiation developing in regard to economic status between men and women, where the work between the

[indigenous-people-are-poorly-educated-with-health-livelihood-challenged](#) (accessed Feb 9, 2022).

⁷¹ Royal Government of Cambodia, National Report On Demographic And Socio-Economic Status Of Cambodia, 45-49.

⁷² Kirchner, 41.





two sexes is no longer equal due to monetary compensation. This further marginalises women in Indigenous communities, and ultimately affects how girls are viewed and how roles and expectations on them form.⁷⁴ Some smaller studies on power and gender dynamics, specifically in Bunong Indigenous communities in Mondulhiri province, have purported that women more often hold dominant roles in their households in relation to key decision making as the “money safe box keepers” of the family.⁷⁵ However, another recent study found that even though Indigenous women seem to have “considerable household decision making ability”, they still tend to have less voice and influence compared to men when it comes to any decisions outside of the household (group membership, employment, vehicle purchases, etc.).⁷⁶ This may be because women are more involved in reproductive roles as approximately 78.4% of Indigenous women continue to engage in unpaid work.⁷⁷ In addition, the fact that almost 84.4% of Indigenous

⁷³. Royal Government of Cambodia, National Report On Demographic And Socio-Economic Status Of Cambodia, 60.

⁷⁴. Kirchner, 43.

⁷⁵. Piseth Vann, Case Study on Indigenous Women’s Voice, Livelihood, and Climate Change Adaptation in Pu Chhorb and Krang Teh Village, Mondulhiri Province, Nov 15, 2019, 28.

⁷⁶. Cambodia Development Resource Institute, Gender inclusive and development analysis: Women|LGBT|People with Disabilities|Cham|Vietnamese|Indigenous Peoples, Phnom Penh: USAID Cambodia, 2020, 29, https://pdf.usaid.gov/pdf_docs/PA00X7PN.pdf (accessed Feb 7, 2022); Sreyneang Loek and Raymond Hyma, Indigenous identity and gender: Cambodian indigenous women navigate life in the capital (Phnom Penh: CIWWG/ Women Peace Makers, 2020).

communities lived without a toilet in 2013 further compounds issues for girls in relation to sexual and reproductive health as they reach puberty.⁷⁸

In contrast to ethnic Khmer girls, Indigenous girls are far more likely to get married at a young age. 10.5% of Indigenous girls under the age of 15 are married versus only 1.5% of Khmer girls who are similarly married before becoming an adult. Over half (55%) of Indigenous girls between the ages of 15 to 19 years old are married while 39.7% of ethnic Khmer girls in the same age range get married. By the time Indigenous women reach the age of 24, 86.2% of them are married in contrast to Khmer women who have a marriage rate of 82.7%.⁷⁹ These numbers show that Indigenous girls are far more likely to be married at a much younger age than the mainstream Khmer population of Cambodia. In terms of education, only 24.6% of Indigenous girls aged 15 years and older, compared to 43.8% of Indigenous boys, can read and write Khmer language.

⁷⁷. Royal Government of Cambodia, National Report On Demographic And Socio-Economic Status Of Cambodia, 60.

⁷⁸. Ibid., 70.

⁷⁹. Cambodia Indigenous Peoples Alliance et al., Situation of Indigenous Peoples in Cambodia, point 31.



3.4



Khmer
Krom





Background*

Who are the Khmer Krom? Khmer Krom is a distinctly regional expression and has unique connotations in its use. Literally meaning “lower Khmer”, it can also denote “southern” in a geographical context. In a broader sense, Khmer Krom derives from Kampuchea Krom which refers to lower Cambodia, technically located in the modern-day Mekong Delta region of Vietnam. Once part of the ancient Khmer Empire, the region’s historical geopolitical changes turned the once majority ethnic Khmer residents into a minority group within the national borders of Vietnam.

Khmer Krom families have migrated from Vietnam to Cambodia over several decades due to certain driving factors that push and pull them into that direction. Issues of ethnic grievances, related to use of mother tongue, ethnic identity, and the practice of cultural traditions have emerged in the past, particularly among Buddhist monks and activists in Vietnam. Religious freedom has also become an issue among Theravada Buddhists, many of whom have demonstrated against authorities.⁸⁰ Migration theoretically makes Khmer Krom shift from an ethnic minority group in Vietnam to part of the mainstream ethnic Khmer majority group in Cambodia.

This study, however, explored the Khmer Krom as a cultural minority group within Cambodia based on sociological understandings of minorities. Early conceptualisation of minority groups in academia often looked at distinctions that led to some form of marginalisation.

* Full excerpt taken from Sen, Kry and Hyma: 206-210.

⁸⁰. Human Rights Watch, *On the Margins: Rights Abuses of Ethnic Khmer in Vietnam’s Mekong Delta* (New York: Human Rights Watch, 2009), p. 6-7, https://www.hrw.org/sites/default/files/reports/vietnam0109webwcover_1.pdf (accessed Feb 10, 2022)

Louis Wirth’s definition, for example, is commonly used as a starting point for those exploring the dimensions of minority groups as a social construct: “A group of people who, because of their physical or cultural characteristics, are singled out from the others in the society in which they live for differential and unequal treatment and who therefore regard themselves as objects of collective discrimination.”⁸¹ In considering the context of the Khmer Krom, the understanding of a minority group can also be very much in relation to a state. A minority group should have some sense of continuity over generations, can be excluded from political processes, and may lack the same access to public services in comparison to a majority.⁸² Through this understanding, Khmer Krom girls and their communities were explored as a cultural minority group in Cambodia despite being part of the ethnic majority.

According to interpretations of the law, Khmer Krom from Vietnam are automatically welcomed into Cambodia as Cambodian citizens which has been confirmed by numerous government officials in official documents, public speeches, and declarations.⁸³ The reality, however, is that many Khmer Krom residents in Cambodia are unable to access proper identification documents due to numerous factors

⁸¹ Louis Wirth, “The Problem of Minority Groups” in *The Science of Man in the World Crisis*, ed. Ralph Linton (New York: Columbia University Press, 1945), 347.

⁸² Hans van Amersfoort, “‘Minority’ as a sociological concept,” *Ethnic and Racial Studies* 1, no.2 (April 1978): 233.

⁸³ Alliance for Conflict Transformation, Cambodian Center for Human Rights, and Khmer Kampuchea Krom for Human Rights and Development Association, *Citizenship Rights for Khmer Krom in Cambodia*, 2017, p. 9: https://cchrcambodia.org/admin/media/report/report/english/2017_01_27_CCHR_Report_on_Legal_Status_of_Khmer_Krom_English.pdf (accessed Feb 14, 2022).





at the local issuing level. A vast number are perceived as Vietnamese rather than Khmer when applying for ID with local authorities, even when presenting the proper documentation. This is sometimes seen as part of a broader pattern of discrimination towards Khmer Krom who have chosen to migrate to Cambodia.⁸⁴ In the 3rd cycle Universal Periodic Review of 2018, a joint-submission by civil society identified this lack of access to regular citizenship rights as a “gap between the high-level statements of the Royal Government of Cambodia and their implementation at the local level.”⁸⁵ Khmer Krom migrants and their descendants are sometimes unable to establish clear residency and cannot apply for refugee status since they are recognised in their country of origin on paper. Such factors sometimes push Khmer Krom to further migrate to Thailand in search of ending their precariousness.⁸⁶ On top of discrimination, their migratory journey contributes to them being disproportionately poor and lacking education in comparison to others.⁸⁷

Even though the Khmer Krom are often perceived as able to quickly assimilate into mainstream Khmer culture due to cultural background and language, the reality is often different. In the capital city of Phnom Penh, for example, a study showed that Khmer

84. Cambodian Center for Human Rights, *False Promises: Exploring the Citizenship Rights of the Khmer Krom in Cambodia*, July 2011: 18-24. https://cchrcambodia.org/admin/media/report/report/english/CCHR_Report_Exec_Summary_and_Recommendations%20_False_Promises_Exploring_the_Citizenship_Rights_of_the_Khmer_Krom_in_Cambodia_en.pdf

85. “Gender and Women’s Rights,” Factsheet - UPR 2018 - Cambodia, 3rd Cycle Universal Periodic Review, https://www.upr-info.org/sites/default/files/general-document/pdf/final_versions_merged.pdf (accessed Feb 14, 2022).

86. Kirchner, 28.

87. *Ibid*, p. 29.

Krom tended to prefer to live with other Khmer Krom with similar backgrounds. Due to their precariousness, they often move into low income or slum areas as a result of their economic realities.⁸⁸ In A 2017 survey of 264 Khmer Krom residents in eight Cambodian provinces, 92.8% said that they faced difficulties or problems in the country.⁸⁹ The main reasons for such challenges were identified as lack of housing or land (possibly due to a lack of proper identification), discrimination based on being perceived as Vietnamese, and lack of recognition by the authorities.⁹⁰

Information about women and girls in Khmer Krom communities in Cambodia is very limited. Given that they are not recognised as an ethnic minority in the country, little research has been carried out to better understand their unique context. For those that are part of the migration generation, having moved from Vietnam to Cambodia, it is likely that the backgrounds and journeys of girls and women have impacted their ability to get an education in comparison to boys and men. A Khmer Krom woman, who migrated from Vietnam to Cambodia, went on to become a Miss Universe Cambodia contestant and raised awareness on the plight of Khmer Krom girls from her own experience. Having dropped out of school herself, she spoke about her life before arriving in Cambodia.

⁸⁸. Sochoeun Chen, *Khmer Krom Migration and their Identity*, (Phnom Penh: Royal University of Phnom Penh, December 2006), 52.

⁸⁹. Alliance for Conflict Transformation, *Cambodian Center for Human Rights*, and *Khmer Kampuchea Krom for Human Rights and Development Association*, 19.

⁹⁰. *Ibid.*



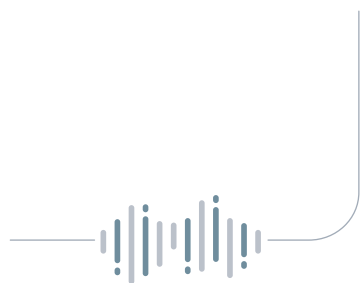


Khmer Krom women have less education due to the financial and travel difficulties. Moreover, we can learn Khmer for only three months on vacations from school where we are taught in Vietnamese... Sometimes 15 or 16-year-old girls are married. They don't get a chance to see how big the world is. On the other hand, men can learn more because they have to become a monk at the age of 21.⁹¹

Khmer Krom girls in Cambodia face distinct challenges, although their context is different from those who grew up in Vietnam as an ethnic minority. The reality of difficulties in accessing proper documentation to prove citizenship that they theoretically have the right to, leads to other problems that are commonly present in populations with legal identity issues. Apart from the social discrimination of being perceived as a foreigner, services such as healthcare and education are often out of reach for those who are unable to show their legal status in Cambodia, including among Khmer Krom populations.⁹²

⁹¹. Spoken by Chhorn Sreyneth as quoted in Po Sakun, "Miss Universe Cambodia Candidate Champions Khmer Krom Women," *Cambodianess ThmeyThmey in English*, Jun 11, 2021, <https://cambodianess.com/article/miss-universe-cambodia-candidate-champions-khmer-krom-women> (accessed Feb 14, 2022).

⁹². Minority Rights Group International, *State of the World's Minorities and Indigenous Peoples 2012 - Cambodia*, 28 June 2012, <https://www.refworld.org/docid/4fedb404c.html> (Jan 29, 2022)



4

This part of the report contains all the thematic findings from this FPAR study. It is split into five distinct but interrelated sub-sections, each of which explore a particular aspect of minority women's lives and rights in Cambodia. Not all civil, political, economic, social or cultural rights are covered in this study. Rather, the action researchers have focused on the thematic areas they considered most pertinent or in urgent need of addressing.

The first section (4.1) examines the principles of equality and non-discrimination. Minority women's daily experiences of inequality include a comparative lack of freedom to go out compared to men in their communities, and a highly disproportionate unpaid care work burden. Women also discuss the impact of harmful

Thematic
findings

cultural and religious norms from within the community, as well as ethnic and religious discrimination from outside.

The second section (4.2) examines rights issues related to education and public participation. Barriers preventing minority girls and women from accessing and remaining in education explored include financial difficulties, social expectations and racialised bullying and stereotypes at school. In terms of factors preventing or discouraging minority women from engaging in public participation activities in their communities, a combination of issues included disproportionate care work burdens, social norms and a perceived lack of confidence or self-belief among minority women. The fact that many authorities fail to invite women from attending and participating in civic was also raised.

The following section (4.3) discusses issues pertaining to legal identity and statelessness, including birth certificates, ID cards and employment rights. This section focuses largely on the experiences of ethnic Vietnamese and Khmer Krom women.

In section four (4.4), the right to live free from gender-based violence (GBV) is explored. Many women share harrowing accounts of intimate partner violence, and their often-frustrating experiences of undergoing alternative dispute resolution at the local level rather than through more formal judicial proceedings. As well as this lack of access to justice, other relevant issues discussed include a lack of safe shelters and support services, and a lack of GBV education and awareness in the community.

Finally, section (4.5) explores issues related to marriage, family relations and sexual/reproductive health rights (SRHR). This includes a wide range of rights issues that affect minority women, including child marriage, challenges obtaining a divorce, violations of sexual consent within marriage, and barriers to accessing SRHR.

4.1

Equality & Non-Discrimination

“ There are rules and discipline for women that treat women differently from men. Men and women are not equal, even in the family ”
from a 26-year-old Punong woman.

This section examines the experiences of minority women in Cambodia in relation to their enjoyment of equality and non-discrimination. The prohibition of discrimination is an important pillar and foundational principle of international human rights law. Minority women’s daily experiences of inequality are myriad in form and include restricted mobility and gendered expectations about household chores. A key aspect of the overall rights situation for minority women in Cambodia is its intersectional nature, whereby multiple axes of oppression overlap and mutually reinforce one another. In this section, women discuss the impact of harmful cultural and religious norms from within the community, as well as simultaneous ethnic and religious discrimination from outside.

Equality and discrimination: The CEDAW Convention



In its preamble, the 1979 CEDAW Convention explicitly acknowledges that "extensive discrimination against women continues to exist" and emphasises that such discrimination "violates the principles of equality of rights and respect for human dignity".⁹³ The Convention requires States Parties to take "all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men."⁹⁴

As well as affirming women's rights to non-discrimination in education, employment, and economic and social activities, the CEDAW Convention also recognises the influence of culture and tradition on restricting women's enjoyment of their fundamental rights. These forces "take shape in stereotypes, customs and norms which give rise to the multitude of legal, political and economic constraints on the advancement of women."⁹⁵ Noting this interrelationship, the Convention emphasises "that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality of men and women".

States Parties are therefore obliged to work towards the modification of social and cultural patterns in order to eliminate "prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women" (article 5) (OHCHR)⁹⁶. The impact of these social and cultural norms is so fundamental

to minority women’s experience of their rights that they feature throughout the entirety of this report.

Equality and discrimination: CEDAW General Recommendations



In 2022, the CEDAW Committee’s 39th General Recommendation on the Rights of Indigenous Women and Girls set out the general obligations of States Parties in relation to equality and non-discrimination, with a focus on Indigenous women and intersecting forms of discrimination. While this General Recommendation was developed specifically in relation to the rights of Indigenous women (rather than Minority women more broadly), many of its principles are applicable across these groups in the Cambodian context.

For instance, General Recommendation No. 39 highlights that discrimination against Indigenous women and girls takes intersecting forms and is carried out by both State and non-State actors, including those in the private sphere, on the basis of sex; gender; Indigenous origin, status or identity; race; ethnicity; disability; age; language; socioeconomic status... among other factors.⁹⁷ At the

93. UN General Assembly (1979) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

94. Ibid., Art. 3.

95. OHCHR, Human Rights Instruments: CEDAW Convention, available online: <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>>.

96. UN General Assembly, CEDAW Convention, above n. 42, Art. 5.

97. CEDAW Committee’s 39th General Recommendation on the Rights of Indigenous Women and Girls, [CEDAW/C/GC/39](#), p. 7.

same time, racism, discriminatory stereotypes, marginalisation and gender-based violence are interrelated violations experienced by Indigenous women and girls: “Indigenous women and girls as individuals have the right to be free from discrimination and human rights violations throughout their life cycle and to choose their own paths and life plans.”⁹⁸

This section contains an examination of the different aspects of inequality and discrimination that arose from the interviews with minority women throughout Cambodia. It begins with a discussion of a reported lack of freedom to choose to work or travel outside the home. It then moves to a closely related topic – that of unpaid care work and domestic duties – a burden overwhelmingly borne by women and girls in minority communities. The subsequent two sections look at other aspects of discrimination and marginalisation of minority women, split into discrimination that stems from within the community, and finally discrimination that stems from outside the community. It finds that an intersectional web of rights violations confronts minority women as they go about their daily lives.

⁹⁸. Ibid.



4.1.1

R

estrictions
on Freedom of Movement

“

Although the law states that men and women are equal, they are still not equal in practice. Men have the freedom to go wherever they wish, while women cannot do the same thing. If I go out at night, I'll be considered an 'improper woman' ”

a participant from Cham community.

Along with other international human rights instruments, the CEDAW convention affirms the same rights between men and women with regard to free movement and the freedom to choose their residence and domicile. However, a significant number of minority women respondents in this study reported strict limitations placed on their mobility, effectively preventing them from traveling of their own volition either outside the community or even outside the family home. The influence of culture and tradition on these restrictions are visible in the many accounts given by Minority women from across the four minority groups. A combination of stereotypes, customs and norms upheld by family and community members intersect with genuine but paternalistically informed fears for women's safety.

GRAPH 4.1.A

**DO YOU THINK WOMEN IN YOUR COMMUNITY
HAVE THE SAME FREEDOM AS MEN TO GO
OUTSIDE THE HOME AS THEY WISH WITHOUT
FEELING GUILTY OR FEARFUL?**

36%

yes

no

64%

In this study, 64% of minority women reported that they don't have the freedom to go outside as freely as men. One particular norm that emerged repeatedly across the dataset was the notion of a woman's 'value' being bound together with her chastity, and by extension, with her restricted and monitored daily movements. For instance, as one Cham respondent summarised: "Women in my community do not have the freedom to go out like men, because it will lower their value as virtuous women".

Another respondent, a 44-year-old Khmer Krom woman, explored the nature of this double standard in the following quote: “Women in the community are not free to go out and do whatever they want because they will be judged and called names. However, men can escape this judgment from the community” said Khmer Krom young woman, while another agreed with this assessment, saying that “If a man goes out, no one cares. If a woman goes out a lot, the community will bad-mouth her.”

Some reported that there were exceptions to having to stay at home, for instance when travelling through the community for school or work. However, others indicated that even if women travel outside their community for work purposes, it may still generate stigma and marginalisation:

“It is not easy for women to go out freely like men, because the community still discriminates against women who work far away or travel a lot. They think we violate the cultural norms. Two or three years ago, even those who worked in the city were considered bad women” told by a 22-year-old woman from the Cham community.”

Intersections between violations of the right to free movement and the right to live free from GBV were evident in some responses, a 26-year-old Punong woman who lives in the Mondulkiri province explained: “Women are not free to go out and do whatever they want like men. Even if, their partners will use violence. They cannot go far from home”. A connection between restricted movement and



spousal abuse also featured numerous times across the interview responses, in relation to the idea that women who do leave the home at night leave themselves open to accusations of adultery. A 42-year-old married Cham woman who works in the garment factory in Kampong Chhnang highlighted this notion as follows: “Women in the community are not free to go out and do whatever they want, because married women might get accused of having affairs with other men if they go far from home.”

Relatedly, some women reported that in addition to community stigma, they were not able to move freely outside because of restrictions placed directly on them by their husbands or other family members. This means that permission is needed to leave the family home, representing a severe violation of the principle of free movement. For instance, 40-year-old Cham women in Kampong Chhnang reported that “if we have a husband, we have to ask for our husband's permission before we want to go out. And if we are living with our parents, we have to ask their permission.”

This deeply patriarchal norm upheld by families and husbands is reportedly reinforced by societal pressure: where a woman is seen to be “led astray,” as a 22-year-old Cham woman who works as primary school teacher put it, blame is then also placed on the wider family. “I think the women in my community are not free to go out and do whatever they want because... the community not only judges the woman, but also blames her parents for giving her the freedom to go wherever she wants.”

This disincentivises families from having more liberal arrangements with their daughters and demonstrates how women’s rights to

free movement are constrained by multiple actors (both public and private sphere actors) simultaneously. It is noteworthy that women travelling with their husbands are not subjected to the same discrimination and judgement: “If we go out with our husbands, no one will judge us. But if we go alone or go anywhere we want, people will badmouth us,” a 50-year-old housewife in the Cham community shared.

Another influencing factor said to underpin the restrictions on women’s mobility was that of personal safety. For example, one ethnic Vietnamese respondent explained that women in her community “are not free to go out and do whatever they want like men, because of concerns about their safety. [For example], a few days ago a stranger offered to give a woman a ride to buy gasoline for her motorbike. Unfortunately, [she] was assaulted and raped”. Another respondent, a 35-year-old Tompun woman from the Indigenous community, also associated a family’s fear of violence with restrictions on women’s and girls’ mobility in the following quote: “Women can quickly put themselves in dangerous situations if they can go whenever they want. That’s why their families tend to be stricter with their daughters than their sons.”

As well as fears held by her family, another, Indigenous respondent said that she too was personally fearful, and so restricted her own movements especially at night: “I am scared to leave home at night because it’s not safe for women to go around in the community at night-time – because of the news of rapes and murders” said a 35-year-old teacher from the Punong Indigenous group. Moreover, a 24-year-old farmer from the same Indigenous group expressed concern that she might become victim to “human traffickers and





rapists” if she did “whatever she wanted without fear”.

In communities where the perceived impact and consequences of unwed pregnancies are extreme, a final reason given for restrictions on women’s mobility was their physiological capability of conceiving and carrying a child: “The reason women cannot go out like men is because men cannot become pregnant. So, they can go wherever they want. But women could get pregnant before marriage if they were allowed to go out freely of their own will” a teacher from Cham community said. This was reportedly significant whether a pregnancy came about through rape or consensual sexual intercourse: “Women in my community are not free to go out and do whatever they want like men, because their families are afraid, they will get pregnant: either they run away with men or be raped” reported by a 63-year-old fisherwoman Ethnic Vietnamese woman in the floating village in Kampong Chhnang.

