



EXPLORING CAMBODIAN VOICES



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ACKNOWLEDGEMENT

This Context Analysis for the Voice represents the voices of many diverse groups and people. We would like to acknowledge all the people who provided input, guidance, and comments. Without your guidance the final product would not have turned out as strong.

Thank you to civil society organisations that provided input on their work, and helped us to link with people in the community to learn of their experiences. This included HelpAge, Men's Health Cambodia, Cambodia Association for Aid to Children, ADD International, ADHOC, LICHADO, Cambodia Center for Human Rights, Woman Organization For Modern Economy and Nursing, the TransGender Network, Cambodia Disabled People's Organisation, CamAsean, and Cambodia Women for Peace and Development.

Thank you to the various ministries that provided input on current policies, priorities and actions, including the Ministry of Women's Affairs, Ministry of Social Affairs, Veterans and Youth Rehabilitation: Cambodia National Council for Children and the Disability Action Council.

Thank you to UN Agencies that provided input on their work including the Office of the High Commissioner for Human Rights, UN Women and UNICEF.

But most importantly, thank you to all the representatives of marginalised and discriminated groups who were open and willing to share their experiences with the team. This input was invaluable for the context analysis we sincerely hope that you are as proud of the final product as we are. The representatives came from all groups within Voice including older people, indigenous people, people with disabilities, people in the LGBTQI community, women working in hospitality and tourism, and women that have experience violence and/or abuse. We thank you for your wisdom, your participation and hope that the analysis and Voice will do justice to help unleash your unheard voices! You deserve it!

And finally, thanks to the Netherlands the Ministry of Foreign Affairs who initiated Voice with the objective to support the most marginalised and discriminated groups in their efforts to exert influence in accessing productive and social services and political participation.

This document is written by Robin Mauney and Gabrielle

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ABBREVIATIONS

CAMFEBA	Cambodia Federation of Employers and Business Associations
CBO	Community based Organisation
CC	Commune Council
CCHR	Cambodian Center for Human Rights
CDHS	Cambodia Demographic and Health Survey
CDPO	Cambodia Disabled People’s Organisation
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CICP	Cambodian Institute for Cooperation and Peace
CIPS	Cambodia Intercensal Population Survey
CNP	Cambodia National Police
CRPD	Convention on the Rights of Persons with Disabilities
CSM	Community Stakeholder Meeting
CSO	Civil Society Organization
CNCW	Cambodia National Council for Women
CWCC	Commune Committee for Women and Children
DA	Disability Action Council
DWCC	District Council for Women and Children
DOSAVY	Department of Social Affairs, Veterans and Youth Rehabilitation
DWPD	Department of Welfare for Persons with Disabilities
DPO	Disabled People’s Organisations
DRA	Disability Rights Administration
DRIC	Disability Rights Initiative Cambodia
ICESR	Economic Covenant on Social and Cultural Rights
ELC	Economic Land Concessions
FGDS	Focus Group Discussions
GBV	Gender-based Violence
GMAC	Garment Manufacturers Association Cambodia
ILO	International Labour Organisation
INGOS	International Non-Government Organizations
KIIS	Key informant interviews
LAC	Legal Aid Cambodia
LANGO	Law on Association and Non-Governmental Organizations
LGBTQI	Lesbian, Gay, Bi-sexual, Transgender, Queer, Intersex

LICHADO	Cambodian League for the Promotion and Defence of Human Rights
MHC	Men's Health Cambodia
MLMUPC	Ministry of Land Management, Urban Planning and Construction
MOEYS	Ministry of Education, Youth and Sports
MOI	Ministry of Interior
MOH	Ministry of Health
MOLVT	Ministry of Labor and Vocational Training
MoSAVY	Ministry of Social Affairs, Veterans and Youth Rehabilitation
MoWA	Ministry of Women's Affairs
MoP	Ministry of Planning
MSM	Men who have sex with men
NCDD	National Committee for Sub-National Democratic Development
NGO	Non-government organisation
OSH	Occupational Safety and Health
OPA	Old People Associations
PDoSAVY	Provincial Department of Social Affairs, Veterans and Youth Rehabilitation
PWDF	Persons with Disabilities Foundation
RGC	Royal Government of Cambodia
RoCK	Rainbow Community Kampuchea
SRC	Security Council Resolutions
TAF	The Asia Foundation
TG	Transgender
TWGG-GBV	Technical Working Group on Gender- Gender Based Violence
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNDHR	United Nations Universal Declaration of Human Rights
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund
WHO	World Health Organisation

INTRODUCTION

Background and Rationale

Voice is a consortium between Oxfam Novib (Netherlands) and Hivos whereby funding is made available by the Dutch Ministry of Foreign Affairs to target the most marginalised and discriminated groups. Oxfam in Cambodia delivers Voice project on behalf of this consortium. This document is the in depth contextual analysis for Voice programming in Cambodia and it serves as the baseline context analysis for Voice project. In Cambodia, these groups amongst others have been identified as 1) people with disabilities; 2) lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) people; 3) women facing exploitation, abuse and violence; 4) age-discriminated vulnerable groups, notably the young and the elderly; and 5) indigenous groups and ethnic minorities.

