I write in response to the article published in The Phnom Penh Post on March 16 which outlined a recent note by the Ministry of Foreign Affairs to foreign embassies in Cambodia outlining new restrictions on marriages between foreign men and Cambodian women based on the age and salary of the men in question (“New restrictions issued on foreign marriages”).

The new restrictions, which seek to preclude men over 50 and men who earn less than US$2,550 per month from marrying Cambodian women, are justified by the Ministry of Foreign Affairs on grounds that people who are getting married should “look like proper couples”.

This justification is reflective of the attitude of this government which considers it appropriate to impose its own norms on the people without regard to their freedom and capacity to choose and often in violation of the law and human rights principles.

The Cambodian constitution establishes that marriages should be conducted on the basis of mutual consent. The planned regulations represent a violation of this principle by imposing additional restrictions and limiting the freedom of Cambodian women to choose their own spouse.

By imposing the restrictions on marriages between Cambodian women and foreign men and not on marriages between Cambodian men and foreign women, the regulations are also in violation of the constitutional guarantee that “men and women are equal in all fields especially with respect to marriage”.

One of the rationales for the law that has been offered by ministry spokespeople is to ensure that Cambodian women are not the victims of human trafficking. While the government may feel that it has the interest of Cambodian women at heart, this regulation is no replacement for the enforcement of the Law on Suppression of Human Trafficking and Sexual Exploitation.

Indeed by encouraging Cambodian women to leave the country to marry their foreign partners, the regulations could even facilitate further human trafficking.

The regulations – which have no apparent basis in law – seek to add a new degree of arbitrariness to the marriage laws of Cambodia, which already preclude impotent men and those with cancer, leprosy, tuberculosis or venereal diseases from marrying.

The regulations are typical of this government, which is so quick to impose its own values on the people without any regard for their freedom and capacity to decide for themselves. Instead of creating new arbitrary measures, I encourage the government to revisit its practise and to start trusting the Cambodian people to make responsible choices of their own.

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Restrictions on foreign marriages

Written by Ou Virak
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