A small number of respondents did report a gradual shift in norms surrounding women’s mobility and autonomy. These women each articulated that they themselves had had to push for these new freedoms. A 40-year-old Khmer Krom respondent explained that as she became more educated, she “became brave enough to stand up for myself and to do what I think is best for my future”. Another, 27-year-old Indigenous woman also reported being “freer to go out wherever I want, because I have decided to take control of my life”. She explained that other women were still not free to go out and do what they wished to do, and that sometimes, her family doesn’t support her behaviour: “If decisions are made without their consent, I will be in trouble with them. However, my situation is much better because I’m brave enough to stand up for myself to do what I love. I

convinced my family to understand these issues by explaining them to them repeatedly.”

Despite the progress made towards reclaiming her own freedom of movement and personal autonomy, the same Indigenous respondent reported that concerns about her safety are still present: “The problem that I still worry about whenever I go out alone is my safety because my community is dangerous for women, specifically regarding harassment and rape.” This shows that measures to transform social norms limiting women’s free movement at the family and community level must also be coupled with action to tackle violence and harassment in public spaces.



4.1.2

Households & Unpaid Care Work

It is well recognised that there continues to be a significant imbalance between men and women in the time they allocate to care work, and in the degree of freedom they each enjoy making choices in this respect.⁹⁹ This unequal distribution of unpaid care work is linked to discriminatory, heteronormative social norms and inequalities that are based on gender stereotyping. Such gender disparities in unpaid care work represent a barrier to achieving the right to equality and non-discrimination between women and men.¹⁰⁰

While the 1979 CEDAW convention does not explicitly set out obligations for states in relation to unpaid care work, General Recommendation No. 39 on the Rights of Indigenous Women and Girls states that States Parties should create “interdisciplinary support systems for Indigenous women and girls to reduce their unequal share of unpaid care work,” and that such “social support systems should be operationally effective, accessible and culturally responsive.”¹⁰¹

Further, a 2013 report by the UN Special Rapporteur on the Elimination of Extreme Poverty identified unpaid care work as a major human rights issue, highlighting the relationship between unpaid care, inequality, and women’s human rights.¹⁰² A disproportionate burden of unpaid care work represents a serious impediment to women in accessing paid jobs, prevents girls attending school, and generates time-poverty, thus limiting women’s participation in decision making, leisure, self-care, and health.¹⁰³

⁹⁹. Strand, V. (2016) ‘CEDAW: Why Care about Equality?’ (MA thesis), University of Oslo.

¹⁰⁰. Ibid.

¹⁰¹. CEDAW Committee, above n. 46, p. 20.

¹⁰². Sepúlveda, M. (2013) Report of the Special Rapporteur on extreme poverty and human rights on unpaid care work, A/68/293, available online: <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2437791>.

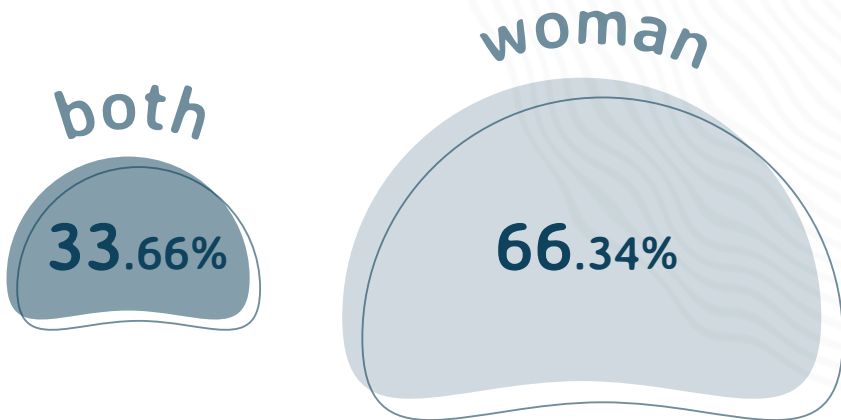
¹⁰³. Strand, above n. 48, p. 5.

According to a UNESCAP report, Cambodian households maintain a gendered pattern of time use skewed significantly in favour of men, who performed only 18 minutes per day of unpaid care and domestic work compared with women who performed these activities for 188 minutes per day.¹⁰⁴ While the data referenced by UNESCAP cannot be disaggregated by ethnic identity, the data in this study supports and further demonstrates the notion that unpaid care work constitutes a significant barrier to the realisation of substantive equality between minority women and men.



GRAPH 4.1.B

HOUSEWORK AND CHILDCARE ARE CONSIDERED TO BE A WOMAN OR A MAN'S ROLES?



104. UN ESCAP (2022) 'Valuing and Investing in Unpaid Care and Domestic Work: Cambodia,' p. 7, available online: <<https://www.unescap.org/kp/2022/valuing-and-investing-unpaid-care-and-domestic-work-country-case-study-cambodia>>.

Among the 205 respondents of this study, 66.34% of the minority group considered unpaid care work and housework as women's roles. Within this percentage, Indigenous communities represented 74%, Cham communities represented 31.65%, Ethnic Vietnamese represented 83%, and Khmer Krom communities represented 44%. These findings indicate that societal perceptions surrounding gender roles remain deeply entrenched within the mindset of women from various ethnic communities.

It is first worth noting that the disproportionate unpaid care work burden described by minority women is intricately linked with the tight restrictions on their freedom of movement discussed in the previous section, as the following quote from a 30-year-old Cham respondent highlights: "I think women in my community lack the freedom to go out because most women are tied to household work which makes it impossible for them to leave their homes." Another Cham respondent in Kampong Chhnang province echoed this view, explaining that "In Cham tradition, there are norms restricting women's freedom to go out like men do, with most of the women in the community tied to housework such as cooking, cleaning and preparing meals for their husband."

This suggests that even if the social discrimination and stigma of women traveling alone through and outside the community were effectively combated, and even if public spaces were rendered violence-free, women would still not be able to enjoy personal autonomy and true freedom of movement due to the heavy, lifelong burden placed on them to perform the vast majority of domestic work. This expectation is one that reportedly remains taught and upheld intergenerationally: an 18-year-old Cham woman explained

that her mother had taught her from a young age that women could not leave the kitchen. Similarly, an ethnic Vietnamese respondent who worked as a delivery woman said that women are raised to be 'constrained by housework'.

Another respondent, an Indigenous woman who works as a contract teacher, summed up this 'burden' in the following terms: "Women are not free to go out and do whatever they want because of their household burdens, [and] because women mostly do this work alone". The same respondent explained that much of the stigma levelled against women freely moving around the community was inextricably linked to societal expectations about the supposedly gendered nature of unpaid care work: "if women were to go out... the community would view them as women with vices. They'd say: 'You are women, you belong to the kitchen'."

While some women linked their UCW burden with their inability to find meaningful paid work outside the home, others complained of carrying a double burden of paid employment alongside their domestic duties. A 67-year-old Khmer Krom woman in Phnom Penh summarised this as follows: "Housework is a woman's burden. I have to do the housework alone after coming back from work. I have to work to support my family financially, and at the same time, I have to do the housework – just because I'm a woman."

Across the interviews, there was also a perception that men are inherently inept or incapable of completing household tasks. This notion, perhaps reflecting so-called 'strategic incompetence' whereby men deliberately perform UCW tasks poorly in order that they will not be made responsible for them, is reflected in the quote

from a Cham respondent who worked in a garment factory, that “unpaid care work housework is considered a woman's job because men are not very good at housework. So, I have had to learn to do everything in the house.” The same respondent described this as “hurtful,” because she has to do “all the housework after going back from work, which is exhausting and time-consuming. Women miss out on the chance to do the things that they want to do.” This quote shows clearly how a vastly disproportionate unpaid care work burden also constitutes a violation of minority women’s rights to rest and leisure time.

Further, and by extension, many women respondents reflected on the impacts of this burden on their mental health and wellbeing. Unpaid care work in this context, described by one Khmer Krom respondent in Siem Reap as “mentally and physically exhausting work for every woman that strongly affects their daily life,” also reportedly impacts their ability to follow their dreams and pursue opportunities; women “lose the opportunity to do what they want and lose time to connect with the outside world.”

A 24-year-old Indigenous woman who is a housewife lamented that “housework is considered women’s burden to carry alone. It affects the freedom of women. I’ll be blamed if I don’t do the housework, while my brother and husband can refuse to do it. It is a burden because it makes me lose out on opportunities to do whatever I want, especially pursuing my dreams.” The same respondent said she wished that in future, that “the husband should share the household burdens with his wife. I want to see a society where women and men are equal.”

4.1.3

Discrimination
from *Inside* the Community



The discrimination makes women feel unseen, inferior, deprived of opportunities because they can't do anything they desire, while the men can do whatever they want. The different expectations for men and women in my family and community negatively impact women ”

a village chief in the Indigenous community in Rattanakiri stated.

The CEDAW Committee's General Recommendation No. 39 on the Rights of Indigenous Women and Girls highlights that: "action to prevent and address discrimination against Indigenous women and girls throughout their lifespan must [take] into consideration the discriminatory norms, harmful social practices, stereotypes and inferior treatment that... affect them..." This section of the report broadens this notion to examine the forms of discrimination affecting both Indigenous and other minority women's rights, focusing here on those stemming from within the community.

As such, the discussion explores minority women's perspectives to better understand the differences between their human rights experiences, realities and needs compared to those of minority men, i.e. those based on sex and gender differences. The subsequent section (4.1.4) will focus on those forms of discrimination and stereotyping that stem from members of the majority population, i.e. those based primarily on ethnicity.

Cultural norms and practices

Many of the harmful practices and double standards reported by minority women in this study are culturally and/or religiously informed, simultaneously stemming from and reinforcing norms about sex and gender that favour the dominance of heterosexual, cisgender males at all levels. As CEDAW General Recommendation No. 31 (on Harmful Practices) puts it, “Harmful practices are... grounded in discrimination based on sex, gender, age and other grounds and have often been justified by invoking socio-cultural and religious customs and values.”¹⁰⁵ In Cambodia, some of these norms are specific to one minority group, some are visible across two or three groups, while others are common across the dataset. It is worth noting that many of the issues discussed may also appear in interviews with majority-ethnic Khmer women.

One gender norm that is common across all groups – but particularly stark in the Cham communities represented – is the denigration and ostracization of women who fall pregnant out of wedlock. This is closely related to the restrictions on women’s mobility outside the home, as already discussed in detail in section 4.1.1, in that part of the reason for those extreme restrictions is to prevent women from engaging in premarital sex and falling pregnant.

Those who do fall pregnant are reportedly considered labeled as “bad influences,” (according to a 40-year-old Khmer Krom respondent);

¹⁰⁵ UN CEDAW Committee & UN Committee on the Rights of the Child, (2019) Joint general comment No. 18 of the Committee on the Rights of the Child and joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women on harmful practices, [CEDAW/C/GC/31/Rev.1–CRC/C/GC/18/Rev.1](#), p. 4.

“hated by their community” (as expressed by a 22-year-old Indigenous respondent who works as a farmer); “disgraceful women,” (as reported by an ethnic Vietnamese respondent in Kandal province); or “damaging to the honour of the family [and] subjected to gossip” (as shared by a 50-year-old Cham respondent).

Particularly for those in the Cham community, it is not only women who fall pregnant that are subjected to discrimination, but also those who choose to live with a partner without or before getting married: “When Cham women live with their partners before marriage, the family and community see them as worthless because those women don’t have dignity and are the subject of the village gossip”- reported by a 39-year-old Cham woman in Kampong Chhnang community.

Notably absent are any interview extracts discussing the level of discrimination levelled at unwed fathers, or men living with their partners. The focus solely on the harsh consequences for women speaks to the double standards for women and men in these situations. One respondent from a Cham community who found herself personally in such a situation provided some insight into her experience, and the discrimination she and her family faced:

“[The villagers] are very prejudiced. I experienced it myself when I got pregnant before marriage. They reprimanded and looked down on me and my whole family. They despise us. People do not want to associate themselves with us because we violated tradition. I now have serious mental health problems because I no longer have self-confidence and feel like everyone hates me. It affects me by making me think I’m worthless”- a 22-year-old Cham women who worked in a private company in Kampong Chhnang province.

For Indigenous women, the consequences of premarital pregnancy are also severe: “When an indigenous woman gets pregnant before there is recognition from her family and community that she has a husband, she will be despised and pressured about the traditions, which require her and her family to sacrifice cattle as a traditional apology to the ancestor spirits” shared by a 27-year-old Indigenous Jarai who works in a local NGO. Others echoed this view, explaining that if an Indigenous woman refused to perform the sacrificial ritual, she would be “abused by the villagers for violating the cultural norms” and “must be evicted” from the community- reported by a 49-year-old Indigenous Kroeng woman.

As well as premarital sex or cohabitation, another set of culturally informed norms that facilitate discrimination against minority women in comparison to minority men are those relating to dress. Respondents from all four minority groups reported some form of prohibition on women’s clothing choices, though the level of strictness varied between groups and was said by some to be slowly changing among the younger generations.

Of the four groups, Cham respondents spoke most frequently about the restrictions placed on them to dress modestly. One woman explained that “In Cham tradition, women are prohibited from wearing short clothes. Cham women must cover their bodies with long dresses” (a 40-year-old Cham women who works as a garment worker). For those women who chose to try and wear shorter clothing, they would reportedly “face the consequences” from other villagers, who would see this as “inappropriate, and contradicting the Cham tradition”- told by a 29-year-old Cham woman in Kampong Chhnang province.

Similarly, Indigenous women are reportedly prohibited from dressing immodestly, with one respondent from Mondulkiri explaining that “Women in the community can’t wear the clothes they want to wear. If they wear something revealing, the elders will think it’s inappropriate” (a 32-year-old Punong woman from Mondulkiri province who works as a farmer). The same respondent also explained that “For men, it is not important,” reflecting a clear double standard.

Thirdly, a 25-year-old Khmer Krom woman from Siem Reap province also reported restrictions on women’s clothing choices: “Women in my community can’t wear whatever they want. It’s frowned upon for us to wear revealing clothes, and those who dress provocatively are said to be disgraceful, especially among the Khmer Krom community”.

Finally, for women respondents from the ethnic Vietnamese community, rules around dressing conservatively were reportedly less strictly enforced at the community level than in the other minority groups, with some saying that they felt they could generally “dress how [they] want to”. However, some Vietnamese respondents did report restrictions on dress, including from their husbands. This is demonstrated by the following example: “For Vietnamese women, they can't wear what they like. The husband would tell us that we are a parent and so we should dress like one”- reported by a 27-year-old Ethnic Vietnamese woman in Kampong Chhnang province.

As well as the above specific examples of discriminatory norms and practices (harsh penalties for unwed mothers, and restrictions on women’s choice of dress), many respondents reflected

more generally on how they feel their communities and cultures discriminate against women based on their sex and gender. These responses centred around notions that women are seen within their communities as being inherently inferior to men, and of lesser overall value.

“I used to feel that I was treated differently to men by my family, villagers, and others. Like, when my family buys a motorbike, it’s for the son only. I feel upset when treated differently. There are different rules, customs, and expectations for men and women in my family and community, which negatively affect women, discourage them, and cause a lot of negative thoughts.”- reported by a 23-year-old Indigenous Jarai who works as a farmer.

The viewpoint from 32-year-old ethnic Vietnamese was similar: “The community values men more because they are the head of the family... men here are given more human rights than women. Women do not have equal rights”, while a Khmer Krom participant who is a housewife explained that “other people treat me differently to men. They say that as a woman I do not have the right to say or express my opinions. Our rules, customs, and expectations give less priority and opportunity to women than men.”

Many respondents reflected on the double standards pertaining to activities like smoking cigarettes or drinking alcohol, socialising with friends or in the following case, even laughing:

“...it is often said that a woman must be well-mannered, elegant, and polite. Like they have to watch it when they laugh.

They can't laugh too loudly, that's kind of tradition. Women who joke a lot do not have good manners, or they can be called "spoiled women," [and] people may think they're not suited to be a wife and daughter-in-law" reported by a 30-year-old Cham respondent who is a primary school teacher.

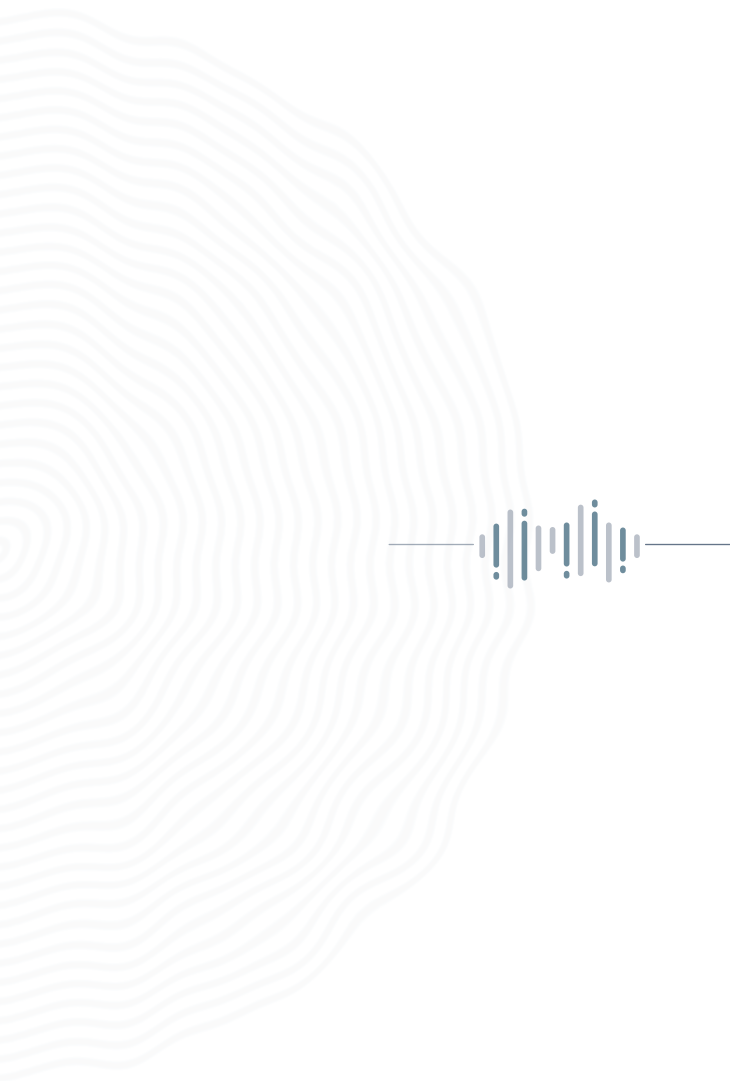
For some minority women, the sex-based discrimination they face from the surrounding community is accompanied by additional forms of discrimination, based on other characteristics of their identities. For instance, a Khmer Krom respondent reported feeling that while on the one hand, she is "treated differently to men" by virtue of the fact that she is a woman, on the other, she also feels discriminated against on the basis of being a person living with disabilities: "I have also been discriminated against because I am disabled and so I could not have a job, besides being a babysitter". Also demonstrating intersectional or overlapping forms of discrimination, one Indigenous respondent alleged that she is "discriminated against by the villagers because I am a woman, and because I am poor". She explained that this double discrimination based on her sex as well as her socio-economic status has a significant impact on her life: "It makes me feel upset and makes me less close with the people around me."

Besides facing gender stereotypes at home and in their community, a significantly recurring theme across the dataset was that minority women do not have the confidence and courage to challenge gender inequality at home and in their communities. Given that this ostensible 'lack of courage,' was reported by minority women themselves, it may represent an internalisation of the harmful stereotypes described above, about women being inherently weak

or softly spoken. This theme is revisited in section 4.4.6, in relation to women's public participation.

While the overwhelming consensus among respondents was that minority women continue to face sex-based discrimination from among their own families and communities, many also expressed a strong desire and determination to see this change, as the following quote demonstrates:

“I feel discriminated against; we don't get the same treatment as men when we go out because women can get pregnant, but men can't. A married woman cannot talk to others, but a man can. It affects the feelings of women – it shouldn't be this way. We should be equal, and we shouldn't be denied any rights. I want equality”- 22-year-old housewife from Cham community stated.



4.1.4

Discrimination
from *Outside* the Community

“ **The outside world discriminates against ethnic minority women, which makes us lack the courage to go outside [our community]** ”

(a 26-year-old Indigenous woman who worked as a farmer in Rattanakiri stated).

While the previous section examined multiple forms of discrimination stemming from within their own families and communities, this section moves to explore the kinds of discrimination they face from outside their minority group or community, especially from the majority Khmer-ethnic population. This exploration helps to uncover and understand the patriarchal or intersectional nature of rights violations affecting minority women: these women are disadvantaged by multiple, compounding axes of oppression based not only on their sex and gender, but also on their ethnic identity, which is in turn linked to or accompanied by (among others) their class, language, and religious status.

The CEDAW Committee’s General Recommendation No. 39 on the Rights of Indigenous Women and Girls (albeit referring specifically to Indigenous women rather than all Ethnic Minority women), highlights these multiple axes of oppression as follows: “Indigenous women and girls suffer intersectional discrimination both inside and outside their territories.”¹⁰⁶ They “frequently face racism, structural and systemic racial discrimination, and other forms of marginalisation.”¹⁰⁷

In this study, participants’ testimonies of racial and ethnic discrimination tended to focus on their own personal experiences. These have been loosely grouped into themes below.

¹⁰⁶. UN CEDAW Committee, above n. 42, p. 3.

¹⁰⁷. *Ibid.*, p. 11.

Cultural norms and practices

In the previous section, minority women respondents described the pressure they face from inside their families and communities to dress in certain ways, with modesty being a paramount concern. However, some of these same women are also subjected to pressure and discrimination from outside their communities, usually from mainstream, majority ethnic Khmer people.

This was especially the case for Cham and ethnic Vietnamese women. For Cham women, dressing in a traditionally Muslim style was reported to render them more vulnerable to discrimination, as the following quote demonstrates:

“I feel discriminated against for being a minority woman by outsiders. People see us wearing long clothes and hijabs, so they look down on us... I feel like I do not have rights, or value in their eyes. It makes me upset and has a negative impact on me”- reported by a respondent in the Cham community, in Kampong Chhnang province.

For ethnic Vietnamese women, the pressure to avoid dressing in a noticeably Vietnamese style is also stark. Many respondents reported that they do not feel safe to dress in traditional Vietnamese clothing, even though they would like to. One woman described being ‘afraid’ to dress freely in line with her culture, as follows: “since we live in Cambodia, we should not wear Vietnamese-style long clothes because we are afraid” (said an Ethnic Vietnamese who lives in the floating village).

Concerningly, three ethnic Vietnamese respondents described a fear of judicial harassment by authorities and police, especially in relation to the nón lá, or conical hat. As one woman put it, “Nobody forbids you from wearing nón lá, except the police,” reported by a mixed-race Khmer Vietnamese. Another described confiscation of the hats: “We can dress in the traditional way, but for nón lá, it’ll be confiscated”, while yet another alleged that wearing the hats could lead to arrest – though for what offence is unclear: “For Vietnamese women, we can’t wear traditional dress... we can’t wear non la here. If we are seen doing it, we’ll be arrested”.