Voice aims to strengthen the capacity of civil society organisations and representatives of these groups to increase their participation in mainstream development processes. Since the most marginalised and discriminated groups are often hard to reach via regular programming Voice promotes the use of innovative ideas and strategies to empower these groups and to have their voices heard and respected. The programme has two main components: 1) A grant facility to provide financial support to groups and organisations and; 2) linking and learning programme that will nurture learning and innovation across countries and groups.

The long-term outcome of this programme is: To strengthen and empower the capacity of civil society organizations and the marginalized groups in Cambodia for their voice to be heard and respected by way of innovative ideas for lobbying and advocacy.

There are often difficulties in reaching and raising the voice of the targeted people which are often the result of multiple barriers also called 'intersecting inequalities'. Four core dimensions of marginalisation that overlap and reinforce each other have been identified as: social exclusion, economic exclusion, spatial exclusion, and political exclusion. A cross cutting dimension to these four exclusions is gender where women and girls are affected twice as much as any other group due to cultural and social norms.

Objective of the Context Analysis

The objective of this context analysis is to provide an in-depth analysis of the current situation and policy environment in Cambodia of the following groups within the five above mentioned targeted marginalised and discriminated groups.

Methodology

The context analysis was completed using a standard research process including a desk review, key informant interviews with government and civil society organisations, and focus group discussion with each target group. The full methodology and listing of key informants is available at Oxfam in Cambodia, Info.Cambodia@oxfam.org.

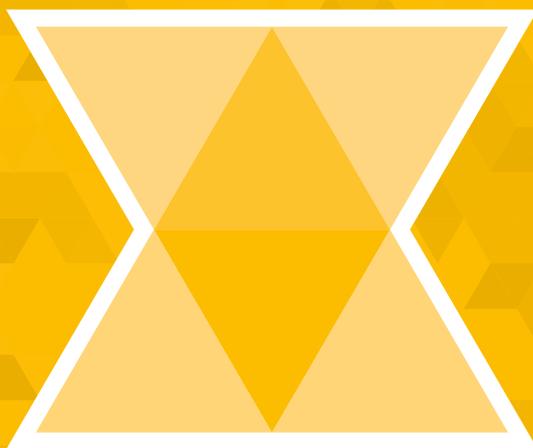
FINDINGS

Country Context

The Kingdom of Cambodia is a country located in Southeast Asia and has a land area of 181, 035 square kilometers (UNDP, 2014). According to World Population Review, 16.2 million people as of 2018 live in Cambodia, with most people living in rural areas (National Institute of Statistics, 2013). Although there are different Indigenous People and Ethnic Minority Groups in Cambodia, most of the population identify as Khmer and 95 percent identify as Theravada Buddhist. Cambodia has one of the youngest populations in Southeast Asia with around 65 percent of this its' population under 35 (UNDP, 2016).

After decades of civil strife, Cambodia has experienced two decades of strong economic growth, resulting in a decline of poverty rate from 47.8% in 2007 to 13.5% in 2014 (World Bank , 2018). The biggest drivers of the economy are continued growth in agriculture, construction, garment manufacturing and tourism. In 2015, Cambodia attained lower-middle income status with a gross national income per capita of US \$1070 (World Bank , 2016). Although economic growth is strong, and poverty is declining, there is a wealth gap between those living in rural and urban areas.

