Women's rights are well-protected in Cambodian Law

The Cambodian Constitution provides that...

- All Khmer citizens are equal before the law, regardless of sex (Art. 31)
- Women possess equal rights in all areas, including marriage and family (Art. 45)
  - Marriage shall be based upon mutual consent (Art. 45)
  - All forms of discrimination against women and the exploitation of women's labor shall be abolished (Art. 45)
- Human trafficking and the dismissal of women on the basis of pregnancy shall be prohibited (Art. 46)
- Women are entitled to paid maternity leave and other social benefits (Art. 46)
- The State shall support mothers by encouraging the creation of nurseries (Art. 73)
- The State shall provide economic, medical, and educational benefits for women and children living in rural areas (Art. 46)
In International Law

Women’s rights are also well-protected by international human rights law, most notably by the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW").

**CEDAW**

Adopted in 1979 by the UN General Assembly and by Cambodia in 2010, the CEDAW is often described as an international bill of rights for women.

It defines "discrimination against women" as follows:

Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field (Art. 1).

**Economic and Social Rights**

The CEDAW protects a number of key social and economic rights of women. In particular, it affirms that:

- **Contracts** and private instruments that restrict the legal capacity of women are illegitimate (Art. 15);
- Women have **rights to family benefits** and financial credit, such as bank loans and mortgages, from the government (Art. 13); and,
- Women have the right to **equal access to education** (Art. 10).
Key Rights
In the Convention on the Elimination of All Forms of Discriminations Against Women ('CEDAW')

Marriage and Family

The CEDAW requires States to take measures to eliminate discrimination related to marriage and family, and to provide equal rights to women in marriage.

In particular, women should have the right to:

- enter into a marriage;
- freely choose a spouse;
- own property; and;
- adopt children and legally serve as their guardian, ward, or trustee (Arts 5, 16).

Paid maternity leave

is: the ability to temporarily leave a place of employment to care for a newborn child and still receive payment, childcare facilities, and other social services to enable women to meet family obligations.

The CEDAW also:

- **Forbids employment discrimination** on the basis of pregnancy, maternity, or marriage (Art. 11);
- Requires that parties **suppress sexual exploitation** of women (Article 6), which includes sex trafficking & forced prostitution.
Key Rights

In the Convention on the Elimination of All Forms of Discriminations Against Women ('CEDAW')

Public Participation

CEDAW emphasizes the right to participate in public life, and in particular:

- to vote in elections;
- to hold public office at every level of government;
- to participate in the formulation and implementation of government policy; and,
- to participate in non-governmental organizations & associations concerned with the country's public and political life (Art. 7).

Rural Women

The CEDAW recognizes the difficulties faced by rural women, who are particularly vulnerable to discrimination and exploitation.

Article 14 urges parties to ensure rural women's:

- Participation in development planning at all levels;
- Access to adequate health care facilities, including for family planning;
- Access to education, social security programs, credit, & loans;
- Opportunities to organize associations to obtain equal economic opportunities;
- Equal treatment in land reform & resettlement schemes; and,
- Enjoyment of adequate living conditions.
By signing the CEDAW, States shall...

- Adopt appropriate **legislative measures**, as well as any other measure, to stop discrimination (Art. 2 (a));
- Refrain from any act of **discrimination** against women (Art. 2 (d));
- Ensure all public authorities, institutions, and enterprises **comply** with this obligation (Art. 2 (d));
- Take temporary measures to **accelerate equality in practice** between men and women (Art. 4); and,
- **Modify social and cultural practices** that perpetuate discrimination (Arts. 3 and 5).

**contain key rights relevant to women.**

- the Universal Declaration of Human Rights
- the International Covenant on Civil & Political Rights
- the International Covenant on Economic, Social & Cultural Rights
- the Declaration on the Rights of Indigenous Peoples
- the Declaration on Women Human Rights Defenders
Submitting a CEDAW Complaint

Who? & When?

- The CEDAW Optional Protocol enables the CEDAW Committee to initiate inquiries into violations of women’s rights.
- Individual women or a group of women may submit a complaint of violations of CEDAW-protected rights.
- Complaints may be submitted after exhausting all domestic avenues for remedy.

How?

- The CEDAW Committee may visit States as part of its investigation, and may submit recommendations to States.
- After the CEDAW Committee submits a recommendation, the State party is required to submit a written response detailing any action it has taken to address the violations within six months.

For further information, please contact CCHR Via Telephone at +855(0)23 726 901 or Email at info@cchrcambodia.org

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