This racially-based judicial harassment – whether in the form of arrest or confiscation of clothing items by authorities – constitutes a violation of these women’s rights to freedom of expression and freedom to manifest their culture, religion, or beliefs.¹⁰⁸

Diet

Another area of discrimination described by respondents was related to their diet. This particularly affects Cham women, who reported that their Islamic dietary restrictions are used as the basis for discrimination and verbal abuse by the majority-Khmer population: “When I visit the house of a majority Khmer, they ask me to eat pork, and if I do not eat it, I will be discriminated against” – reported by an-18-year-old student from the Cham community. The fact that the Cham community do not eat pork or dog meat was

¹⁰⁸. Amnesty International (2011) ‘Women’s right to choose their dress, free of coercion,’ available at <<https://www.amnesty.org/es/wp-content/uploads/2021/07/ior400222010en.pdf>>.

raised by numerous participants, including the following 41-year-old who explained that these dietary choices have been used to craft ethnic slurs against their parents and ancestors: “Sometimes, I feel that discrimination from outsiders is still norm. Some mainstream Cambodians used to say that our fathers are dogs, and mothers are pigs.”

Customs

Respondents from across different minority groups (especially Indigenous and Cham communities) reported discrimination on the basis of negative stereotyping about their traditional customs and belief systems. For Cham respondents, this usually centred around accusations of witchcraft and dark magic: “I felt discriminated against by outsiders when I went to work. I was accused of using dark magic” explained a Cham woman who works a garment worker. “They say Cham people know how to do witchcraft, and they do not want to be associated with it,” reported another Cham participant who works as a teacher.

For Indigenous women, this type of discrimination was based on negative stereotypes and harmful misconceptions about traditional rituals:

“I feel discriminated against by outsiders because we are Indigenous. They don’t want to be involved with us as they think we are ugly, have dark skin, and so on. Sometimes, when we get sick, we slaughter cattle as it is our traditional ritual to

heal and improve our wellbeing, but they say, ‘Why don’t you see a doctor instead?’” reported by a 22-year-old Indigenous Tompun in Rattanakiri province.

Harmful racist stereotypes



As the previous quote demonstrates, many of the harmful tropes and racist stereotypes used to discriminate against minority ethnic women are based on physical appearance. This type of discrimination is most starkly observable in the responses from Indigenous women, who described being labelled as ‘ugly,’ ‘dark skinned,’ ‘not as beautiful as Khmer women,’ and ‘unclean.’ These racist and colonially-influenced norms about beauty and appearance were often said to be accompanied by accusations of laziness and a lack of intelligence or education:

“I used to be discriminated against for being an indigenous woman outside the home... mainstream Cambodians say Indigenous women are filthy, uneducated, poor, and lazy. I cannot change mainstream people's perceptions even if I try...”- said a 27-year-old Indigenous Punong woman in Mondulkiri province.

Institutional racism

Some participants spoke of their experiences of being discriminated against while at work, including one ethnic Vietnamese respondent who said she was “not being paid equally to the others” on the basis of her ethnicity. Another respondent, who identifies as Khmer Krom currently living in Phnom Penh, also spoke of her experiences of ethnic discrimination in the workplace. This respondent, who had lived in Cambodia from a young age, had not revealed her ethnic identity at school and so had not been subjected to racism from her peers. However, once she went to work at a garment factory after high school, she had to show her ID card to the human resources officer. This officer then gave her a nickname that allowed everyone to identify her as Khmer Krom. She explained that “I responded that he shouldn’t make fun of my ethnicity because I have the same ancestors as other mainstream Khmer.”

Highlighting the specific challenges for those from the Khmer Krom community in particular (and for some ethnic Vietnamese) the same respondent expressed frustration at her inability to escape discrimination whether living on either side of the border:

“When I was born in Vietnam, I used to be discriminated against for being Cambodian. When I came to Cambodia, I developed the same feelings. People treat me nicely until they discover my ethnicity. [Then] they start to make fun of me and distance themselves from me. It makes me feel uncomfortable and scared to reveal my identity again”- a 36-year-old Khmer Krom woman who is currently a housewife.

As well as in the workplace, another example of structural discrimination can be seen in the following experience described by a Jarai Indigenous woman in Ratanakiri, when she attempted accessing antenatal care:

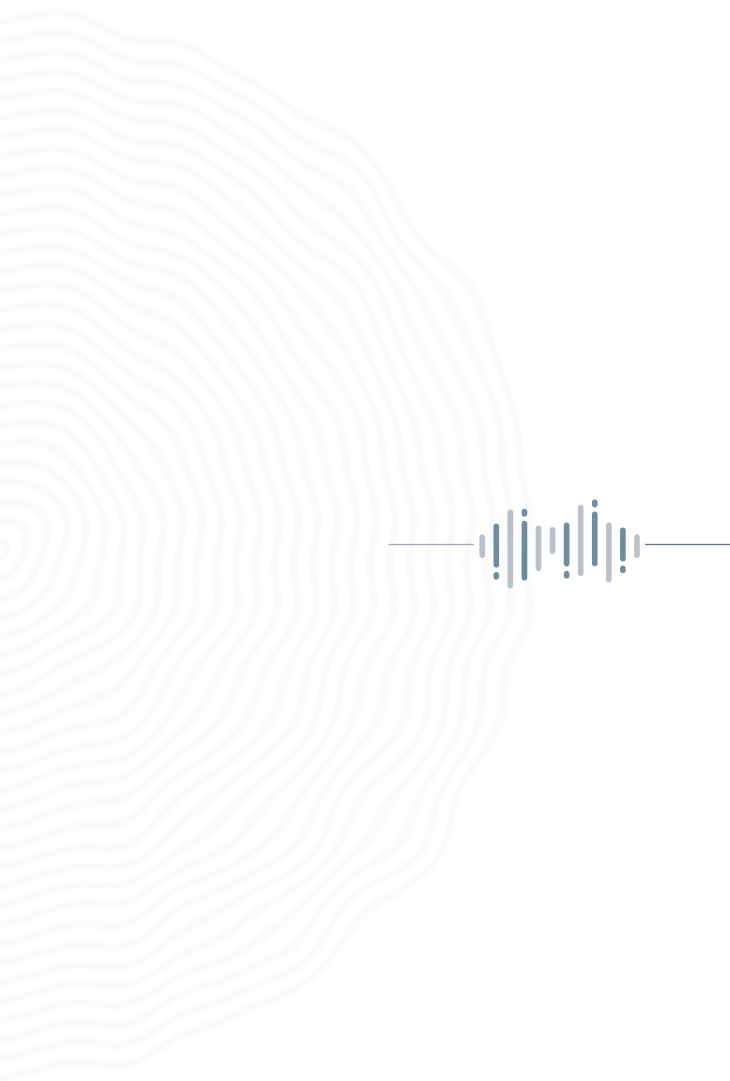
“I have been discriminated against for being an Indigenous woman. I feel excluded by mainstream society. For example, I was discriminated against in a hospital during my pregnancy. I saw a group of physicians laugh at me, and I asked them why they laughed.

They said they laughed because I’d walked to the hospital while pregnant, from far away. No one in the hospital paid attention to me because I used the ID Poor Card. They always rescheduled my appointments from day to day, knowing how hard it was for me to travel from home to the hospital.

One time, my son got a severe fever, and the hospital was hesitant to admit him, saying that my ID Poor Card couldn’t be applied anymore. They advised me to go to a private clinic, knowing I didn’t have money. I forced myself to leave the hospital heartbroken. I had a lot of bitter experiences with the service in the hospital. I don’t know whether it’s because of my wealth or my ethnicity, or both.

I feel proud of my ethnicity. But mainstream Cambodian society does not accept our religious beliefs and cultural practices... They don’t understand our traditions” reported a 40-year-old farmer from Indigenous Jarai community in Rattanakiri province.


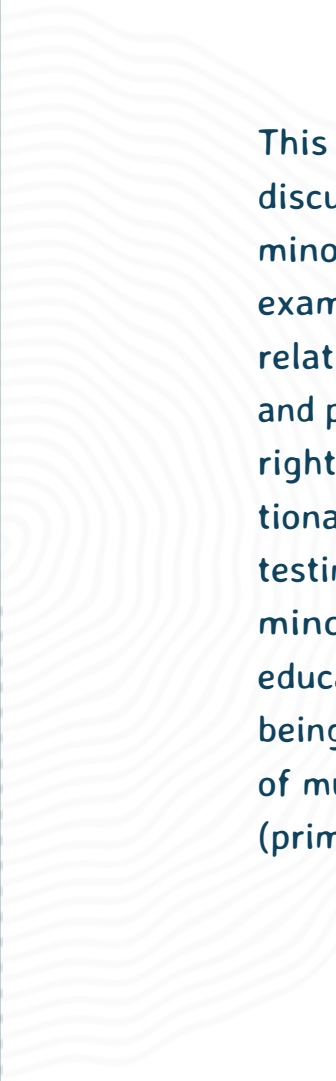
This testimony also highlights the close intersectional relationship between poverty and race. This respondent's experience as a poor Indigenous woman highlights a 'triple oppression' which requires a multidimensional and decolonising approach to intervention. It also highlights that despite the complex and often traumatising forms of oppression faced by minority women – in this case an Indigenous woman – there is nonetheless a strong sense of pride attached to her ethnic identity and traditions.



4.2

Rights

to Inclusive Education
& Public Participation



This section moves from a general discussion of discrimination against minority women to a more specific examination of their experiences in relation to their rights to education and public participation. Each of these rights are firmly set out in international and domestic law, and yet as testimonies in this study make clear, minority women's access to both education and public participation is being unfairly restricted on the basis of multiple aspects of their identities (primarily on the basis of their race/ethnicity and their gender).

4.2.1

Barriers to Quality Inclusive Education

“ I felt discriminated against a lot when I went to school. They’d laugh at me, look down on our language, our bodies, the way we talk, [they’d say] that the Indigenous people don’t get to study much because we came from the forest ”

(a 24-year-old- teacher from Indigenous Punong)

The CEDAW Committee’s 36th General Recommendation on the right of girls and women to education highlights that “education plays a pivotal, transformative and empowering role in promoting human rights values and is recognised as the pathway to gender equality and the empowerment of women.”¹⁰⁹ However, it also recognises the reality that “girls and women are disproportionately discriminated against during the schooling process in terms of access, retention, completion, treatment and learning outcomes, as well as in career choices, resulting in disadvantage beyond schooling and the school environment.”

This subsection will discuss the experiences of minority women in terms of the barriers they face while seeking access to quality education on two fronts: both as women, and as members of minority communities. While the issues discussed have been organised into general themes for ease of reading, it should be noted that they are multi-faceted, intersecting and mutually compounding.

¹⁰⁹. UN CEDAW Committee (2017), General recommendation No. 36 (2017) on the right of girls and women to education, [CEDAW/C/GC/36](#), p. 1.

Barriers to education pertaining to gender inequality

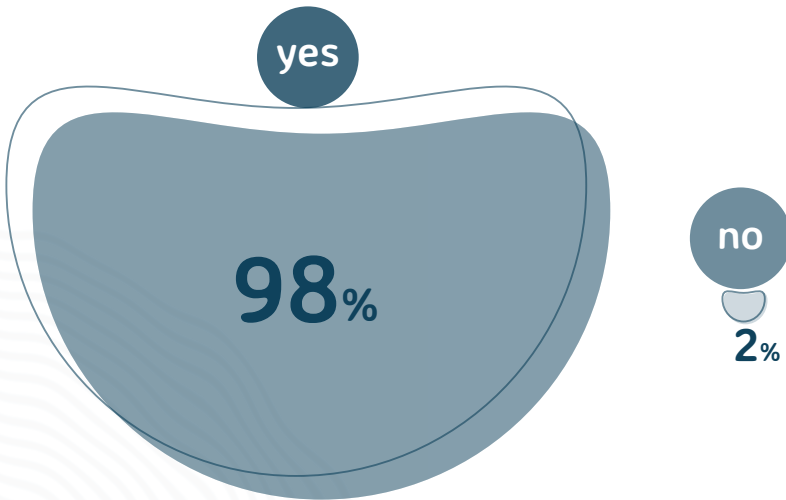
“[...] some parents don’t want women to study far away because they think women will graduate and end up working at home”- reported by a local teacher in Cham community in Kampong Chhnang.

Across all four ethnic backgrounds, numerous participants shared personal experiences of facing barriers to their education that were based purely on their gender. As one ethnic Vietnamese participant put it, “Girls don’t get as many educational opportunities as boys. Girls like me dropped out of school and went to work to earn money”- reported by a local NGO who works with Ethnic Vietnamese community. The same respondent advised that in her community, “most parents encourage their sons to study more than girls.”

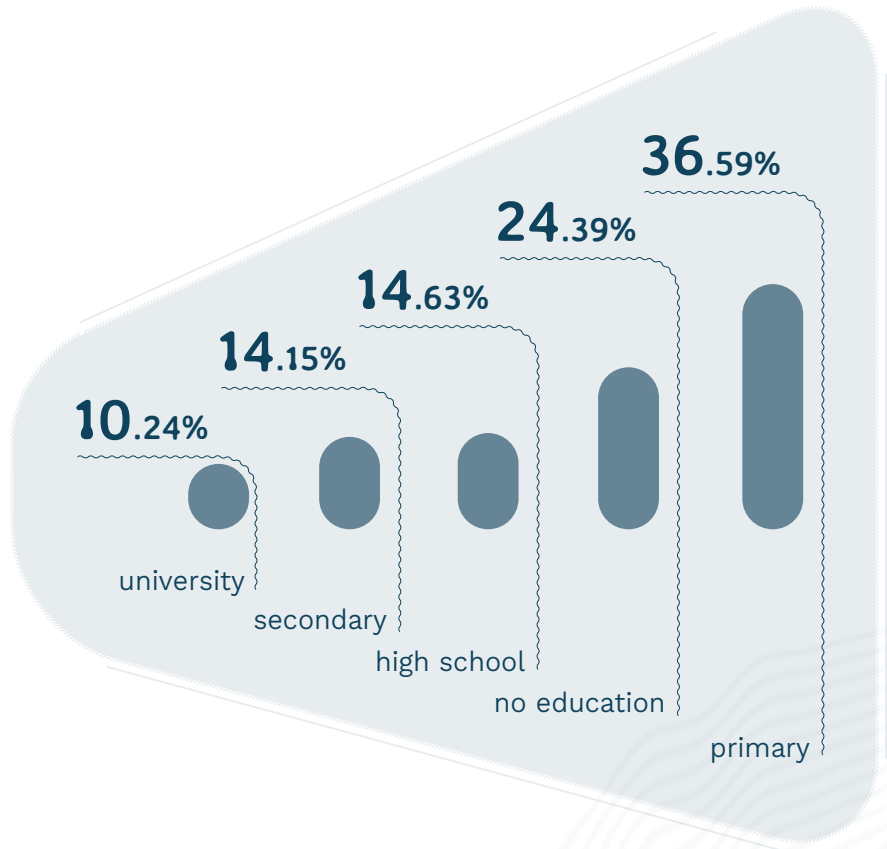
This idea was echoed by a Cham respondent, who similarly advised that where there were financial pressures, parents would choose to take their daughters out of school so that they could earn an income, highlighting the intersection between poverty and gender inequality: “My family only encouraged the boys to study, so all the boys were educated, but they didn’t want us girls to get educated like the boys, and they needed more income [...] so they made me stop studying and get a job to support the family” expressed by a 41-year-old Cham woman who dropped out of school since she was in primary school.

While 98% of research participants acknowledged the importance of education for girls and women, specific barriers hinder their access. Among the five minority communities surveyed in Cambodia, only 10.24% were able to pursue higher education. Additionally, 24.39% did not receive any formal education, and 36.59% were only able to complete primary school (refer to the accompanying graph for details). The subsequent graph will illustrate the discrepancies in educational attainment among minority women across the four different communities studied.

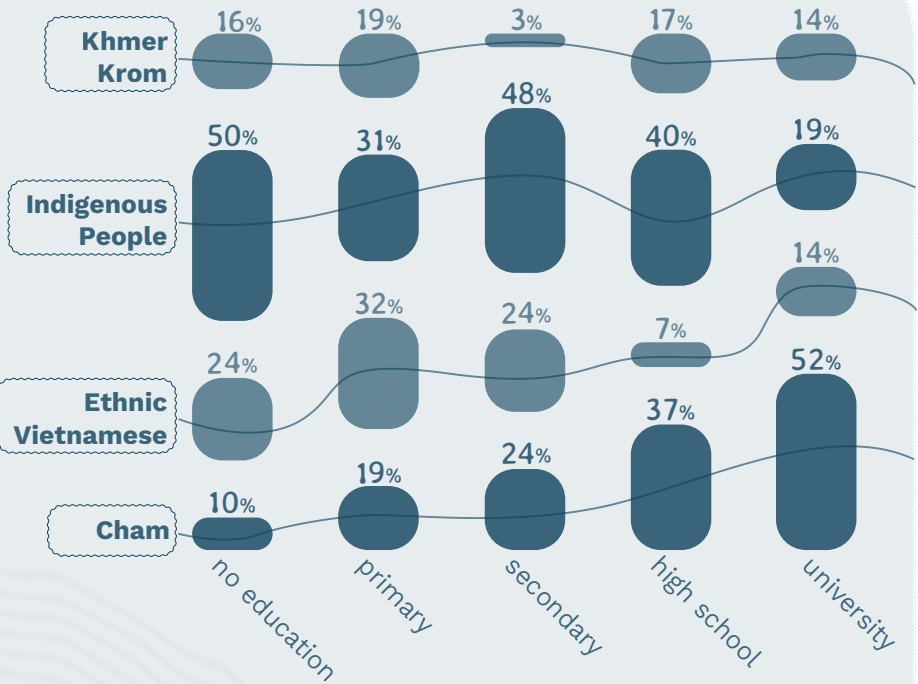
DO YOU THINK EDUCATION FOR GIRLS/WOMEN IS IMPORTANT?



WHAT LEVEL OF EDUCATION YOU WERE ABLE TO RECEIVE? (PRIMARY, SECONDARY, HIGHSCHOOL AND UNIVERSITY?)



WHAT LEVEL OF EDUCATION YOU WERE ABLE TO RECEIVE?



Some explained that the reluctance to encourage girls to pursue an education was at least partially based on concerns about safety, as the following quote from a 63-year-old ethnic Vietnamese participant who received only primary school education shows: “If we don’t have any close relatives [near the school/university], we don’t want our daughters to go to school by themselves. A son would be much easier.” However, most felt that the choice not to educate girls to the same level as boys in minority communities remains primarily down to cultural notions of women being less suited to or worthy of an education:

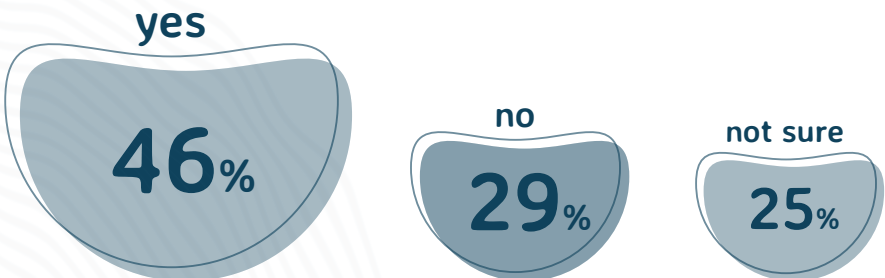
“Women have very little chance to go to school or to be educated like men. My parents and the community think that women don’t have to be anywhere far, they can work at home or stay at home. [They] think that women are weak, and so they don’t have to go anywhere far nor study that much, they can just study for the minimum time and then go to work at the factory afterwards,” said a 22-year-old Cham woman who dropped out of secondary school and is currently working in a garment factory.

Barriers to education pertaining to racial inequality

As well as discrimination based on their sex and gender, minority women also reported multiple types of discrimination at school based on their respective ethnic identities, which impacted on their right to enjoy equal education with their peers. These consisted of racially charged bullying and harassment from other students; discrimination based on religion, dress, or perceived statelessness; and citizenship status.

During this research study, almost half of the research participants experienced discrimination because of their minority status or ethnic backgrounds, as indicated by the data from surveys and testimonies.

HAVE YOU EVER FELT BEING DISCRIMINATED AT SCHOOL BECAUSE OF YOUR MINORITY STATUS?



46% of the minority women who attended school experienced discrimination, while another 25% stated they were unsure because they dropped out of school at an early age and never received any education.

Many women from across the dataset reported that they had felt isolated from their Khmer ethnic majority peers, with one 19-year-old Indigenous participant in Rattanakiri who dropped out when she was in high school providing the following testimony: “I used to feel that I was being discriminated against at school because I’m Indigenous, so nobody wanted to be friends with me”. Another echoed this, saying that “wherever I went, I’d always get discriminated against, with others saying that I looked bad, that I was black, and that I didn’t dress well” (a 22-year-old farmer of indigenous Tompun). Cham respondents, too, described having been bullied on the basis of their appearance by their classmates, with several describing constant discrimination against them for wearing a hijab at school. One teacher who is Cham respondent also reported that as well as her peers, her teachers had also openly used discriminatory language in the classroom: “My teacher said the Cham people have no country, have come to their country, and do not want to follow their rules.”

Barriers to education pertaining to languages used at school

For some participants, language differences acted both as a barrier to accessing education, and the basis for increased discrimination against them. A 27-year-old Indigenous participant who currently works with an NGO, for example, reported that “when I was in junior high school, I wasn’t allowed to speak the Indigenous language.” Another explained that this language barrier meant that they were not able to pursue their education because they didn’t understand what was being taught in the classroom.

Cham participants also described facing difficulties on the basis of language and also religion, with one recalling that “When I was in school, whenever we communicated in Muslim language, everyone would always think that we said bad things about them, and they didn’t like us” (a 33-year-old Cham woman in Kg. Chhnang province). The fear of discrimination on the basis of language ability is so strong for some participants that it led them to avoid enrolling their child in the education system altogether, as the following example from an ethnic Vietnamese participant shows:

“[...] what I’m afraid of is that my child doesn't know how to speak Khmer, so my concern is that if I send my child to Khmer school, they would be scolded by the teacher and won’t be accepted. I was so afraid that I didn’t send my child to Khmer school, even though they had a birth certificate. They could listen to Khmer, but they can’t speak” - a 33-year-old Ethnic Vietnamese woman who mothers to seven children said.

This decision, one with lifelong ramifications for the child in question, highlights the importance and urgency of reducing discrimination against Minority students in the education system.