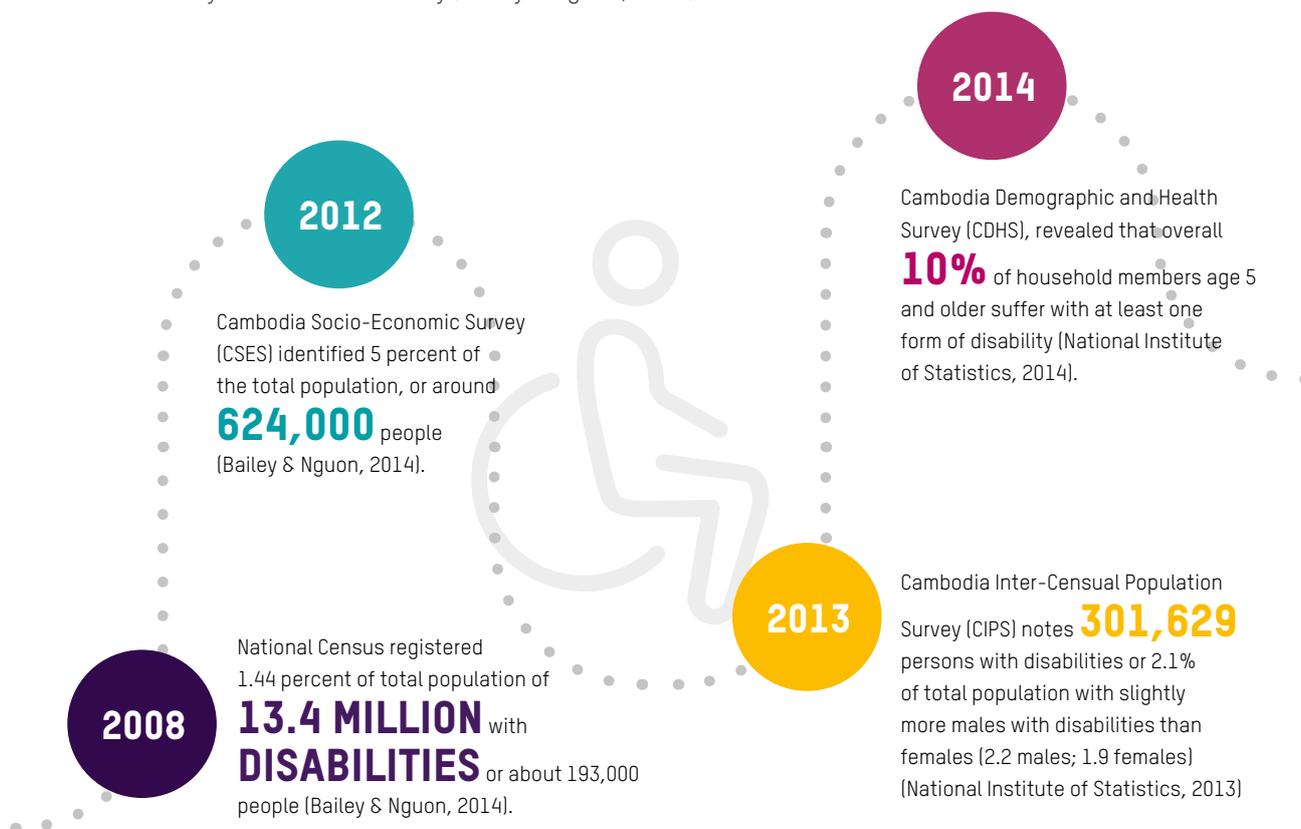




PEOPLE WITH DISABILITIES

Internationally, persons with disabilities are defined as those who have long-term physical, mental, intellectual or sensory impairments in which interaction with various barriers may hinder their full and effective participation in society on an equal basis with others (OHCHR, 2008). In Cambodia, the Law on the Protection and the Promotion of the Rights of Persons with Disabilities (2009) defines a person with disability as any persons who lack, lose, or damage any physical or mental functions, which result in a disturbance to their daily life or activities, such as physical, visual, hearing, intellectual impairments, mental disorders and any other types of disabilities.

In Cambodia, there is a lack of consistency in the data on the number of persons with disabilities. The lack of reliable data gathered by government entities is a challenge for planning. Assistance tends to focus on persons with physical disabilities as they are easier to identify (Bailey & Nguon, 2014).



Both the CIPS and CDHS report that the proportion of the disabled are higher in rural areas than in urban areas (National Institute of Statistics, 2014). According to CIPS 2013, the disability rate is higher than the national average in each of the provinces of Battambang (highest), Kampong Chhang, Kampong Thom, Koh Kong, Kratie, Prey Veng, Preah Sihanouk, Takeo, Oddar Meanchey and Pailin (National Institute of Statistics, 2013).



EXCLUSION ANALYSIS

Commonly, both adults and children with disabilities are kept at home and socially isolated. In FGDs participants reported feeling isolated and not having good relationships with non-disabled persons as they perceive that others see them as having less value. Another reality is persons with disabilities are used for income generation – begging, selling flowers, etc. People with disabilities also report stigma and discrimination. Name calling making fun of the person’s impairment is reported to be common.

The belief in karma leads to the idea that misfortune in this life is caused by wrongdoings in a previous life. Consequently, disability is sometimes perceived as the fault of the individual. Often persons with disabilities are considered a burden and unable to contribute to the well-being of their families. (Bailey & Nguon, 2014). As such, people with disabilities are less important in society and are discriminated against (Phnom Penh Center for Independent Living, 2016).