Barriers to education pertaining to nationality



As will be discussed further in Section 4.5, some Minority groups in Cambodia face particular hardships on the basis of their perceived citizenship and nationality status. Numerous Khmer Krom and ethnic Vietnamese participants highlighted the challenges they faced as students, and/or continue to face now as parents, in accessing mainstream public education in Cambodia:

“I support girls going to school, but obviously my children didn’t go because I don’t even have a family book or ID card since we came to live in Cambodia. That’s why my children can’t go to school like other children. In fact, I really wanted my children to go to school – my eldest daughter is now very old, but she’s still illiterate... I never went to school because it required to have documentation with a specific identity to enrol, so my parents didn’t send me to school” a Khmer Krom woman, who dropped out of primary school and is now a mother to six children, reported.

“Ethnic Vietnamese women lose the opportunity to get equal access to education due to the legal identity barrier. Without a nationality, they cannot register to study in public schools, or

attend any extra-curricular activities outside their community” one of the CSO who works for Ethnic Vietnamese population stated.

These testimonies highlight the urgency required in reforming documentation processes at the local level and ensuring that minority children are not left behind and are able to enjoy their right to access basic education.



4.2.2

Barriers
to Equal Public
Participation

“Men’s perception of women is the barrier to women’s participation in public and political life in my community. Most men think women are incapable of leading the community. The authorities discourage women from political participation by ignoring their voices during public discussions”

a 32-year-old Indigenous Kroeung in Rattanakiri reported.

As the CEDAW Committee’s General Recommendation No. 23 on political and public life highlights: “Despite women’s central role in sustaining the family and society and their contribution to development” they have globally been “excluded from political life and the decision-making process... [and] this exclusion has silenced women’s voices and rendered invisible their contribution and experiences.”¹¹⁰ This exclusion of women (and in particular of minority women), from public participation processes and opportunities is reflected throughout the interview data from across the four ethnic Minority groups represented in this study. This exclusion remains despite the fact that in 2019, the CEDAW Committee issued the following recommendation to the Cambodian government in their concluding observations:

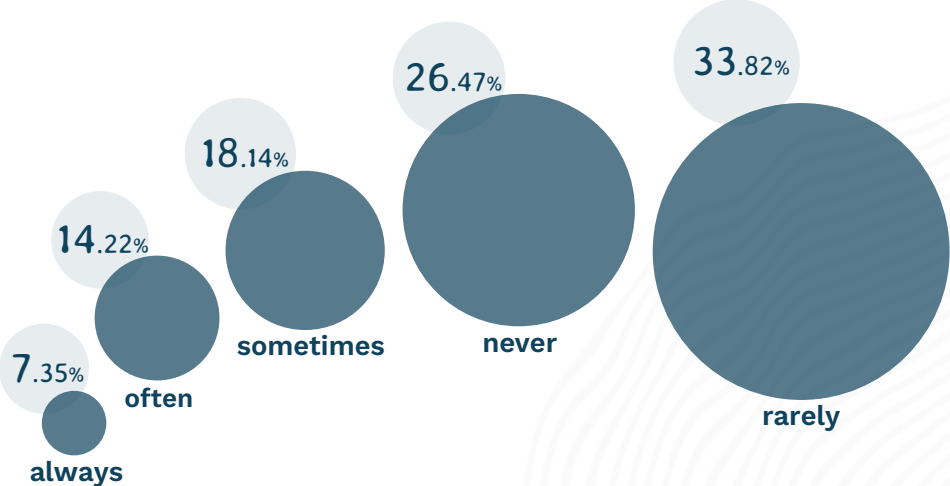
“Create an enabling environment for the participation of women in political and public life, in particular with regard to women belonging to ethnic Minority groups, indigenous

¹¹⁰ UN CEDAW Committee (1997), CEDAW General Recommendation No. 23: Political and Public Life, [A/52/38](#), p. 3.

women and women with disabilities, including by raising awareness among political leaders and the general public that the full, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the rights of women.”¹¹¹

The remainder of this section highlights the nature of public participation exclusion and the impact it has on the lives of minority women who wish for their voices to be heard in public on an equal basis with male (and/or majority ethnic) community members.

HOW OFTEN DO WOMEN IN YOUR COMMUNITY PARTICIPATE IN ADDRESSING COMMUNITY ISSUES OR DEVELOPMENT?



Based on the data collected from each target community, it has been observed that a significant portion of minority women in this research study either never or rarely participate in community development initiatives. This trend can be attributed to various factors, including traditional gender roles, government discouragement of public participation, political sensitivities, and a lack of confidence among participants. Specifically, 26.47% of minority women across the five communities have never engaged in addressing community issues, while 33.82% rarely join such efforts due to the aforementioned reasons.

‘Natural’ gender roles

Firstly, participants reported that as well as the disproportionate unpaid care work burden discussed in section 4.1.2, there are pervasive social norms that hold women and girls to be naturally averse to, uninterested in or unqualified to participate in public politics. For instance, there is reportedly a persistent notion in some Indigenous communities that “politics is just not considered a woman’s thing,” unlike cooking and cleaning (an Indigenous Jarai woman in Rattanakiri expressed). Another respondent, a 22-year-old Cham woman, appeared to express such a view herself, advising that women in her community rarely “get involved in solving community problems [...] they’d prefer to let their men go because men are thinkers, and women are busy at home looking after children.”

¹¹¹ UN CEDAW Committee (2019) ‘Concluding observations on the sixth periodic report of Cambodia,’ [CEDAW/C/KHM/CO/6](#).

Authorities discouraging or prohibiting participation

These social norms and stereotypes were also said to be held by many organisers of public participation events and processes themselves, particularly local authorities. This is despite the fact that the CEDAW Convention prohibits States Parties from engaging “in any act or practice of discrimination against women,” and obliges them to “ensure that public authorities and institutions shall act in conformity with this obligation.”¹¹²

One Indigenous Jarai respondent who worked in a local NGO reported:

“Women in my community rarely participate in addressing community issues or development because the local authorities don’t allow women in the decision-making process. When women participate and express their concerns in the meeting, the authorities ignore them. Sometimes, we are allowed to participate in the meeting, but we have no voice”.

This may come down to the fact that, as a 24-year-old Cham respondent, put it, “the community does not support women’s leadership because people still cannot perceive women as leaders”. This is also reportedly the case in Khmer Krom communities, where women “never participate in addressing community issues or development because the local authority has never invited women to join. The authority only works to find the solution among themselves,” shared by a Khmer Krom respondent who lived in Phnom Penh city. Despite this, many participants did describe a strong willingness to participate and get involved. A 24-year-old housewife Cham

respondent said that while “the local authorities rarely invite women to participate in public meetings,” she “never missed it if they told me I could join, no matter how busy I was.” Similarly, one ethnic Vietnamese participant who lives in the floating village put forward that she “would like to see some encouragement and advocacy from the authorities regarding the benefits of women participating in community work so I can share my concerns.”

Political sensitivities

Some respondents reported that the reluctance or inability of minority women to participate in public with authorities present was due to the political risk inherent in doing so. This was particularly the case for participants from communities affected by land conflict, where “women’s participation is discouraged by authorities, especially on land-related issues” a 26-year-old Indigenous woman who resides in Monduliri province said. Going further, a young woman from Cham community who is currently pursuing higher education in Phnom Penh highlighted that “in some cases, women can put their lives in danger if they participate in the issues around land conflict.”


As well as land conflict, another factor increasing the risks involved in public participation for Minority women is that of citizenship and ID/documentation status. As one Khmer Krom respondent who lived Phnom Penh pointed out, some women “do not have a birth

¹¹². UN CEDAW Convention (1979), above n. 42, Art. 2(b).

certificate or an identity card, so it's guaranteed that [they won't] participate in these things. Every time they're invited to meetings remotely related to politics, women in my community will get scared."

Similarly, it was observed by the local NGO who works on human rights that "ethnic Vietnamese women are not confident to express their concerns to the public because some families are without legal documents... [and so] are living in Cambodia illegally. The barrier to their public participation is the lack of legal identity allowing them to belong to one nation."

Barriers to public participation _____ **pertaining to women's self-confidence**



The final barrier reported by participants in relation to their right to equal participation in political life was that of women's own self-confidence and self-worth. Many described this as women simply 'lacking courage' or failing to be 'brave enough.' However, it is worth considering such perceptions within their enveloping cultural contexts, and the fact that these are contexts where, as has been discussed throughout this study, women and girls are encouraged from birth to remain quiet, softly spoken and to cede decision-making control to male family and community members. For example, a 40-year-old Cham respondent who works as garment worker articulated the following: "The minority women in my village are not as brave in public speaking as men" However, she then

immediately goes on to explain that this is because “when we talk out loud, they look down on us and give us little support because we are women. When we have feedback, most people do not pay much attention to us or really listen.”

One Indigenous respondent in Rattanakiri province highlighted similar concerns, explaining that “women in the village are generally not as brave and dare to speak publicly as the men.” She goes on to point out that this is “because they are afraid (of saying the wrong thing and getting laughed at) and embarrassed.” In turn, she argues that this “makes women depressed, frustrated and lacking self-confidence due to lack of support from outsiders and people around them.”

Despite this, and despite the “negative perception of Indigenous women that they cannot do bigger tasks,” the same respondent argued that women would keep coming forward – and in increasing numbers – to participate publicly, because inside, “they are brave, and they know their story and their needs... they’re determined to speak so that the public is aware of their concerns.”

This quote, and all of the findings in this section have highlighted the need for urgent action at the local level to create an enabling environment for the participation of minority women in political and public life.



4.3

A stylized letter 'C' composed of multiple overlapping, hand-drawn white lines, creating a circular, textured effect.

Citizenship & Identity Rights

“The Committee... remains concerned about reports of difficulties faced by ethnic Vietnamese and Khmer Krom women in obtaining birth certificates for their children born in Cambodia, as well as national identity cards for themselves, which prevents them and their children from gaining access to education, employment, health care and housing. It also expresses concern about the lack of sufficient safeguards to ensure that children born in Cambodia who would otherwise be stateless can acquire Cambodian nationality and have access to identity documents”
(UN CEDAW Committee, 2019).¹¹³

While facing the same problems and challenges as other minority groups, the difficulty of obtaining legal identity documentation is a specific issue faced by ethnic Vietnamese and Khmer Krom women. The historical background between Cambodia and Vietnam has generated discrimination and marginalisation against both the ethnic Vietnamese population, as well as against the Khmer Krom community in Cambodia. People with these ethnic identities – particularly those without recognised documentation – therefore face significant barriers, such as being unable to go to school and work, owning property, being exposed to fraud, and living in fear.

¹¹³. UN CEDAW Committee (2019) above n. 60, p. 10.

In their 2019 concluding observations, the CEDAW Committee recommended that the Cambodian government should take the following steps to address the issue:

(a) Ensure access to Cambodian nationality for all ethnic minority women who meet the conditions for acquiring nationality, particularly women of Vietnamese origin and Khmer Krom women, and ensure that they have access to education, employment, health care and housing;

(b) Facilitate access to identity documentation and birth registration and certificates by stateless women and their children and ensure that government officials do not confiscate documents during the process of registration;

(c) Ratify the Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.¹¹⁴

Despite this, little progress has been made towards facilitating access to identity documentation at the local level. Previous research has shown that legal precarity and the lack of proper documentation to confirm identity can leave ethnic Vietnamese and Khmer Krom women and girls in a particularly marginalised situation without access to public services, healthcare, and even education.¹¹⁵ These findings are supported by the empirical data gathered in this study, which give additional insight into the practical hardships and complications that come with intergenerational legal precarity.



114. Ibid.

115. WPM (2022), above n. 4, p. 129.

4.3.1

A stylized white letter 'L' is enclosed within a circular graphic composed of multiple overlapping, slightly offset lines, creating a sense of motion or a ripple effect.

Legal Precarity Among Khmer Krom Women



I am Khmer Krom. I do not hold legal documents from Cambodia, but I have a Vietnamese ID card. Without a Cambodian nationality, I do not have the right to vote or do many things. It makes me feel like I do not belong here ११

expressed a 38-year-old Khmer Krom woman who lived in Phnom Penh

Fortunately, the majority (22 out of 31) or 71% percent of the Khmer Krom respondents in this study reported that they and their family do have proof of legal identity and Cambodian nationality. For example, a 70-year-old Khmer Krom woman reported that she and her family have “all the legal documents,” and that “the local authorities authorised everything for my family and me without any payments”. Another respondent from the same community explained that her family “moved to Cambodia when I was born. They changed their residence from Vietnam to Cambodia to get Khmer ID cards. So, my family members have Cambodian nationality.”

However, while the process was relatively smooth for the above respondents, there were still a number of Khmer Krom participants in this study who reported enduring legal precarity because of their inability to obtain the documentation to prove their identities as Cambodian nationals. Legally, Khmer Krom from Vietnam are ostensibly to be automatically welcomed into Cambodia as Cambodian citizens, as confirmed by “numerous government officials in official

documents, public speeches, and declarations.”¹¹⁶

The reality, however, is that many Khmer Krom residents in Cambodia are unable to access proper identification documents due to numerous factors at the local issuing level. Some are perceived as Vietnamese rather than Khmer when applying for ID with local authorities, even when presenting the proper documentation. This is sometimes seen as part of a broader pattern of discrimination towards Khmer Krom who have chosen to migrate to Cambodia.¹¹⁷

While Khmer Krom are not an ethnic minority group in the same way as the other three groups represented in this study (given that they are ethnically Khmer), their migratory journey and experiences of collective marginalisation and systemic discrimination over generations has led to their becoming a cultural minority, situated between Vietnam and Cambodia and yet in many ways, existing outside of both.

For instance, a 25-year-old Khmer Krom participant who was born in the historically Khmer territory of Kampuchea Krom, now part of modern-day Vietnam, told how she had been unable to renew her legal documentation despite the proclamations and declarations at the highest levels of government that she is effectively –and has been since birth – a Cambodian: “I used to hold a Khmer ID card, but the local authorities would not renew it for me because they said I was Vietnamese. Without a nationality, it is not easy to live”. Similarly, another participant explained the frustration of being continually denied access to legal documentation despite persistent

¹¹⁶. WPM (2022), above n. 4, p. 207.

¹¹⁷. Ibid.

attempts to secure proof of Cambodian nationality for herself and her family:

“I do not hold a Khmer ID card or other legal documents. I made a request to the local authority to authorise legal documents for my family and me several times, but they did not accept my requests. They responded that my family does not have a Permanent Resident Card (we stay in a rented room), so they cannot provide me with a Khmer ID card,” said a 53-year-old Khmer Krom woman who picks scrap to support her daily life.

These testimonies highlight the disconnect between the statements made at the ministerial level, and the practical issuance of the required documentation at the local level. This disconnect was previously observed in the 3rd cycle Universal Periodic Review of 2018, in a joint submission by civil society which identified this lack of access to regular citizenship rights as a “gap between the high-level statements of the Royal Government of Cambodia and their implementation at the local level.”¹¹⁸

The impact of this legal precarity runs deep for those affected. A 38-year-old Khmer Krom participant in Siem Reap who failed to obtain any legal documents described how she does not “have the right to own property,” and lives “in constant fear.” While her children were born in Cambodia and she was able to secure ID cards for them, she reported feeling afraid that she would eventually face deportation and would be forcibly separated from them: “[without]

118. “Gender and Women’s Rights,” Factsheet for UPR 2018: Cambodia, 3rd Cycle Universal Periodic Review, available online: <https://www.upr-info.org/sites/default/files/general-document/pdf/final_versions_merged.pdf>.

legal documents in Cambodia... I am scared that the government will kick me out of this country, the place I called home, one day". As well as the fear of deportation and the inability to own property, undocumented Khmer Krom respondents described numerous other types of discrimination levelled against them because of the fact that "[as well as the authorities], mainstream Cambodians do not accept us as Cambodian citizens either". For example, one woman described how "Without a nationality," her children "cannot go to work at a good place for a good salary [because] no workplace will accept them as employees [without] legal documents." The same participant lamented that "I feel like I cannot do anything without these documents".

Another 35-year-old Khmer Krom participant who lived in Siem Reap province advised that while her family all have sufficient documentation because her husband "is Cambodian," for herself, "without a nationality," she "cannot go to work outside to earn extra income to support my family." As well as this structural discrimination, she described the hurt and frustration she felt at being perpetually seen as an outsider: "I face discrimination everywhere. Some people asked where I belonged, not a Khmer or Vietnamese citizen".



4.3.2

A stylized letter 'L' is enclosed within a circular shape formed by multiple overlapping, slightly offset lines, creating a sense of motion or a hand-drawn effect.

Legal precarity
Ethnic Vietnamese Women

“

I am an ethnic Vietnamese woman born and raised in Cambodia, the fourth generation of my family, but I don't have a Khmer ID card or a birth certificate. I only hold a Permanent Resident Card. I have just been relocated here [the floating village] by local authorities. I do not have equal rights compared to other ethnicities, not even the right to own assets. My current situation also disadvantages my children. Living here without a nationality is a nightmare for me

”

said an Ethnic Vietnamese participant who has been living in the floating village as the fourth generation of her family in Cambodia.

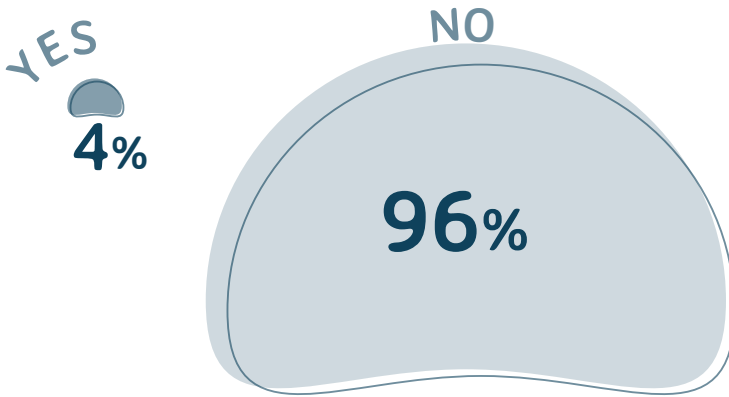
As with the Khmer Krom respondents in this study, some of the ethnic Vietnamese women interviewed reported that they have been successful in obtaining citizenship. One such respondent advised that she had “dual nationalities, Khmer and Vietnamese.” Part of the third generation of her family living in Cambodia, she also reported that her family members “have all the legal documents, which makes life easier,” said a 27-year-old mixed-race Khmer-Vietnam participant who lives in Kampong Chhnang province.

**PERCENTAGE OF OVERALL ETHNIC VIETNAMESE
RESPONDENTS WITHOUT BIRTH
CERTIFICATE AND ID CARD**



However, out of the 48 ethnic Vietnamese participants surveyed, 41 were born in Cambodia. Strikingly, a significant portion of these individuals 68% did not possess birth certificate while 63% noted difficulties in obtaining Khmer ID cards. Particularly noteworthy is that, within those who had difficulties in obtaining ID cards, 91% reside in the floating village of Kampong Chhnang province.

**PERCENTAGE OF ETHNIC VIETNAMESE
REPDONDENTS IN KAMPONG CHHNANG WHO
WERE BORN IN CAMBODIA AND HAVE OR DO
NOT HAVE BIRTH CERTIFICATE**



While Cambodian law allows children of foreign residents living legally in Cambodia to register their birth and receive a birth certificate, the majority of children from boat communities cannot access them.¹¹⁹ Noticeably, among 23 Ethnic minority Vietnamese respondents from the floating village, 22 were born in Cambodia and have family living in Cambodia since the 1960s. Only one respondent among the 23 possesses a birth certificate because she is a mixed Khmer Vietnamese and the rest do not. Legal precarity exacerbated by discriminatory practices underscores the need for legislative reform.

¹¹⁹. WPM (2022), above n. 4, p. 109.

One 19-year-old ethnic Vietnamese participant residing in the floating village described how holding one of the newly issued permanent resident cards, instead of proof of Cambodian nationality, is grossly insufficient in terms of providing protection from statelessness:

“I am an ethnic Vietnamese woman born and raised in Cambodia. My ancestors moved here during the 1960s. I am the fourth generation living here. I do not have a Khmer ID card or a birth certificate, I only hold a permanent resident card. Without a nationality, I do not have freedom of movement. It is like living in prison for me”.

Another ethnic Vietnamese participant who worked as a fisherwoman with a permanent resident card provided a similar account: “I was born and raised in Cambodia, but I do not have a Khmer ID card or a birth certificate. I only hold a permanent resident card. I am the fourth generation living here. Without a nationality, it affects my life seriously.” The same participant also described being forcibly relocated by authorities, who she alleges then went on to destroy her home. Such experiences were reported by numerous ethnic Vietnamese respondents in this study, and have had enormous impacts on their rights, livelihoods, and wellbeing: “[...] my family has been relocated several times to several places. I could not do anything besides watch the local authorities demolish my home. These are the consequences that I must bear for not having a nationality.”. Such forcible relocation was described by another participant as ‘life-threatening’:

“Without an ID card, my life is threatened. My family has had to move from one place to another. For example, when I lived near the border, the authorities forced us to relocate our home to the land. When we moved to the land, the authorities forced us to move back to live on the water. We have been relocated three times already”- reported by individuals of mixed Khmer-Vietnamese heritage who were born in Cambodia.

As well as forcible relocation and property damage/demolition, multiple undocumented ethnic Vietnamese respondents described restrictions on their freedom of movement by authorities:

“Some Ethnic Vietnamese families do not have even one legal document, no matter how long they have been in Cambodia. Without legal documents, life is not easy for ethnic Vietnamese women. They do not have freedom of movement. They can only request the local authorities to authorise their travel within the community. The local authorities will question them if they want to go far from their community”- according to a key informant who have been working closely with long term ethnic minority Vietnamese community.

Ethnic minority Vietnamese women encounter a multitude of intersectional challenges when it comes to obtaining legal identity, spanning from access to education, public services, to navigating legal marriages. Another recurring issue reported by ethnic Vietnamese respondents in this study was their community’s vulnerability to fraud. This vulnerability is a direct result of their lack of nationality, which in turn prevents them from purchasing property

under their own names. A 30-year-old participant, born and raised in Cambodia, and having four generations of family residing in the country, illustrated this in the following account: demonstrated this in the following account: “As an ethnic Vietnamese woman, I am easily exposed to fraud – since I can’t own land or motorbikes, I have to use someone else’s documents to buy property. Some fraudsters took our property away from us since it has their names on them”. Similarly, another respondent advised that one of her neighbours “was defrauded”, and the perpetrators stole her brand-new motorbike: “In this case, she used his Khmer ID card to buy a motorbike, and he didn’t give it to her. She cannot use any legal services to report him because they bought the motorbike under the perpetrator's ownership”.

The experiences shared by ethnic Vietnamese women living in Cambodia without documentation paint a picture of precarity, frustration and marginalisation. They highlight the urgency required in addressing the risk of statelessness and discrimination against the long-term ethnic Vietnamese population in Cambodia. As a final testimony shows:

“I am half-Vietnamese. I moved to this floating village in 2019 because I was asked to move by the authorities. I used to have a home here, but the local authorities destroyed my home. Now, my family must stay in a boat. Living here has not been easy for me. My children and I have both birth certificates and Cambodia ID cards,” a 33-year-old mother of seven children residing in a floating village reported.

Thus, discrimination against ethnic Vietnamese people reportedly runs deeper than their lack of legal identity, and a holistic approach to eliminating racially based discrimination at the local level is required to prevent the ongoing, intergenerational marginalisation and suffering described by ethnic Vietnamese women participants in this study.



4.4

Freedom
from Gender-Based Violence



I've been a victim of abuse countless times. For the last 10 years, my family has never known the word 'happiness.' [...]For me, wealth is not important. All I am asking for is happiness, a smile in the family, and no violence. Others can have all the wealth”

a testimony from a 40-year-old Indigenous Jarai in Rattanakiri province.

Introduction



The right to live free from gender-based violence (GBV), including intimate partner violence (IPV) and sexual violence, is a fundamental human right. Previous research has found that the root causes of GBV in Cambodia are “unequal power relations between men and women in the public and domestic spheres, which are perpetuated by discriminatory social norms, poverty, and a dysfunctional and sexist rule of law.”¹²⁰

In 2019, the CEDAW Committee’s concluding observations for Cambodia contained a list of concerns specifically in relation to GBV against women, which included the following:

- (a) Social norms that justify gender-based violence against women and girls and blame the victim rather than the perpetrator, and the high prevalence

¹²⁰. Diokno, M. & Bunn, R. (2021) above n. 5.

of such violence, in particular domestic violence, as well as rape, including gang rape...

(b) The fact that the [Domestic Violence Law] provides for mediation and reconciliation for “minor” cases of physical and sexual violence and all cases of emotional and economic violence and that informal reconciliation by community members without any formal training remains the primary means of resolving cases of domestic violence.

(c) The inadequate provision of essential services and support to victims/survivors of domestic violence, particularly in rural areas.¹²¹

Testimony from minority women and girls collected for this study echoed many of the CEDAW Committee’s above concerns. As such, this section contains analysis of three interrelated issues: It begins with an examination of GBV/IPV at home and in the community, as described first-hand by minority women survivors. It shows that not only do many of these women face the daily risk of physical violence, but that this is accompanied by other forms of abuse including psychological, economic, and emotional abuse. As well as violence perpetrated against them inside their homes, women also fear violence (especially sexual violence and harassment) outside in the community.

¹²¹ UN CEDAW Committee (2019) above n. 60.

The second sub-section concerns a serious and widespread lack of access to justice for minority women survivors of violence in Cambodia. It is already well-documented that existing laws concerning GBV and IPV in Cambodia are often incorrectly interpreted and implemented.¹²² Confusion around the permissibility of alternative dispute resolution (ADR) practice in cases of GBV remains compounded by a lack of effective guidance and instruction available to local authorities. This section contains testimony by minority women survivors who have had their cases settled at the local level, and who either chose not to or were unable to pursue a criminal case through the formal justice system. It also contains a brief discussion of the availability of safe shelters and other support services for GBV survivors at the local level. The third and final sub-section concerns the impact of a reported lack of GBV-related education and awareness within minority communities.



¹²² Women Peace Makers et al (2020), 'Preserving Harmony or Preventing Justice?' A study of local dispute resolution practices in cases of domestic and intimate partner violence in Cambodia, available online: <<https://bit.ly/37gwsrL>>.

4.4.1

GBV/IPV

at Home and in the
Community

“When we saw him drinking, we knew what was coming. We could not eat, nor sleep, because we were always afraid”

a 24-year-old married Indigenous Punong woman who is currently a housewife and a mother to one kid.

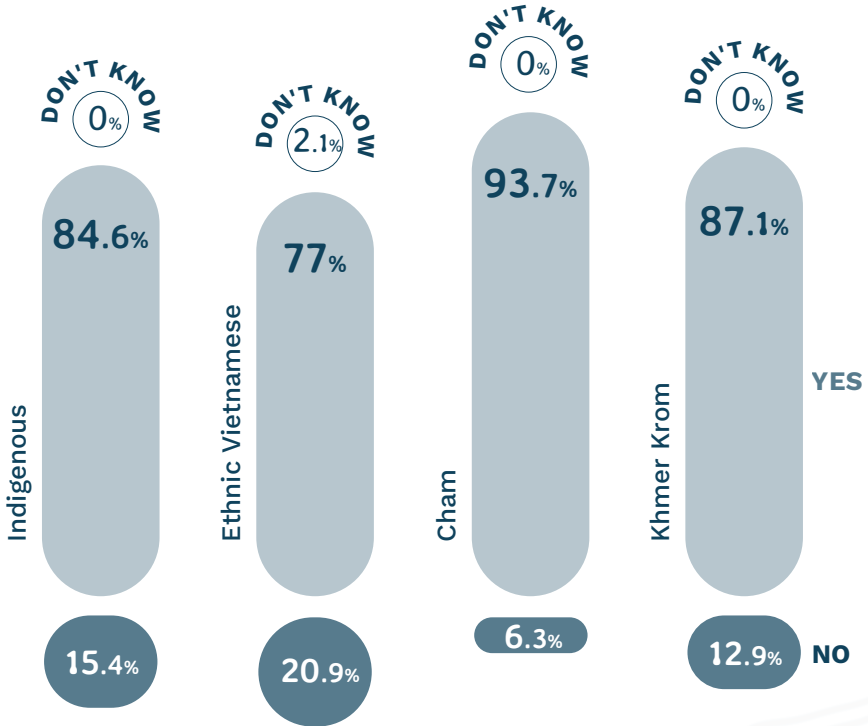
Reflecting the CEDAW Committee’s General Recommendation No. 39, gender-based violence against Minority women and girls in Cambodia is indeed both “widespread” and “often treated with impunity.”¹²³ Likewise, previous research in Cambodia has found that “persistent discriminatory gender and racial stereotypes among various stakeholders appear to hinder effective responses and prevention measures.”¹²⁴

The stories from minority women told during interviews for this study paint a harrowing picture of widespread and largely unchecked male violence against women and children. The survey respondents revealed that out of 205 participants from minority groups, 175 agreed that domestic violence is a problem in their community. Here are the statistics regarding the perception of domestic violence among different groups:

¹²³. UN CEDAW Committee, above n. 46.

¹²⁴. Diokno & Bunn, above n. 5

DO YOU THINK DOMESTIC VIOLENCE IS A PROBLEM IN YOUR COMMUNITY?



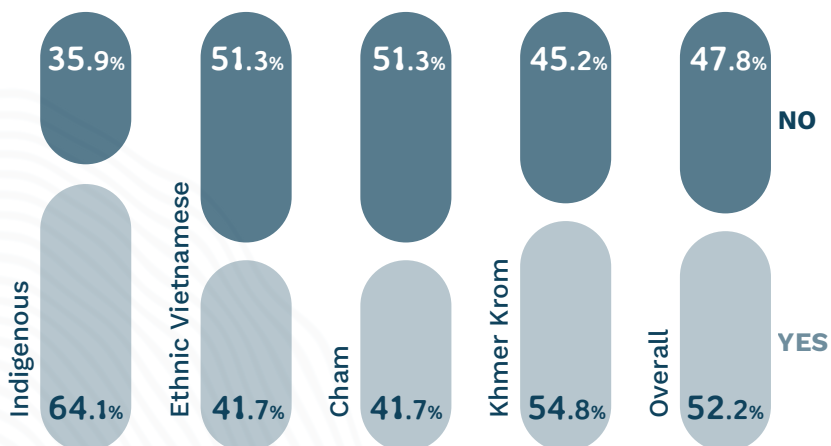
- Among Indigenous women in this study, 66 out of 78 respondents, or 84.60%, expressed that domestic violence is indeed a problem in their community.

- For Ethnic Vietnamese women, 37 out of 48 respondents, or 77%, reported that domestic violence is indeed a problem in their community.

- Among Cham participants, 45 out of 48 respondents, or 93.70%, agreed that domestic violence is indeed a problem in their community.
- For Khmer Krom respondents, 27 out of 31, or 87.10%, acknowledged that domestic violence is indeed a problem in their community.

Furthermore, the respondents indicated that 52.20% of all participants have either personally experienced or witnessed family members experiencing domestic violence. According to the study's findings, Indigenous women have the highest prevalence of experiencing or witnessing domestic violence among minority groups, at 64.10%, followed by Khmer Krom at 54.80%, Ethnic Vietnamese at 41.70%, and Cham at 41.70%.

HAVE YOU OR ANY OF YOUR FAMILY MEMBERS EXPERIENCED DOMESTIC VIOLENCE?



The data contained dozens of accounts detailing women’s personal experiences of physical, psychological, emotional, financial, and other forms of abuse. These stories featured across the dataset, from women of all age groups, locations, and ethnic backgrounds.

For example, a 40-year-old Indigenous woman and a mother to five children who worked as a farmer in Rattanakiri province described how her husband had perpetrated severe violence against her while she was pregnant with their child, which left her with life-threatening injuries:

“One day when I was three months pregnant, I was coming home from the farm and heard that my husband was arguing with a neighbour. I rushed [over] and asked him to come home. He recoiled abruptly, punching me against the house and knocking me unconscious. If the neighbours hadn’t called for an ambulance, I would not have survived. As for my husband, he went home like nothing had happened and did not care about me. Every time he used violence against me, I never knew what I did wrong or the reason why”.

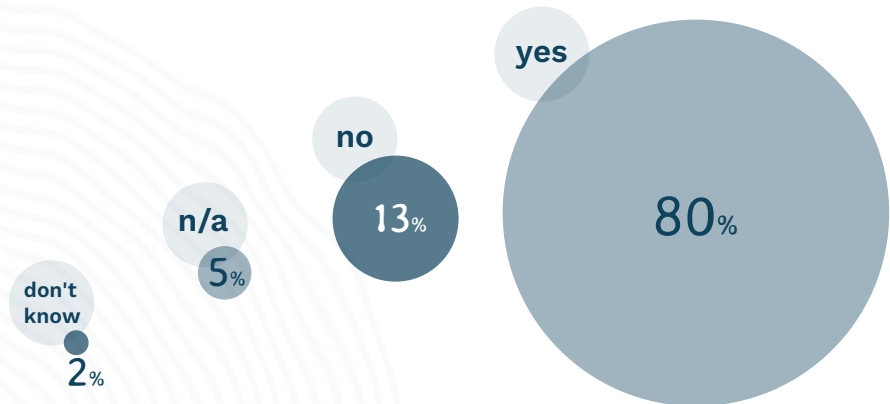
Respondents put forward a range of risk factors that they believed would increase the likelihood that a man in the community would perpetrate violence against his partner. These included financial difficulties, especially in circumstances involving microfinance, gambling or other forms of debt; alcohol and drug consumption; unemployment, and lack of education. A 17-year-old ethnic Vietnamese respondent argued that: “In my opinion, the perpetrators of violence against women in the community are drug addicts and alcoholics”.

Spousal rape

A concerning feature of the data was the recurring discussion of spousal rape, and the high degree of normalisation surrounding this type of violence. Some women mentioned being raped by their husbands or coerced into sex without their full consent in a variety of different contexts, for instance after having recently giving birth and while still healing from physical birth trauma; while feeling sick (including pregnancy-related nausea) or having a headache; being too tired from long hours of unpaid and paid work; being heavily pregnant; or simply not wanting to.

Of the survey participants, 80% agreed that a married woman can refuse to have sex with her husband, while 13% expressed disagreement with this statement. Furthermore, 7% of respondents opted not to provide an opinion on the matter.

IN YOUR OPINION, CAN A MARRIED WOMAN REFUSE TO HAVE SEX WITH HER HUSBAND?



While numerous respondents described being raped or “forced against my will”, others discussed giving their consent only because of threats or fear that violence against them would ensue: “When we refuse to sleep with [our husbands], they turn violent toward us” reported by an Indigenous Jarai housewife; “I would just give him what he wanted because I didn’t want to cause any trouble”- said a 40-year-old Khmer Krom woman who is a mother to six children.

It is important to note here that under Cambodian law, sexual intercourse involving coercion is considered rape.¹²⁵ The UN CEDAW Committee have also provided the following guidance to States Parties in their General Recommendation No. 35 on GBV against women:

(e) Ensure that... the definition of sexual crimes, including marital and acquaintance or date rape, is based on the lack of freely given consent and takes into account coercive circumstances. ¹²⁶

Despite the fact that sexual penetration involving coercion is considered a crime in Cambodia, the data in this study indicates that it is often considered normal part of marital life within Minority communities. For instance, the following 20-year-old unmarried Cham respondent describes a concerning perception that a Cham woman is automatically unable to withhold consent once married:

¹²⁵. Article 239 of Cambodia’s Criminal Code defines rape as constituting ‘any act of sexual penetration... committed against another person of either sex by violence, coercion, threat or by being opportunistic.’ However, it currently lacks explicit mention of consent.

¹²⁶. UN CEDAW Committee (2017) General Recommendation No. 35 on Gender-Based Violence Against Women, [CEDAW/C/GC/35](#), p. 12.

“a married woman cannot refuse to have sex, because the husband has rights over the wife’s body. Although she feels unwell, she cannot refuse her husband”. Another married Cham respondent who worked in a garment factory in Kampong Chhnang province echoed this view while adding that there is a persistent element of fear at play that further undermines the principle of ‘freely given consent’ as stipulated by CEDAW above: “A married woman cannot refuse to have sex, because they are afraid of the husband – husbands hold power in the family”.

Another testimony comes from a Khmer Krom woman, a mother to 19 children, who has experienced gender-based violence, particularly sexual violence:

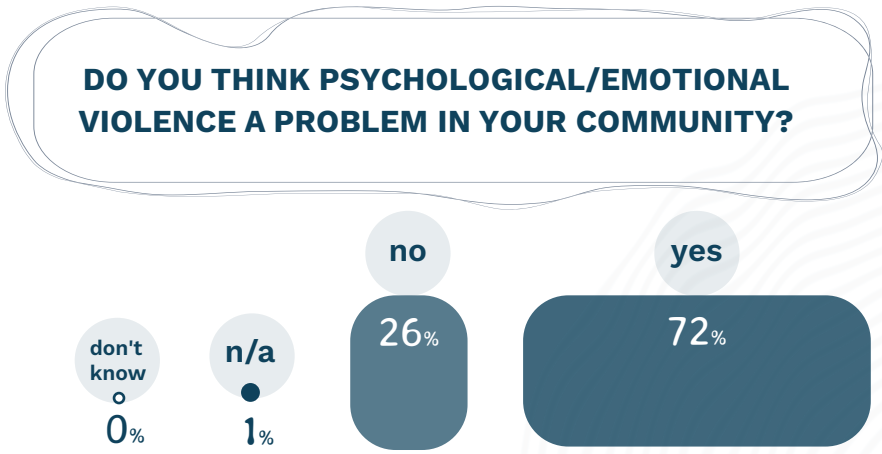
“In the past, I have experienced sexual violence. Whenever my husband was intoxicated, he would pressure me for sexual activity. Refusal led to threats of yelling at the children, citing the cramped living conditions in our room. Fearing embarrassment and conflict, I often complied with his demands, even when unwell or after childbirth.”

A 24-year old Indigenous respondent who is a teacher in Mondulkiri offered an example of why these feelings of fear are pervasive in marital relationships, explaining that in her community “...there was a recent case in which a wife refused to sleep with her husband, and her husband choked her”. Compounding this situation, participants from across all four ethnic backgrounds also reported that women who decline to have sex with their husbands can face backlash not only in the form of spousal violence, but also shame from the wider community. A 34-year-old Cham respondent explained that “If a

woman refuses to have sex with her husband, the community think she may be having an affair with another man”, while an Indigenous respondent spoke of family members becoming involved: “In my opinion, a married woman cannot refuse to have sex with her husband/partner. She can refuse to have sex with her husband for a week, at most. If it’s more than that, the husband will complain to the family [and] it will lead to bigger problems” - reported by a 25-year-old Indigenous Punong who is currently a housewife and mother to one child.

Psychological & emotional abuse

In addition to intimate partner violence (IPV) in the form of physical and sexual violence, many participants also recounted experiences of psychological and emotional abuse. Among minority women, 72% of the interview respondents agreed that psychological violence is a prevalent issue in their respective communities, whether they have personally experienced it or witnessed it occurring in their surroundings.



One ethnic Vietnamese participant highlighted how common these experiences are: “Psychological abuse is a problem in the community because it happens so often” expressed by a 33-year-old mother to seven children living in floating village, while another described the long-lasting impact of this type of violence on the women in her (Ethnic Vietnamese) community:

“If we are abused emotionally, we can develop depression, trauma, and a lack of focus, and it can leave irreversible scars on us... My husband... would get angry and verbally abuse my feelings, making my life miserable. Even if he did not inflict any pain on me physically, it severely impacted my mental health” - reported by a 36-year-old individual of mixed Khmer Vietnamese heritage residing in Kandal province.

Economic violence

Many of the same risk factors noted earlier in relation to physical forms of IPV were again referenced in respondent descriptions of financial abuse. The following quote, for example, describes how alcohol abuse often features in the perpetration of economic violence in the Cham community: “When my father has money, he doesn’t give it to me or my mother, he doesn’t care about his family. He keeps it all to himself and uses it to buy liquor. He never thinks about sharing it” - reported a 33-year-old Cham woman who lived with her parents in Kampong Chhnang province.

Stigma and victim-blaming

Survivors of gender-based violence in this study reported feelings of stigmatisation from other community members. Many described hiding their experiences of sexual violence in particular – whether in the form of spousal rape or sexual violence outside the home – due to the judgement they felt they would receive by fellow community. Interviews with survivors also suggest that stigma has negative effects on survivors’ mental health and hinders their education and social life: “In my opinion, as a community, when sexual violence happens to a woman, she is discriminated against simply because she was raped”. As noted by the CEDAW Committee in their 2019 concluding observations, social and cultural stigma remains a persistent barrier to access to justice in Cambodia.¹²⁷ against simply because she was raped.” - a 22-year-old Indigenous Punong woman said.

Targeting on the basis of ethnicity

While most experiences of GBV reported by participants were perpetrated by fellow community members (most often their husbands), several also described having been targeted by ‘outsiders’ from the Khmer ethnic majority. A 27-year-old Indigenous participant who is currently severing as an employee in a local NGO described this as follows: “Sexual harassment against Indigenous girls and women has become common because of outsiders, such as migrants who come to work in a village inhabited by Indigenous people”. A 36-year-old Khmer Krom respondent residing in Phnom Penh echoed this notion,

¹²⁷. UN CEDAW Committee (2019) above n. 60.

explaining that “There have been cases of abuse by strangers here. Most of the perpetrators are migrant construction workers”. Rather than coincidence, some participants expressed that the targeting of minority (in this case, Indigenous) women and girls is deliberate and based on their ethnic identity: “When an Indigenous woman or girl goes out of her village or community... harassment from friends, colleagues, and non-Indigenous travel companions is common when they know that she is from an indigenous community.”



4.4.2

Lack

of Access to Justice and
Support Services

“...for women in my village, I don't know if they dare to report violence against them. It can be difficult to catch the perpetrators because the society is filled with corruption. If a woman has a problem with someone who has power, it will be difficult for them to get justice”
a 41-year-old Cham woman stated.

This section examines the impact of a serious and widespread lack of access to justice for Minority women survivors of violence in Cambodia. It is already well-documented that existing laws concerning GBV and DV in Cambodia are inconsistent and ambiguously drafted and are thus often incorrectly interpreted and implemented.¹²⁸ Confusion around the permissibility of alternative dispute resolution (ADR) practice in cases of GBV is compounded by a lack of effective guidance available to local authorities, a subject that has been previously examined in-depth by WPM.¹²⁹

This section contains testimony by minority women survivors who have had their cases settled via ADR (whether by police, local authorities, village elders or family members), and who either chose not to or were not able to pursue a criminal case through the formal justice system. It then moves to explore why many women avoid reporting the violence perpetrated against them.

¹²⁸. Women Peace Makers et al (2020), above n. 4; Diokno & Bunn, above n. 5.

¹²⁹. Women Peace Makers et al (2020), above n. 4.

Alternative Dispute Resolution (ADR)



ADR practices like conciliation have been customarily performed to resolve cases of violence between spouses for many hundreds of years in Cambodia. These practices, while they may vary slightly, are also deeply rooted in minority communities throughout the country. Some observers argue that mediation can form a more accessible, affordable and culturally appropriate alternative to the formal legal system in certain circumstances.¹³⁰

However, as others including Diokno & Bunn (2021) observe, there are serious concerns about the use of ADR in its current form in Cambodia: “traditional dispute resolution measures do not use a victim/survivor-centred approach, and instead focus on what is believed to be for the good of the community.”¹³¹ The CEDAW Committee highlighted this tension in their General Recommendation No. 33 on access to justice, stating that while “[ADR] processes may provide greater flexibility and reduce costs and delays for women seeking justice,” they may also “lead to further violations of their rights and impunity for perpetrators due to the fact that these often operate with patriarchal values, thereby having a negative impact on women’s access to judicial review and remedies.”¹³²

The UN CEDAW Committee has also explicitly responded to the hazards of using ADR mechanisms to deal with cases involving GBV in their 2013 and 2019 Concluding Observations on the periodic

¹³⁰. Ramage, I. et al (2008) Somroh somrueal and violence against women, Domrei, Phnom Penh.

¹³¹. Diokno & Bunn, above n. 5, p. 36.

¹³². UN CEDAW Committee (2015), General recommendation No. 33 on women’s access to justice, [CEDAW/C/GC/33](#), p. 22.

reports of Cambodia. In their 2013 Concluding Observations, the Committee called for additional training for local authorities on the strict application of the DV Law, “so that GBV cases are not systematically referred to mediation rather than prosecution.”¹³³ In 2019, the Committee further expressed concern “that informal reconciliation by community members without any formal training remains the primary means of resolving cases of domestic violence.”¹³⁴

At the time of writing, work is ongoing at the inter-ministerial level to reform the use of ADR in response to GBV. This work aims to ensure the practice of mediation is only used where permissible and appropriate and is done in a gender-sensitive and survivor-centred manner. The testimonies from minority women in this study display clearly the urgency of the need for this reform. For instance, one quote from a Khmer Krom respondent highlighted the fact that ADR is being used in cases of assaults against minors:

“In my village, there was an old man that assaulted a girl. I reported it to the authorities, and they took immediate action by summoning and warning him not to do it again. There was compensation paid to the girl’s family as well” reported a 70-year-old Khmer Krom participant living in Phnom Penh.

The respondent’s phrasing, that the authorities “took immediate action” in this case implies that this practice – of “summoning” and “warning” a perpetrator instead of following due legal process to

133. UN CEDAW Committee (2013) ‘Concluding observations on the combined fourth and fifth periodic reports of Cambodia,’ [CEDAW/C/KHM/CO/4-5](#).

134. UN CEDAW Committee (2019) above n. 60.

protect the survivor and the community at large – is highly normalised. This case appears to show a failure by local authorities to refer cases to the prosecutor and to punish a perpetrator of assault according to the law, thus undermining the deterrence effect and denying the victim access to justice. Any payment of compensation to the girl’s family should not be considered an adequate form of punishment in cases of assault, which are instead punishable by a minimum of two years imprisonment alongside a potential claim for civil damages.¹³⁵

As well as the above case of assault against a minor in the community, numerous respondents also described the use of local ADR practice in response to reported cases of intimate partner violence (IPV). These cases underwent ADR (or, in respondents’ own words, were “reconciled,” “educated,” “guided,” “corrected” or “settled down”) by various actors including commune or district chiefs, family or village elders, and police.

Some respondents reported that female survivors who go through ADR are often “satisfied with the intervention of the authorities,” because they “get to offer their opinion as to what the authorities should do to perpetrators,” before they are “educated, guided, settled down and told to sign agreements” said by a 20-year-old Indigenous respondent residing in Monduliri province. Given the severe economic hardship faced by many women in these communities, it stands to reason that many would opt to pursue ADR over

¹³⁵ This is assuming that the assault referenced by the respondent was of a sexual nature. If so, this would fall under Article 248(a) of the Cambodian Criminal Code (Sexual assault with aggravating circumstances), punishable by imprisonment from two to five years and a fine from four million to ten million Riels (p. 97).

the formal court system despite living with abuse. The appeal of a less formal and more accessible, culturally accepted process whereby their partners are convinced to cease violence against them while also continuing to earn an income to support the family (as opposed to serving jail time) is understandable.

However, ADR in practice was reported by multiple women across different Minority communities to be grossly ineffective in deterring men from repeat violent offending: “[For] women who report to the authorities for help, the intervention is not satisfying for the victims because the same violent behaviour will arise later” stated a 26-year-old Indigenous woman and mother to two children.

The performance of ADR is permitted under Cambodian law only in certain limited circumstances. In the following quote, a Cham respondent describes the repeat use of ADR by local cultural leaders in a case that clearly requires more urgent and decisive action than “guidance,” considering it involves multiple instances of violence and spousal rape:

“My mother has told her family members and cultural leaders when she gets abused or forced to have sex with my father. They have guided him, but there is no sign that his domestic violence will be prevented or stopped” reported a 33-year-old Cham woman in Kampong Chhnang province.

This concerning account shows that government and civil society efforts to reform the practice of ADR in GBV cases by local authorities must also consider how the practice is currently being

performed by other local actors including family or community elders, cultural/religious leaders and police officers.

The risks of carrying out ADR in cases that clearly warrant the application of formal judicial mechanisms are also evident in the below quote, where a 39-year-old Cham woman respondent describes how ADR can heighten the risk to physical safety, thus leading to a reluctance to report violence:

“The women in my community and I would report cases of [DV] to the authorities to intervene, only if [the violence is constant]. However, we still feel scared that when we report it to the authorities, they will not arrest the person who caused the violence – the husbands will not be punished according to the law. And that is why we always feel afraid that we will not be safe. If I was willing to make a report about the perpetrator... he would be summoned by the community chief to be educated”.

Thus, while some female survivors may prefer the provision of local, customary justice via ADR, others do not and their right to access formal justice is being thoroughly undermined by the diversion of their cases to ADR. It should be the nature of the offence itself and the outcome of an initial investigation that determines the subsequent process followed, as per the Cambodian Criminal Procedure Code (CPC). Specifically, local authorities should understand and perform their legal duty (set out in Art. 42 of the CPC) to refer all reports of felony or misdemeanour-level offences that they become aware of in the line of conducting their duties, to the nearest Judicial Police Officer or directly to the Royal Prosecutor.

As illustrated by the case involving ADR provision by Cham cultural leaders in a spousal rape incident, it is urgent to undertake community education initiatives focused on mediation, divorce, domestic violence protection, and legal knowledge.

Such initiatives should ensure that women at risk, as well as authorities, police, and religious/cultural leaders know about protection orders and administrative decision procedures, and how to access them or at a minimum, refer survivors to places where they can obtain more information.¹³⁶ It is not appropriate for serial perpetrators of rape to be ‘guided’ and sent home afterwards with their victims, regardless of who is performing the ADR. As the UN CEDAW Committee summarised in their 2019 concluding observations, the government should “Take specific steps to ensure that cases of gender-based discrimination and violence against women, including domestic violence and rape, are thoroughly investigated, perpetrators are prosecuted and adequately punished and victims are provided with remedies.”¹³⁷

¹³⁶. For further reading on protection orders/administrative decisions, see WPM et al (2020) above n. 71, pp. 32 – 34.

¹³⁷. UN CEDAW Committee (2019) above n. 60, para. 11(e).

Shelters and other support services

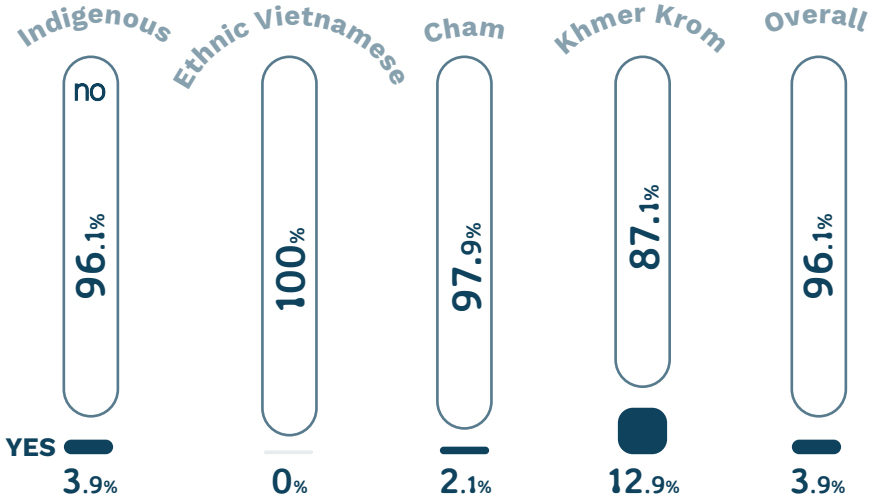
“In my community, I do not have access to safe shelter of domestic violence, I just leave the home and rent a house to live in. But as for the community providing a safe shelter for women, it does not exist” said a 34-year-old Cham participant.

In its 2019 Concluding Observations, the UN CEDAW Committee noted that in Cambodia there remains an “inadequate provision of essential services and support to victims/survivors of domestic violence, particularly in rural areas.”¹³⁸

Interviews with minority women in this study strongly supported this claim, with no respondents reporting having any knowledge of dedicated safe spaces or shelters for survivors of GBV and IPV in or near their communities.

¹³⁸. UN CEDAW Committee (2019) above n. 60, para. 24(c).

DO WOMEN IN THE COMMUNITY HAVE ACCESS TO A SAFE SHELTER IN CASE OF DOMESTIC VIOLENCE?



According to this study, the majority of respondents (96.10%) highlighted the absence of access to safe shelters for women in their communities in the event of domestic violence. Specifically, participants from the Ethnic Vietnamese community unanimously expressed this concern (100%), followed by the Cham community (97.90%), the Indigenous community (96.10%), and the Khmer Krom community (87.10%).

Following an episode of violence, therefore, women reportedly rely on (usually temporary) access to the homes of neighbours, relatives or local authorities when their lives are at risk. Most are said

to return home shortly afterwards, as a 27-year-old Indigenous respondent explained: “When their husband calms down, they will go back to their homes, and resume their usual lives”.

Some respondents indicated that women often returned home not because they felt safe, but rather because they had 'no other choice,' as expressed by a 53-year-old Ethnic Vietnamese residing in a floating village. Alternatively, some women returned because they had children in the household with the abusive partner.:

“Women in the community do not have access to a safe shelter in case of domestic violence. Most women decide to stay at home to protect their children – women find it difficult to leave home when they have kids. In some cases, the victims seek help from their parents, relatives, and closest neighbours,” shared a 40-year-old Khmer Krom woman, who is a mother to six children and lives in Phnom Penh.

These accounts show the urgent need for improved access to accessible and child-friendly emergency accommodation for minority women survivors of IPV.



4.4.3

Lack of GBV
Education/Awareness

“ I think domestic violence is a problem in my community because people in my community lack education and awareness about GBV ”

explained a 22-year-old Indigenous Tompun woman in Rattanakiri province.

A recurring theme throughout many interview responses was a perception that GBV and especially IPV in the community could be reduced if there was increased education and awareness raising. This also reflects a passage in the UN CEDAW Committee’s 2019 concluding observations that encourages the Cambodian government to “eliminate the stigmatisation of women and girls who submit complaints about violations of their rights by raising awareness among the general public of those rights,” and to “disseminate information on the mechanisms and procedures for seeking remedies for violations of the rights of women and girls, particularly in rural areas.”¹³⁹

Many participants described this lack of information and knowledge about GBV as a root cause of the high rates of violence in their communities, as the following quote from a Khmer-Vietnamese woman shows: “Whenever we have arguments, my husband always uses physical violence. I think cases of [DV] among partners and family members in my community are higher than in the rest of Cambodian society, because of their limited education and knowledge”.

¹³⁹. UN CEDAW Committee (2019), above n. 60, para 11(b).

It is also important to note that through their responses, it appears that many minority women themselves have internalised the normalisation of GBV in their homes and communities. For example, a 19-year-old Indigenous participant stated that “violence in the home is normal unless there is blood and injury”. Similarly, a 33-year-old ethnic Vietnamese participant in Kampong Chhnang province said, “violence [and] fighting are unavoidable in a couple’s life” while a 47-year-old Khmer Krom participant in Siem Reap echoed that “every couple fights”. These statements show a degree of resignation about the inevitability of violence among many minority women, in that they see IPV as an unavoidable part of every relationship.

Perhaps even more concerning were those respondents who appeared to actively support the use of violence against women in their communities. For instance, some reported that violence was permissible in cases of adultery committed by a woman. Others felt that any “good reason” could justify the use of violence, as the following quote from a 23-year-old ethnic Vietnamese participant in Kandal province shows: “Domestic violence is normal. What is important is for women to avoid provoking men. In my opinion, a man can beat his wife as long as he has a good reason. It is right, because sometimes a woman does something wrong to her husband”.

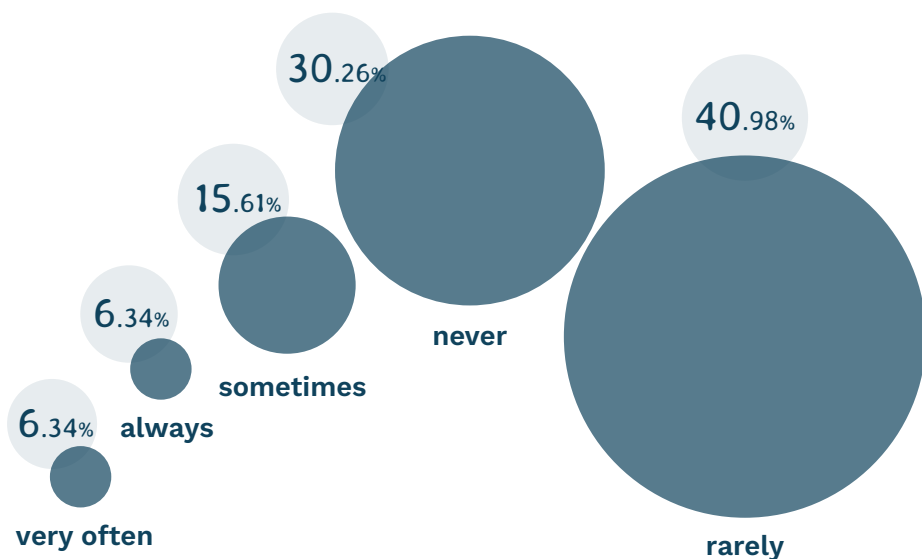
Several Indigenous respondents also carried a similar view, with one arguing that “I think a man can hit his wife if he has a good reason, because sometimes a woman does not behave like a good wife to her husband” stated a 19-year-old Indigenous woman in Mondulhiri province. A 66-year-old ethnic Vietnamese respondent in a floating

village echoed this idea while giving a specific but problematic example of when violence is permissible in her view: “In my opinion, a man can hit his wife if he has a good reason. For example, if the wife doesn’t prepare a meal for her husband, she deserves to be hit by him”.

Several participants from the Cham community indicated that along with notions of women needing to behave like “good wives” to their husbands to avoid IPV women’s choice of dress was also seen as a primary cause of sexual violence and harassment in the community: “the perpetrators of sexual violence against women in my community are men, but I think women themselves are also the reason it happens. Some women wear revealing clothes, which attract men’s attention,” said a 41-year-old Cham woman in Kampong Chhnang province.

According to this study, the data highlights varying levels of reporting behaviour among women regarding domestic violence incidents, with a notable portion of cases either going unreported or being reported infrequently. This underscores the importance of increasing awareness, providing support services, and improving trust in local authorities to effectively address domestic violence issues.

HOW OFTEN DO WOMEN REPORT CASES OF DOMESTIC VIOLENCE TO THE LOCAL AUTHORITY FOR INTERVENTION?



The majority of responses (around 70%) suggest a prevalent reluctance among minority women to report instances of domestic violence to local authorities. This could indicate several factors, such as fear of retaliation, lack of trust in law enforcement or support services, cultural stigma, or perceived ineffectiveness of interventions.

All of the above testimonies reveal an urgent need for education and other public awareness raising about the root causes (and

criminal nature) of GBV and IPV, not only for men and boys but also for women and girls. These interventions should be highly tailored, culturally specific and relevant, and delivered in local languages in conjunction with community leaders where possible. As recognised by a 22-year-old Cham participant who is currently pursuing higher education in Phnom Penh, “The main challenge [for survivors of GBV] in getting justice is that they think it is normal and that it happens every day, discouraging them from speaking out.” Similarly, in the ethnic Vietnamese community, women survivors reportedly “do not dare to report to the authorities because they are ashamed” expressed a 17-year-old Vietnamese woman in Kandal province. Therefore, challenging the normalisation of violence is a key part of eradicating impunity and removing the shame and stigma associated with being a GBV survivor in these contexts.



4.5

 Marriage,
Family Relations and SRHR



Inequality in the family underlies all other aspects of discrimination against women and is often justified in the name of ideology, tradition and culture ””

(UN CEDAW Committee).¹⁴⁰

This section examines the experiences of minority women in Cambodia in relation to marriage, family relations and sexual and reproductive health rights (SRHR). The prohibition of discrimination in marriage and family relations is an important part of international human rights laws and norms concerning women and girls. Nonetheless, as the stories shared by minority women participants in this study show, significant rights issues pertaining to marriage – in particular, early and/or forced marriage, and divorce – remain widespread in Cambodia.

Access to and information about SRHR are also key components of women’s enjoyment of their human rights. These issues are often closely interrelated and indivisible with the right to equality within marriage and family rights. For instance, the right to full sexual autonomy and bodily integrity means that women should only ever engage in sexual activities with their full (prior and ongoing) consent. However, as has already

140. UN CEDAW Committee (2013), General Recommendation on Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Economic consequences of marriage, family relations and their dissolution), [CEDAW/C/GC/29](#), p. 1.

been discussed in section 4.4.1, when equality within the marital relationship is undermined, so too is a woman's capacity to decline sex with her partner: this may be because of fear of violence, coercion, threats, or previous experiences of rape within the marriage.

While these and more interrelationships between rights exist, this section is split into three distinct sub-sections for ease of reading. Firstly, issues pertaining to early and forced marriage are explored, along with the impacts of these marriages on girls and women throughout their later lives. Secondly, the difficulties faced by women in obtaining a divorce – whether seeking to dissolve a customary or formal marriage – are discussed. Finally, a third sub-section details the barriers reported by women in accessing services and information related to their sexual and reproductive health rights.



4.5.1



Early/child
Marriage

“ I got married at 16 because my parents wanted me to, and I couldn't say no to them. They prepared everything. Early marriage affects me because I'm still young and can't think critically. I have no freedom and still need to follow my family's instructions ”

explained a 22-year-old Indigenous Tompun woman in Rattanakiri province.

It should first be noted that many marriages in rural and minority ethnic communities in Cambodia are customary or traditional in nature, meaning they are performed without the accompanying legal documentation, commune council registration and other requirements that would render a marriage formally binding under the law.¹⁴¹ Nonetheless (in both a practical sense and for the purposes of this research exploring minority women's enjoyment of marriage and family rights), customary marriages should not be considered any less binding on minority women than formal, legal ones. Given that the couple, their family and their community all perceive the marriage to be real and valid, for all intents and purposes (including, as will be discussed in 4.3.2, the dissolution of such marriages), customary marriages are in effect 'real' marriages and should not be entered into by children, adolescents or by any unwilling/coerced parties.

¹⁴¹ Van Der Keur, D. (2014), Legal and gender issues of marriage and divorce in Cambodia, Cambodia Law and Policy Journal, 2, p. 4.

Forced marriage

In their General Recommendation No. 21 on equality in marriage and family relations, the UN CEDAW Committee highlight that many governments may claim that their laws comply on paper with the Convention's stipulation that women and men have "the same right... to enter into marriage only with their free and full consent."¹⁴² However, they also go on to highlight that the Convention may be significantly undermined by "custom, tradition and the failure to enforce these laws in reality."¹⁴³

The CEDAW's General Recommendation No. 21 also emphasises that "A woman's right to choose a spouse and enter freely into marriage is central to her life and to her dignity and equality as a human being."¹⁴⁴ The Cambodian Law on Marriage and the Family (1989) stipulates in Articles 4 and 14 that the voluntary consent of both parties is required to enter into a lawful marriage, and specifically that "one party may not force another party to marriage against his/her will." However, multiple accounts of forced marriages featured in the interview data for this study, usually centring around women or adolescent girls who had been forced into marriage by their parents or other family members.

The impacts of forced marriage were described by participants as severe and lasting. For a 22-year-old Indigenous participant, this was summarised as follows: "I was forced by my family to marry someone against my will and it still hurts me emotionally."

¹⁴². UN CEDAW Committee (1994), General Recommendation No. 21: Equality in Marriage and Family Relations, A/49/38.

¹⁴³. Ibid., para. 15.

¹⁴⁴. Ibid., para. 16.

While some respondents drew a clear distinction between arranged and forced marriage, the lines in practice appear to be somewhat blurred. The account given by the respondent above, who was “forced” to marry “against [her] will,” is a clear case of forced marriage. The following account, however, shows that even where a woman or girl may not be forced outright, the burden of her parents’ expectations can amount to coercion, or at least undermine the principle of “free and full consent” outlined within the CEDAW Convention:

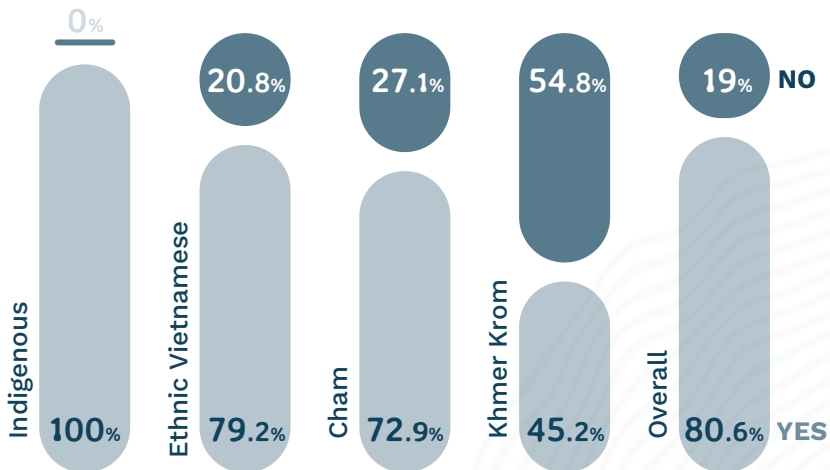
“Early marriage happens because parents want their kids to get married. I was married at 17. I felt so scared when having intercourse with my husband and had no idea how to take care of our children or where to find jobs to support them. I didn’t know where I should start. I couldn’t think critically because I was too young, which caused problems with our living situation and health”- shared by a 50-year-old Cham respondent who is currently a housewife and a mother to 3 children.

This is not to say that arranged marriages are automatically a violation of a woman’s rights. However, the arranging of a marriage should not impinge upon or undermine any person’s right to enter into marriage only with their full and free consent. This is especially the case where (as above) the person in question is a minor, and the power dynamics between the parties involved have the potential to further undermine her ability to provide informed consent.

Early and child marriage

Article 948 of the Civil Code of Cambodia prohibits child marriage by setting the age of 18 as the age at which men and women may marry, and the age of 16 as the youngest age at which parents or guardians may consent to a marriage. However, numerous respondents in this study reported during interviews that they had personal knowledge of marriages taking place in their community between minors aged as young as 12.

HAVE YOU SEEN ANY CHILD OR EARLY MARRIAGE (BELOW 18 YEARS OLD) IN YOUR COMMUNITY?



This study highlights that a significant majority (80.60%) of the 205 research participants across all communities witnessed early marriages. This suggests that early marriage is a widespread issue affecting these communities.

- **Impact on Indigenous Community:** It is noted that all Indigenous respondents witnessed early/child marriage in their community. This indicates that early marriage is particularly prevalent and possibly entrenched within the Indigenous community.
- **Ethnic Vietnamese:** The Ethnic Vietnamese community had the highest percentage (79.20%) of respondents witnessing child marriage. This indicates a high prevalence of early marriage within this community.
- **Cham Community:** Following Ethnic Vietnamese, the Cham community witnessed early marriage at a relatively high rate of 72.90%. This suggests that early marriage is also significant within the Cham community.
- **Khmer Krom Community:** The Khmer Krom community had a lower percentage (45.20%) of respondents witnessing early marriage compared to the other two communities. However, it still signifies a notable presence of this issue within their community.

This data sheds light on the widespread occurrence of early marriage across different communities, providing valuable insights into social dynamics and potential areas for intervention or support. For

instance, a 25-year-old university student from the Khmer Krom community said that she had “seen kids get married early at 12, 13, or 14 years old,” and that “early marriage is a problem because kids can’t think critically – they easily use violence in the family when there are problems”. The same respondent advised that in recent years, there had been fewer early marriages taking place but that to her knowledge there had been several in the community since 2020.

Another respondent, this time from a 33-year-old ethnic Vietnamese community in Kandal province, echoed the notion that early marriage is a risk factor for increased violence in a relationship. This respondent advised that “early marriage is a problem in the community,” and that she had seen “a lot of young couples marry at the age of 15, 16, and 17 and use violence when there is conflict”. The same respondent argued that “There isn't any education to prevent and reduce this problem. If young couples were educated, there wouldn't be a lot of early marriages.”

Concerningly, several Indigenous respondents reported that child marriages were increasing in their communities, with some taking place from as young as 12 years old. A 37-year-old Indigenous Jarai woman advised that in her community, “the minimum age of early marriage is 12 or 13 years old,” and that “it affects [girls’] health, especially during childbirth, and ruins their futures”. The same respondent advised that “authorities and the Ministry of Women’s Affairs have educated people about this issue, but it’s not effective because early marriage still increases.”

Finally, respondents from Cham communities also reported the continued existence of early and child marriages, involving 15- and

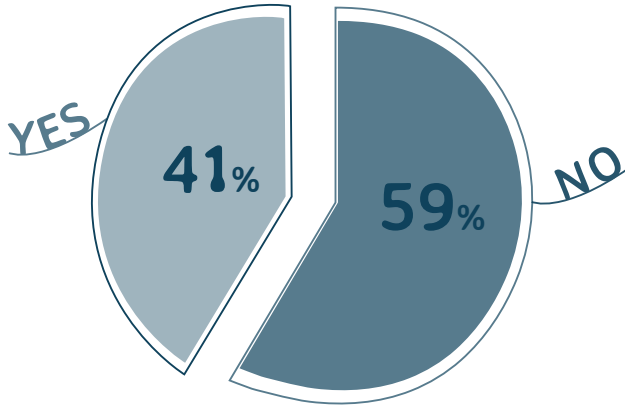
16-year-olds. According to a 22-year-old Cham young woman who is currently a university student, marrying at such a young age “has a significant impact, because young couples don’t know how to properly educate their kids and they lack knowledge – which creates a lot of conflict in the family”. The same respondent advised that since 2020, they were personally aware of five or six cases of early marriage taking place.

Participants generally perceived there to be one or more key drivers of child marriage in their communities. The first of these was arranged marriage facilitated by the parents in order to prevent premarital pregnancies. As a 22-year-old Cham respondent who works in a garment factory in Kampong Chhnang put it: “usually [early marriage happens] because kids fall in love and their parents are afraid that they would disobey the tradition by having intercourse before marriage, so they have to marry them”. One Indigenous Punong participant implied that even cases where youths were not in a relationship but simply ‘having fun’ in the sense of exploring intimacy, could result in underaged couples being forced to marry: “Early marriage happens because kids want to have fun without thinking it’s wrong. The elders don’t think it’s appropriate for kids to be intimate. So, they force the girl to get married”. Lastly, several ethnic Vietnamese respondents explained that the community allowed underage marriage because they were afraid their children would run away from home and start new lives. As shared by a 36-year-old ethnic Vietnamese woman living in the floating village, “if the couple is already together, the parents have no choice but to wed them”.

This notion, of there being “no choice” but to wed teenage couples, explains the very high rates of early marriage reported by respondents. Other reasons given included a lack of education and higher education opportunities for young people, and financial hardship driving parents to marry their daughters earlier. This latter point is explained by a 24-year-old Indigenous teacher as follows: “I have seen early marriages in my community because parents who have a daughter need manpower to help with farming, so they marry her at 13 or 14.”

Lastly, numerous respondents appeared to view child and early marriage as an inescapable result of young love; something that could not be avoided except perhaps through increased education: “No one forces kids to get married at 13 years old, it’s their own decision... [but] parents should educate their kids about the impact of getting married early” – expressed an 18-year-old Indigenous woman who dropped out of school to work on the rice field to support her family. The notion that the decision to get married is simply ‘up to the child’ is a concerning one. Based on this finding, there is an urgent need to ensure that all those responsible for performing marriage ceremonies (whether customary or legal marriages) are not enabling or facilitating children to marry – despite whether those children claim to fully consent to such a marriage. Further, in addition to information about relevant laws and human rights, community education about early/child marriage should include information about the reduced decision-making capacities of children and adolescents compared to adults, and the lifelong harmful impacts of early marriage.

IS THERE COMMUNITY EDUCATION TO TRY AND PREVENT CHILD MARRIAGES FROM TAKING PLACE?



This study showed that 59% of the respondents witnessed community education efforts aimed at preventing child marriages in some minority communities.

A significant majority of respondents in the IP community (85.90%) reported having community education to prevent child marriages, indicating proactive measures within this community. In contrast, a considerably lower percentage of respondents in the Cham (18.75%), Ethnic Vietnamese (10.42%), and Khmer Krom communities (12.90%) reported having such education. Notably, the Cham community displayed the highest percentage of respondents indicating the absence of community education to prevent child marriages,

followed by the Ethnic Vietnamese and Khmer Krom communities. While many respondents – particularly those from Indigenous backgrounds – reported that there had been multiple interventions from outsiders (usually from the government or civil society organisations), these were ineffective for methodological and pedagogical reasons, among others:

“Authorities and civil society organisations came to educate villagers to prevent and reduce early marriage. But [this] wasn’t effective, because they didn’t use the local language, and their trainings lacked pictures and videos” - said an Indigenous woman who is employed in a local NGO in Cambodia. This shows how important it is that any interventions in relation to early marriage – and marriage and family rights in general – must be carefully and meaningfully tailored to the communities in which they are undertaken and sustained over a prolonged period.



4.5.2

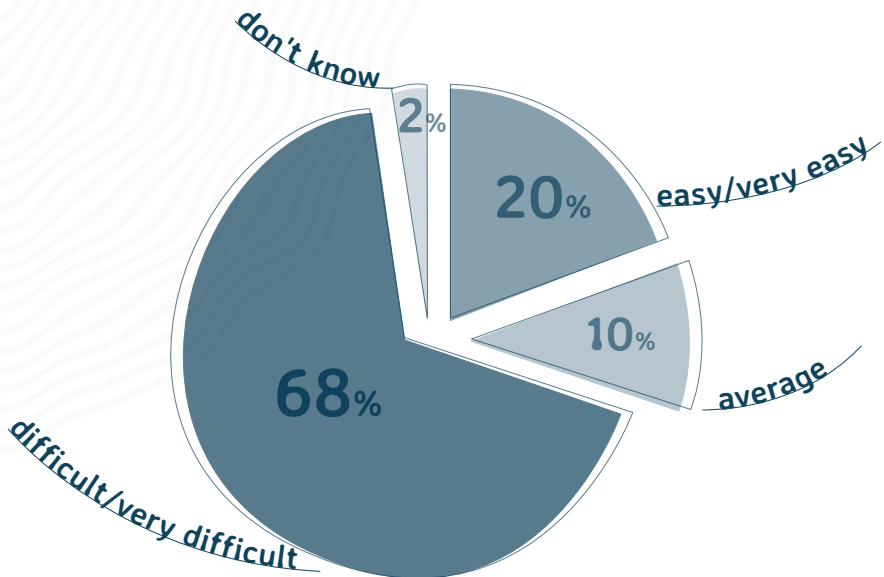
Divorce Challenges



Cambodian women find it easier to get a divorce than Cham women. In my community they will judge a divorced woman for not taking care of her household. If both parties make a mistake, they blame women more than men – men are always right ””

reported by a 22-year-old teacher from Cham community.

HOW EASY IS IT FOR A WOMAN IN YOUR COMMUNITY TO OBTAIN A DIVORCE?



The study reveals that minority women across various minority groups commonly find it challenging to obtain a divorce, with 68% of respondents in agreement. Discussions during interviews indicated that the perception of divorce varied depending on whether legal or customary marriage prevailed in their community. Despite this, several consistent themes emerged, including the difficulties minority women face in pursuing divorce, the stigma associated with divorced women, and the disproportionate economic repercussions they endure. Respondents from diverse ethnic backgrounds emphasized the arduous nature of divorce proceedings for women. This aligns with previous research highlighting the predicament of women trapped in unhappy or abusive marriages, often unable to secure a divorce despite repeated attempts.¹⁴⁵ These challenges persist regardless of whether marriages are formalized through customary or legal means.

Customary marriages



Customary marriages, i.e. those that have not been duly registered at the civil registry, are non-binding in any formal legal sense, and thus women technically do not require permission or approval for these to be dissolved. Despite this, many respondents advised that it is essential for a couple to successfully undergo a customary divorce process through religious, cultural or other community leaders (including village or even commune chiefs) if a woman is to be considered single, especially for the purpose of remarriage. Many community leaders, however, reportedly consider it their

¹⁴⁵. WPM et al (2020) above n. 71.

duty to ensure that married couples remain together and insist on performing multiple reconciliation sessions rather than facilitating the requested dissolution of the customary marriage. It was said to be especially difficult to obtain a customary divorce if the husband did not consent.

The following testimony from a Cham woman respondent explains these challenges in practice at the community level:

“If Cham women want to get a divorce, it’s very hard – even if both parties agree. The village chief tries to explain many reasons to avoid divorce such as pity for the kids, or suggesting ‘you’re just angry in the moment,’ and ‘it’s hard to form a new family’. But if the couples no longer gets along and the village chief fails to facilitate them to get back together, he will eventually sign for a divorce. It takes at least three months. Minority and Cambodian communities both find it hard to get divorced, as the village and commune chiefs do not want any couples to get divorced” – reported by a 27-year-old married Cham respondent.

As legal expert van der Keur explains in relation to what she terms ‘pseudo-marriages’ in Cambodia, there is in fact no legal need for any party or official to “sign for a divorce,” as the above respondent indicates. However, in practice, such a process is widely considered mandatory, and so “justice sector and government officials have sought to find ways on how to deal with the legal consequences of pseudo-divorces, [and have] come up with a practical solution through the issuance of a ‘separation certificate.’”¹⁴⁶ These

146. Van Der Keur, D. (2014). Legal and gender issues of marriage and divorce in Cambodia. *Cambodia Law and Policy Journal*, 2, p. 20.

certificates have no legal meaning, “as they are not based on the law.” Nevertheless, in practice commune councils or other celebrants will only allow people to remarry after they obtain a separation certificate.

It is also worth noting that it is not only community-level officials who act as obstacles in the dissolution of customary marriages. One respondent from the Cham community advised that “The first step for women who want to get a divorce is to inform the religious leaders. However, the leaders are really strict about couples divorcing and they will try to get them back together at least two or three times”. Similarly, the following account from a 70-year-old Khmer Krom respondent residing in the Capital city shows how it is often a combination of officials and family members (especially parents) that inhibit or even prohibit access to divorce for women:

“Khmer Krom women find it difficult to get divorced. When they file a complaint, authorities will try to reconcile the couple rather than helping them with the divorce process. They will give advice on how difficult life will be after they’re divorced. It’s also difficult because women have to think of their children, and husbands are responsible for the family’s income – so their parents don’t allow their daughters to get divorced.”

Finally, the traditional ceremonies associated with divorce in some Indigenous communities were also said to be more onerous, complicated, and financially burdensome for the woman involved:

“It is very difficult to get divorced based on our tradition, and the process is very complicated. Both families must gather and arrange a traditional ceremony for divorce. It will be more complicated if a woman is the one who asks for divorce. In this case, women alone have to respond to taking care of their children and spend money for buying [the appropriate items needed] such as food, chickens, pigs or cows to arrange a traditional divorce ceremony” - reported by a 28-year-old Indigenous Punong.

Legal marriages

Encouraging couples to rescind their request for divorce and to reconcile is not limited to those involved in customary divorce proceedings. In fact, this duty is explicitly written into the legislation governing formal divorce proceedings at multiple levels. Firstly, while legal marriages can only be terminated by a court, most people in rural areas will first approach their commune council to ask that they submit the request to the court on their behalf. The commune council, however, first waits 15 days, during which time they meet with and attempt to reconcile the couple to try and convince them not to proceed with the divorce request. Only if these attempts are unsuccessful should the commune council forward the divorce request to the court.

Following this, the subsequent process in the court system is summarised by Van der Keur as follows:

“After receiving a request for divorce, the court will ask both parties to come to the court. Most judges will again lobby with the complainant to withdraw the divorce request. If the complainant persists, the court will usually attempt three mediation rounds to see if the couple can be reconciled.”¹⁴⁷

As such, divorce proceedings usually require three to five visits to the court, which “in itself is almost an impossible burden for poor families.”¹⁴⁸ Finally, van der Keur highlights the gendered implications of being subjected to multiple rounds of reconciliation and mediation: “It is usually the wife who initiates divorce proceedings, and it is difficult for a Cambodian woman to ignore the pressures of court mediation conducted at a court, usually by a male judge who is likely generally opposed to divorce.”¹⁴⁹

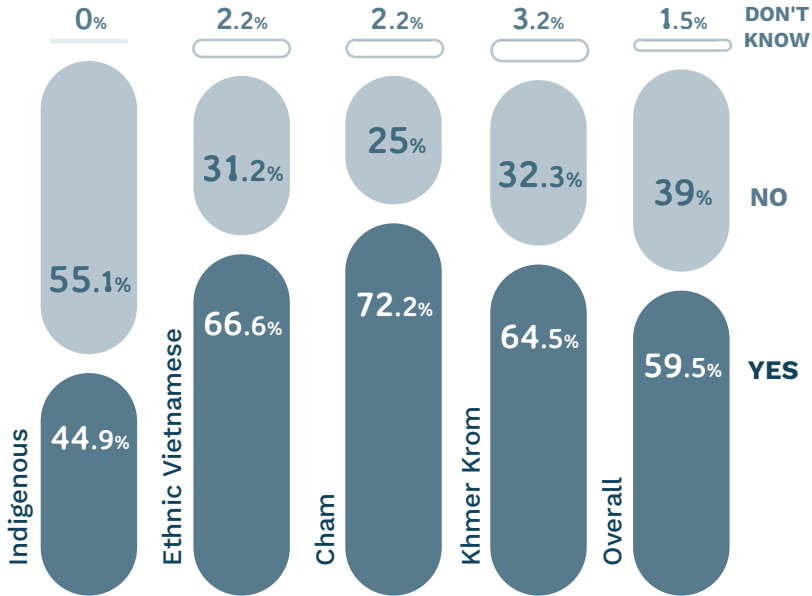
The study reveals that although a majority of respondents (59.50%) acknowledged that most couples in their communities opt for legal marriage, challenges persist, particularly for minority women seeking divorce.

^{147.} Ibid., p. 11.

^{148.} Ibid.

^{149.} Ibid., p. 18.

DO MOST COUPLES CHOOSE TO GET LEGALLY MARRIED IN YOUR COMMUNITY?



The accounts of minority women in this study provide insight into the challenges facing women who seek to dissolve their legal marriages, describing the process as “complex,” according to a 33-year-old ethnic Vietnamese woman,) and “full of obstacles,” as reported by a 48 year old Khmer Krom woman. It is especially difficult for those with children who needed to accompany them long distances to court.

Interestingly, both groups of women (those in customary marriages and those in legal marriages) perceived that processing a divorce is easier for women in the opposite group. For example, one Indigenous individual who serves as a local authority and also resides in a community where customary marriages are the norm, explained that while “it’s not easy for Indigenous women to get a divorce,” she felt that the opposite was true for the majority Khmer population: “I think Cambodian women can get divorced easier, because they have a marriage certificate, they just go to court to sign for a divorce”.

Conversely, women living in communities where legal marriage was the norm also felt that divorce would be easier if they were ‘only’ customary marriages: “I think having a marriage certificate makes it harder to get a divorce, because we need to file a complaint up to the court” -said a 41-year-old Cham woman who cannot obtain a marriage certificate. This shows that the challenges for women who seek to dissolve their marriages are present across the board, whether or not they have a formal marriage certificate.

A further issue facing particular minority women (namely those from Khmer Krom and ethnic Vietnamese backgrounds), centred around their ability to prove their identities when approaching the relevant authorities seeking a divorce. For instance, a 25-year-old Khmer Krom respondent in Siem Reap advised that “If a woman wants to get a divorce, it is not easy because there are many complicated stages and some of them don’t even have an Identification Card to get a divorce with their husband”. Another advised that her own parents “couldn’t register for marriage certificates because they don’t have identity cards or birth certificates” reported by a 17-year-old Khmer Krom student. This issue was also reflected in

some responses by ethnic Vietnamese respondents. For instance, a 66-year-old Ethnic Vietnamese respondent who lives separately from her partner advised that “people choose to marry without marriage certificates because they don’t have an ID card, [but] marriage certificates are necessary when they want to get a divorce”. This shows that challenges facing women in some minority communities who wish to get divorced are compounded by discrimination they face on the basis of their ethnicity and citizenship status.

Shame and stigma

A prevalent theme discerned from responses across women of diverse ethnic backgrounds, irrespective of whether customary or legal marriages were prevalent in their communities, revolves around the shame and stigma attached to divorced women. These women often encounter “public criticism and pressure,” stemming from the entrenched stereotype that perceives women as weak and dependent on their male counterparts. A 17-year-old respondent of mixed Khmer-Vietnamese heritage articulated this sentiment, highlighting the societal expectation that women should live in dependently on men.

Similarly, a 33-year-old Cham respondent emphasized that divorced women face devaluation within the community, enduring insults and negative judgments. The respondent noted that the community does not value or respect these women, leading to a perception of them as having poor character. The same respondent illustrated this point with an example of a nearby divorced woman who is harshly judged by neighbours.

For Indigenous women, divorce is associated with being "shamed, blamed, and despised by their community," as conveyed by a 49-year-old Indigenous Tompun woman. In the case of Khmer Krom women, getting a divorce is often unfairly attributed to the woman's actions, with the community placing the blame solely on the women involved, as reported by a Khmer Krom woman from Siem Reap province.

These shared experiences underscore a pervasive societal bias against divorced women, contributing to the challenges and negative perceptions they encounter across diverse ethnic communities.

Economic consequences of divorce

A final challenge facing divorced women from minority backgrounds in Cambodia is the serious economic consequences that many subsequently face. Numerous respondents reported the perception that divorce is an easier process for women from the majority-Khmer population, because they had better access to higher education and were thus more likely to be able to find decent employment to sustain themselves and their children in the absence of their husbands.

Further, minority women in customary-only marriages (the status of most married women respondents in this study) face particular vulnerabilities resulting from their lack of a marriage certificate. This is because in these traditional marital arrangements, "women's rights to marital property and partner alimony are not assured since they are not considered legally married and therefore are not legally

entitled to property in the name of their pseudo-husband.”¹⁵⁰ They may also “have no right to child support, because their husband is not legally the father of their children.”¹⁵¹

For this reason, the UN CEDAW Committee recommended in their 2013 Concluding Observations that the Cambodian government should “take measures to facilitate the formalisation of marriages contracted under customary law by ensuring that registration is affordable and not cumbersome.”¹⁵² However, as the discussion in this section has shown, the formalisation of marriage under Cambodia’s judicial system in its current state does not automatically grant women ready access to a divorce. Indeed, as one participant put it: “No matter where women come from – Indigenous, Cham, or Cambodian women – when it comes to a divorce, it is hard for them,” highlighted a 22-year-old Cham woman.



¹⁵⁰. Ibid., p. 16.

¹⁵¹. Ibid.

¹⁵². UN CEDAW Committee (2013), above n. 82, para. 47.

4.5.3

Barriers to Accessing Sexual and Reproductive Health Rights (SRHR)



If I needed information on sexual and reproductive health, I wouldn't know where I could seek that information, because I'm not confident enough to ask such questions”

reported by a 22-year-old Cham university participant in Kampong Chhnang.

Access to SRHR-related information



The first barrier reported by respondents in relation to their sexual and reproductive health rights was a lack of access to reliable information. This was reported across the board, by respondents from all four ethnic backgrounds. One Indigenous respondent who got marriage at the age of 15 explained that “sexual and reproductive health topics are not widely discussed in my community, nor is the information spread to youth”. Another participant who is a university student, from the Cham community, suggested that this lack of available information was due at least in part to cultural norms actively discouraging discussion on these topics: “Sexual and reproductive health issues are banned topics. I think they should open up teaching in the community to make people more aware that this is not a shameful thing and give them the opportunity to learn about sexual health”.

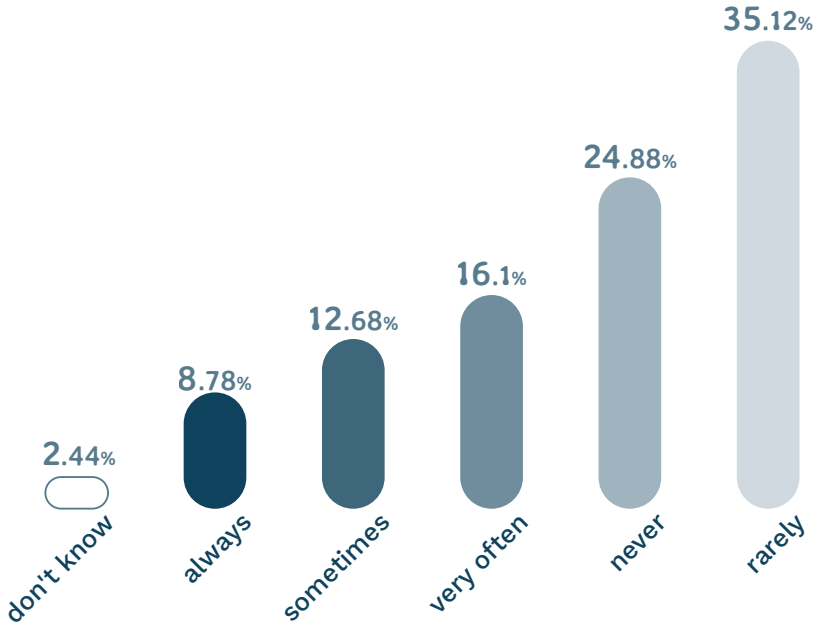
It was reported by a 46-year-old respondent, a mother to three kids in the ethnic Vietnamese community, that “sexual and reproductive health is not often discussed, either within or outside the family.

Women and young girls seeking this information have no other ways besides searching in their phones”. Finally, a 32-year-old Khmer Krom respondent indicated that while times may slowly be changing in relation to the rigidity of cultural norms surrounding SRHR, the barriers to accessing information about SRHR still remain intact for some women:

“I was never educated about [SRHR] before. When I was young, these topics were banned from discussion. However, [nowadays] some appropriate topics are permitted. Women with limited education still don’t know where they can go to seek information... However, women with knowledge can find information on social media or [via] NGOs working with women”.

According to the survey findings, approximately 60% of the respondents acknowledged that discussions about sexual and reproductive health and rights (SRHR) are seldom or never openly addressed within their families or in public settings.

HOW OFTEN IS THE TOPIC OF SEXUAL AND REPRODUCTIVE HEALTH BEING DISCUSSED OR TAUGHT INSIDE OR OUTSIDE THE FAMILY?



- The Cham community has the highest percentage of respondents reporting that sexual and reproductive health topics are never discussed (52.08%).
- The Khmer Krom community has the highest percentage of respondents reporting very often discussing sexual and reproductive health (32.26%).
- In the IP and Ethnic Vietnamese communities, discussions seem to be more evenly distributed across various frequencies.

Barriers to services

Some respondents described the presence of barriers to accessing SRHR services on the basis of their ethnic minority status. Earlier in this study, one Indigenous participant shared her story (section 4.1.3) about facing poor service, discrimination, bullying and a refusal of service by hospital staff because of her race and poverty.

An Indigenous Jarai respondent who worked at a local NGO also explained the significance of there being a language barrier between Khmer doctors and Indigenous patients:

“...when they need to get services at the health centre or consult the doctor it is not easy for them... the first problem is the language barrier. When they want to explain their problem to the doctor, they find it difficult... And then there’s the language that the doctors explain to them in: the doctors use medical language, and the patients don’t understand what they’re saying”.

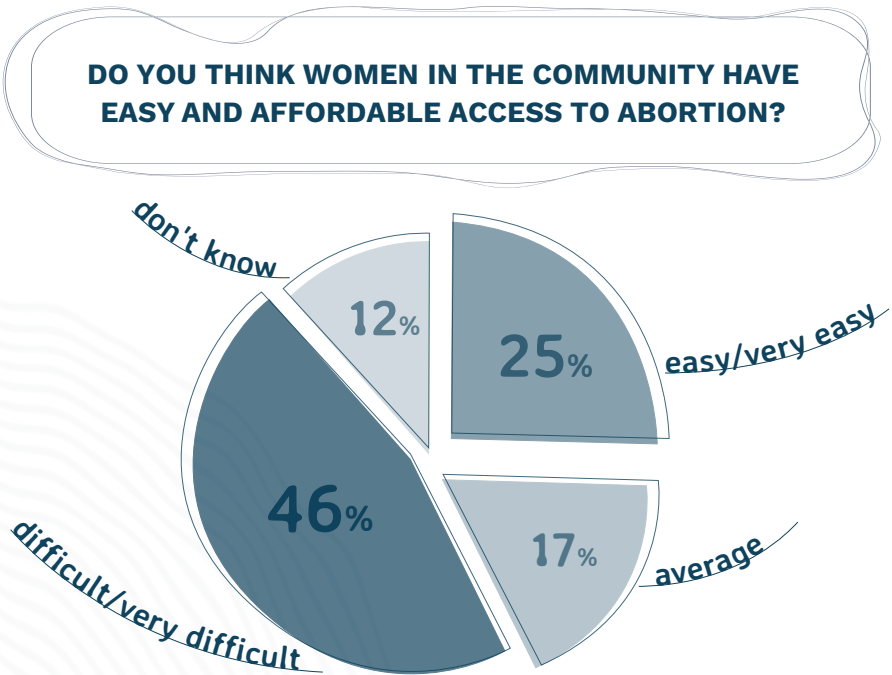
The same respondent also argued that some doctors actively discriminate against Indigenous patients, “because of their way of life, or their clothes” and that subsequently, “poor communication and access to inaccurate information about [SRHR] remains a challenge.” Some ethnic Vietnamese respondents also raised difficulties in relation to language barriers, as well as the physical distances involved in travel to access services. One respondent from the floating village and a mother to seven children highlighted “There are no health centres in the Vietnamese community, and travelling to Cambodian centres can be difficult as they can be very far away.”

153. Guttmacher Institute (2017), Abortion in Asia, available online: <https://www.guttmacher.org/sites/default/files/factsheet/ib_www-asia_0.pdf>.

Abortion

Compared with many of its regional neighbours, Cambodia has relatively liberal legislation governing abortion.¹⁵³ However, the testimonies from minority women in this study show that access to safe, legal procedures is presently far from universal. Numerous challenges remain, including those that are financial, geographical or cultural in nature, and these reportedly continue to impede minority women’s access to safe and affordable termination procedures of their choosing.

The survey findings demonstrate the multifaceted challenges individuals face in accessing abortion services. They highlight the importance of addressing barriers to safe and affordable abortion.



Approximately 46% of the respondents reported finding it difficult to access safe and affordable abortion services. Additionally, about 26% of the respondents indicated that while they could access abortion services, they did not feel safe doing so nor could they afford those services.

Firstly, many women described the cost of accessing abortion as prohibitive. A 36-year-old ethnic Vietnamese respondent residing in the floating village explained that “Women in my community find it hard to get an abortion and so they keep the child even if they are not financially well off”. The overall cost of raising a child is of course far greater than the initial cost of accessing an abortion, and so this barrier to access further entrenches the cycle of poverty for these families. An 27-year-old Indigenous participant who is currently a housewife also raised the issue of cost for accessing abortion services, explaining that “abortion is a problem because it is an expensive procedure”. Another 40-year-old Indigenous woman from the Rattanakiri advised that this cost, along with challenges because of distance to health centres, led to women “deciding to have abortion traditionally, which can cause serious health problems and bleeding”.

Khmer Krom women reportedly experience fears about the quality and safety of surgical abortion at local health centres, with one respondent residing in Phnom Penh advising these services are “at a low price but very unsafe” and another 36-year-old Khmer Krom who served as an assistant to commune chief saying that “women are scared to go to hospitals for abortion. They would rather use medicine at home”. For Cham women, it is reportedly “very difficult to receive abortion services in the community,” and the services

they can access can reportedly “make their health deteriorate” highlighted a 30-year-old Cham woman in Kampong Chhnang province.

In terms of cultural barriers to abortion access, these varied widely based on the particular minority group in question. For Indigenous respondents, the process involved “spiritual ceremonies to ask for forgiveness,” which are more or less complex depending on whether the woman in question is unmarried. Generally, in Indigenous communities, “abortion goes against the belief of [our] ethnicity.” As such, “when we have an abortion, we have to do a ritual ceremony to ask forgiveness and peace” an Indigenous Punong woman in Mondulkiri discussed.

Cham women, too, explained that there is a significant degree of shame and stigma associated with women from their communities who choose to have an abortion. These women are seen as “having committed a sin” shared by a 30-year-old garment worker, having “violated Islamic tradition” reflected by a 37-year-old respondent from the same community, and are likely to face judgement and “blame from their neighbours for having an abortion” echoed an 18-year-old Cham student.

Contraception

Opinions varied among respondents as to whether contraceptive methods were accessible and affordable. Some felt that while women are able to easily obtain contraception, these are unsafe medications that impact their health. For instance, an 18-year-old Indigenous respondent who got into early marriage at the age of 16 expressed that “contraceptives make [women] become infertile and develop cervical cancer,” while a 19-year-old ethnic Vietnamese participant and a mother to one child felt that “contraceptive methods are easily accessible [but] they cause women to have high fevers and make them unable to do work that involves physical strength”.

Other participants described a range of challenges in accessing contraception in their communities. Firstly, Indigenous women can reportedly be prohibited from accessing birth control if their husbands do not permit it: “contraception is moderately challenging, as the husband does not agree, there is no way to go to the health centre to discuss with the doctor,” reported a 22-year-old university student from the Indigenous community. For others, financial costs again play a role: “Women in my community are not able to afford contraception services, which affects their health,” a 35-year-old Cham woman illustrated, and some “find it difficult to access contraception because they feel ashamed” said a 37-year-old Cham woman from the same community.

Another recurring theme was that related to information literacy and language barriers, compounded again by the geographical isolation of communities. As one Indigenous participant, a farmer and a mother to five children explained:

“Contraception is difficult for me because we do not know the [Khmer] language... a few months ago I had a contraceptive injection... I didn’t feel well, and I kept bleeding. It just wouldn’t stop, for days then months... I didn’t go to the doctor because there’s no way to travel, and I [couldn’t] walk because I wasn’t feeling well. Contraception sometimes affects our lives”.

This experience highlights the importance of providing minority women with accessible and tailored information about contraceptive options in their own languages. This information should also ideally be available at pharmacies, given that many women obtain the pill over the counter, without a prescription or consultation. One local NGO officer and a minority woman herself explained that without doctor’s instructions, and without being able to read the information leaflet inside the pack, a woman in her community had fallen ill after consistently taking three pills at a time. The same respondent highlighted that “getting a contraceptive is easy, the challenge is that [women] do not know how to use a contraceptive in a way that is safe for them.” This notion was echoed by a 22-year-old Cham respondent, who also explained that while “women in the village who want to use contraceptive methods can easily access them,” the “potential problem is when they don’t go to health centres but simply buy random pills without receiving any proper instructions”.



5

Conclusion & Recommendations

This study has set out to explore minority women's experiences in relation to the enjoyment of their human rights in Cambodia. It has examined in particular, experiences of discrimination, marginalisation, and vulnerability to violence, finding that because minority women are subjected to both gender and ethnicity-based oppression, they face a 'double burden.' Additional 'burdens' include poverty, disability, statelessness, HIV status, and others. Wider recognition and urgent action to address these intersecting and compounding forms of oppression is needed, with minority women at the centre of and active in any decisions that affect their lives.

The women participants and Action Researchers in this study represent some of Cambodia's most marginalised minority groups. These women have been shown to face negative gender stereotypes from within their own communities, which frequently discourage them from speaking out, seeking higher education, working outside the home, and representing their communities in political or advocacy positions. Additionally, they face simultaneous challenges stemming from negative stereotypes among wider Cambodian society, placing them at a disadvantage based on their ethnic identity.

Throughout this report, these and other rights issues identified by minority women themselves have been examined through a feminist participatory action research (FPAR) methodology. Young women from across the four minority groups, equipped with the technical research skills to harness their own expert knowledge, have explored issues pertaining to their own rights and make the following recommendations to the Royal Government of Cambodia (RGC):

1. Freedom of movement: Design and implement locally tailored initiatives aimed at driving attitudinal and behaviour change about women’s rights to move freely outside the confines of the home. Take concrete measures to tackle sexual violence and harassment in public spaces, and reduce current levels of impunity for offenders of these crimes in Minority communities.


2. Right to inclusive education: Actively work towards the creation of a culture that celebrates diversity, for example, by adding minority cultures into school curricula in order to teach children about others and dispel rumours about Indigenous and minority groups. Ensure that minority children at risk of statelessness have access to the required documentation to enable them to study at local schools free of charge.

3. Right to public participation: Take active steps towards the creation of an enabling environment for the participation of minority women in political and public life. As per the CEDAW Committee’s 2019 concluding observations, these steps should include raising awareness among authorities and community members that “the full, free and democratic participation of women on an equal basis with men in political and public life” is a requirement for the full implementation of the rights of women.



4. Identity Rights: Ensure that any administrative processes, measures, or implementation introduced to formalise civil registration, particularly, with the adoption of the new Civil Registration Vital Statistic and Identification law and its implementation regulations, take account of the needs of minorities, including Khmer Krom and ethnic Vietnamese women and their families, address the specific issues they face in accessing identification documents especially birth certificate, and do not serve to further entrench existing practices of exclusion and discrimination. Ensure full implementation of article 7 of the Convention on the Rights of the Child and Sustainable Development Goal 16.9 in achieving birth registration for all children, regardless of their legal status. Develop and publish a national anti-racial discrimination strategy containing concrete actions to address discrimination against all minority, ethnic and indigenous groups.

5. Alternative dispute resolution (ADR): As per the CEDAW Committee’s 2019 concluding observations, the RGC should: “Take specific steps to [...] ensure that cases of gender-based discrimination and violence against women, including domestic violence and rape, are thoroughly investigated, perpetrators are prosecuted and adequately punished, and victims are provided with remedies.” Government and civil society efforts to reform and limit the practice of ADR by local authorities in GBV cases must also consider how the practice is currently being performed by other local actors, including family or community elders, cultural/religious leaders, and police officers. Such initiatives should ensure that women at risk, as well as authorities, police, and religious/ cultural leaders know about protection orders and administrative decision procedures and how to access them. More efforts need to be done to ensure that these protection orders and/or administrative decisions are effectively enforced and easily obtained in practice by all survivors. All those providing any form of ADR should be made fully aware that it is not permissible under any circumstances for perpetrators of domestic violence (especially but not limited to cases of spousal rape) to be ‘guided’ and sent home with their victims. Most importantly, GBV support services including legal, psychological, economic, shelter, hotline, and other support services must be made accessible and available at the community level even in remote areas to the most marginalized communities.



6. Early and child marriage: Take steps to ensure that all those responsible for performing marriage ceremonies (whether customary or legal marriages) are not under any circumstances enabling or facilitating children under 16 to marry – regardless of whether those children claim to fully consent. In addition to information about relevant laws and human rights, community education about early/child marriage should include information about the reduced decision-making capacities of children and adolescents compared to adults, and the lifelong harmful impacts of early marriage. Ensure that any interventions targeting early, child and/or forced marriage in Indigenous and Minority communities are methodologically and pedagogically tailored to the particular needs and context of those individual communities. Any such interventions in relation to early marriage – and marriage and family rights in general – must be carefully and meaningfully tailored to the communities in which they are undertaken, and sustained over a prolonged period.

Annex

Questionnaires for minority women

Owning the Space: A study to explore the rights challenges, needs, and solutions expressed by the minority women in Cambodia.

1. Interviewer introduce herself and the purposes of the interviewing (2 minutes):

Hi, my name is _____ and I'm helping to conduct a piece of research for an organisation called Women Peace Makers, aiming to explore the rights challenges, needs and solutions expressed by the minority owmen in Cambodia.

We're doing interviews with minority women from Kandal, Kompong Chhnang, Modolkiri, Rattanakiri, and Siem Reap and we'd love to hear your ideas about the challenges that minority women in your community are facing, their needs, hopes, and recommendations to the stakeholders to address those challenges. So, do you agree for us to interview you and use the information for this study purpose?

Yes

No

[If yes, give them the Participant Info Sheet to keep for themselves]

2. Demography

Code: _____

Interviewee name: _____

Date:

Interviewer's Name:

Location (Village,
Commune, District,
Province):

Language usage
during the interview:

Age: ____ Occupation: _____

Religion: _____

Gender: Female Male
 Other

Target Community:

Indigenous People:
 Charay Kring Prov
 Phonong Tumpun

Where were you born?

Cambodia
 Other: Specify _____

Do you have birth certificate?

Yes No

Do you have Khmer ID card?

Yes No

Marital Status: Single Married

Divorce Engaged

In relationship Living separately

If married, do you have marriage
certificate? Yes No

Do you have children? Yes No

How many? _____

3. Intimate/private sphere right issues:

3.1. Right to equality and non-discrimination

1. In your reality, housework and childcare are considered to be a woman or a man's roles?

Man

Woman

both

Why? If it is woman's role, how does it impact women's access to opportunity?

2. Do you think women in your community have the same freedom as men to go outside the home as they wish without feeling guilty or fearful? Yes No

Why? Please explain and give examples.

3. Can you tell me about a time where you felt you were treated differently by family and community members because you are a woman?

How did this make you feel/how did this impact your life?

4. Are there any different rules, expectations, or practices for sons and daughter or woman and man in the community? Can you tell me more about it?

Are there any other ways that women and men are unequal inside the home and in your community?

5. Do you think minority women and girls in this community are usually as confident and outspoken as men and boys? If not, why not?

How do you think this can be addressed?

6. Have you ever felt being discriminated against for being a minority woman outside home? How did it impact your life? Please feel free to tell us more about that experience in details.

7. What is your dream/hope? Or your needs or suggestion to address such issues of inequality and discrimination against minority women?

3.2.Right to live free from GBV

8. Do you think violence in the home is seen as 'normal' by community members? Yes No

Why? Please tell us more about it.

9. In your opinion, can a man hit his wife if he has a “good” reason? Yes No

Why? What do you think is the perception of your community members? Please explain and give example.

10. Do you think domestic violence a problem in your community? Yes No

11. Do you think sexual violence and rape is a problem in your community? Yes No

"Who are the perpetrators of sexual violence against women in your community, in your opinion?"

12. Do you think psychological/emotional violence a problem in your community? Yes No

Why? Please feel free to share any incidents related to the above issues.

13. Have you or any of your family members experienced domestic violence? Yes No

“Would you mind sharing with me a bit about that experience? If you don’t feel comfortable, we can move on to the next question.”

Would you describe the violence as ‘physical violence’ only? Has there ever been any psychological violence like threats, or economic violence like controlling your access to money?

if there has ever been any sexual violence, including pressure to have sex? Please only share what you feel comfortable with.

14. How often do women report cases of domestic violence to the local authority for intervention?

Always Very Often Sometimes Rarely Never

Are the perpetrators usually arrested for their crime? Are women usually happy with the intervention in these cases? Are there any challenges/barriers to access to local justice for women in your community? Please give me any examples if possible or explain further.

15. Do women in the community have access to a safe shelter in case of domestic violence? Yes No

Where is it? how accessible is it? do women know about it? etc.

16. Do you think cases of domestic violence among partners and family members are higher in your communities, compared to the rest of Cambodian society?

Yes

No

Why? Please explain your answer.

17. Do you think cases of violence against women happening outside the home are higher in your communities, compared to the rest of Cambodian society?

Yes

No

Why? Please explain your answer.

18. What are your needs or suggestions to reduce and address violence inside and outside the home against minority women?

3.3. Right to marriage and family relations

19. Do most couples choose to get legally married in your community? Yes No

Why? What is the benefit of marriage certificate? How easy is it for couples in your community to get it? Please explain.

20. Have you witnessed any early marriage (below 18 years old) in your community? Yes No

How young are the couples who get married?

21. Is there community education to try and prevent child marriages from taking place? Yes No

If so, who is doing this, and do you think it is effective?

22. Do you think child marriage is a problem in your community? Yes No

Why? How many cases took place from 2021 to now? How do you suggest child marriage can be prevented in an empowering and positive way for your community?

23. Are minority women usually able to choose their own life partner? Yes No

What are the family or community perceptions and responses toward minority women living together before marriage? Or being pregnant before marriage? Please describe.

24. How easy is it for a woman in your community to obtain a divorce?

Very easy Easy Average Difficult Very difficult

Are there any challenges to obtain divorce? Please explain your answer.

25. Is it easier for men to obtain divorce than women?

Yes

No

Why? Do you think it's easier for Cambodian women generally than it is for your minority women? Why?

26. What is your community's perception of divorced women?

What are your needs or suggestions to promote the right to marriage and family relation for minority women?

3.4. Sexual and reproductive health and right

27. How often is the topic of sexual and reproductive health being discussed or educated inside or outside the family?

Always Very Often Sometimes Rarely Never

Is it a taboo or an acceptable topic to be encouraged by the family and community?

28. Where do minority women and adolescent girls receive information about sexual education and reproductive health? What is the quality of this information in your opinion? What recommendations do you have to improve access to this information?

29. In your opinion, can a married woman refuse to have sex with her husband? Yes No

Why? What do you think is the perception of your community members with regards to this matter?

30. Do you think women in the community have easy and affordable access to abortion?

Very easy Easy Average Difficult Very difficult

Are there any challenges? Please explain your answer.

31. Do you think women in the community have easy and affordable access to contraception they prefer?

Very easy Easy Average Difficult Very difficult

Are there any challenges? Please explain your answer.

32. Can a woman in your community wear whatever clothes she wishes to? Yes No

If there is pressure to dress in a certain way, where is it coming from?

4.Community/public sphere right issues:

4.1. Right to education

33. Do you think education for girls/women is important?

Yes No

Is it the same to boy's education? Do your parents and community think so too? Why or why not?

34. What level of education you were able to receive?

(Primary, secondary, highschool and university?)

- No education Primary Secondary Highschool.
 University

How about your children? Were they able to go to school?
What level are they? Are there any challenges/barriers in pursuing your education or the education of your children?
Please tell me more about it. (Desire to go to school? Internal and external Barriers? Differences between boy and girl's education, etc.)

35. Have you ever felt being discriminated at school because of your minority status? Yes No

If so, why?

36. What is your dream/hope? Or your needs or suggestion to improve access to education for minority women in your community?

4.2. Right to participation in public and political life

37. Are you confident to voice your opinion or share your concern in the community and in public?

Yes

No

Why or why not? Please explain.

38. How often do women in your community participate in addressing community issues or development?

Always Very Often Sometimes Rarely Never

Why?

39. Do you think the community supports women's leadership in your community? Yes No

Why or why not? Please explain. Can you give specific examples of women's leadership from your community?

40. What do you think are the barriers/Challenges to women's participation in public and political life in your community? What do you think need to happen to promote women participation in public life?

4.3. Right to culture

41. Do you feel free to practice your community's traditional cultural (or religious?) practices and customs?

Yes

No

Do you feel proud to perform these customs? Please explain.

42. Do you think mainstream Cambodian society is generally very accepting of your (religious beliefs or) cultural practices?

Yes

No

Is there any discrimination? Please explain.

43. Do you think any cultural customs practiced by your community are harmful to women or girls? Can you tell me how?

44. How do you think the state or authorities could better protect the right of minority women in your community to be able to freely practice their cultural customs?

5. Recommendation


45. What do you think the family and community members should do to improve the life of the women in your community?

46. What do you think the local authority should do to improve the life of the women in your community?

47. What do you think the civil society should do to improve the life of the women in your community?

48. What do you think the government should do to improve the life of the women in your community?

49. Of all the things we have discussed today, which area/s do you think are most in need of being addressed urgently? There are anything else you would like to tell us?



Thank you for your participation!

More than 1 in 5 women in Cambodia report having experienced gender-based violence. However, it is important to recognise that not all women in Cambodia are alike and that even within inequality, they are not equal. Their individual experiences are shaped by myriad cultural, social, racial, religious, ethnic, and economic factors, among others.

"Voice and Visibility" uncovers how their gender, ethnicity, and age expose these women to multiple layers of discrimination, violence, and marginalisation. It found that because these minority women are subjected to both gender and ethnicity-based oppression, they face a 'double burden'. Additional 'burdens' include poverty, disability, statelessness, HIV status, and others. Wider recognition and urgent action to address these intersecting and compounding forms of oppression are needed, with indigenous and minority women at the centre of and active in any decisions that affect their lives.

Applying Feminist Participatory Action Research (FPAR) principles at all stages of its design and development, this study also equips young minority women Action Researchers with the technical research skills to harness their own expert knowledge. Representing some of Cambodia's most marginalised minority groups, the women participants and Action Researchers in this study have explored issues pertaining to their own rights and made key recommendations to the key stakeholders. The findings call for systemic changes to address these issues and promote a more inclusive and equitable society that truly leaves no one behind.