Photo: Phare Ponleu Selpak

Oxfam partner, Phare Ponleu Selpak using performance art to promote inclusion of marginalized group in slum area

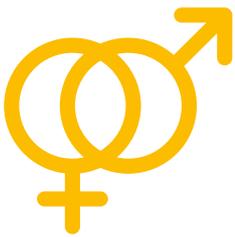
Children with disabilities also face exclusion from school. Some parents and authorities report that ‘education is not needed’ for the child with disabilities as they will not be able to work. When children are in school often they are isolated and alone, not invited to join in with other children. Issues, such as transportation, lack of resources, qualified teachers and facilities result in exclusion from school – rendering fewer economic opportunities in the future (Phnom Penh Center for Independent Living, 2016) (Plan International Cambodia, 2014). People with disabilities face the challenge of poverty and unsustainable livelihoods (Bailey & Nguon, 2014). Disabled people are among the poorest, with limited access to social services, education, skills, vocational training, and income-generating opportunities exacerbating their poverty (CCC, 2006). People with disabilities have lower literacy rates - 55.77 percent for people with disabilities compared to 72.8 percent for the general population. Women with disabilities have even lower literary rates along with older women (National Institute of Statistics, 2013).

People with disabilities have higher unemployment rates than people in the general population – 10.32 percent for people with disabilities compared to 3.22 in the general population. Unemployment rates are higher for disabled men than disabled women. A large majority of disabled persons work in agriculture, forestry, fishing, and informal sectors. Fewer disabled people are shifting to formal sectors like industry and service compared to the general population (National Institute of Statistics, 2013).

While the Law on the Protection and the Promotion of the Rights of Persons with Disabilities states that buildings must be accessible, this is widely ignored even in new construction. Generally, the physical environment is filled with physical obstacles. Public streets have no accommodation. Commonly buildings have stairs for entry – even if there is an elevator – it is up a flight of stairs. This challenge is in schools, hospitals, and businesses (Phnom Penh Center for Independent Living, 2016).

People with disabilities in FGDs identified various special barriers in access to services. While the Royal Government of Cambodia (RGC) takes responsibility for the provision of health, education, and other social services most services for persons with disabilities, many people with disabilities are supported by NGOs or DPOs (Bailey & Nguon, 2014). In addition to the lack of services, barriers such as lack of transportation kept people with disabilities from accessing services (Bailey & Nguon, 2014).

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) requires the State to guarantee persons with disabilities have equality and effective enjoyment of political rights, including the right to vote and be elected. The reality is that persons with disabilities face barriers to political participation. No data was identified on participation of persons with disabilities in government (elected or civil servants), but lower educational attainment, lower literacy, lower socio-economic status contributes to less participation. At the local level FGD participants did report being able to raise concerns through community meetings. Issues had been raised by persons with disabilities on sanitation, health and hygiene.



GENDER

A recent study in Cambodia examined violence against women with disabilities compared to their peers without disability. It found that when compared to their peers without disability, women with disabilities experienced higher rates of emotional, physical, and sexual violence by household members (other than their partners); were considered less valuable and more burdensome within the household and experienced higher rates of psychological distress and are less able to disclose violence or seek appropriate support (Astbury & Walji, 2013).

Women and girls with disabilities face more discrimination and negative attitudes, few opportunities to health care and education as well (Bailey & Nguon, 2014). Additionally, women with disabilities are more likely to have low literacy than males with disabilities. As noted earlier, there are slightly more males than females with disabilities.



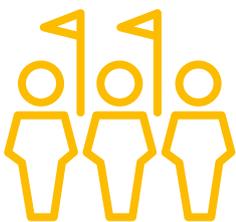
POLICY GAPS

Although the RGC has instituted policies to provide equal services and equal access for people with disabilities there is a clear gap in the implementation of these policies. Implementation of equal access to services, education, and accessibility has not occurred. Another challenge is in the definition of disabilities. The definition in the current law does not meet international standards. This coupled with the lack of consistent data results in challenges in adequate rights-based programming.



RISK ASSESSMENT

The government has identified working with people with disabilities as a priority. There is limited risk either reputational or otherwise in working with this group. Large donors and others have prioritised people with disabilities, so there is also some opportunity as a result.



IMPORTANT ALLIANCES

Disability Rights Initiative Cambodia a joint program of the Australian Government and World Health Organization (WHO), United Nations Development Program (UNDP), United Nations Children’s Fund (UNICEF) has been key alliance in the disability sector.

The lead ministry on disability is MoSAVY which has the overall responsibility of ensuring the welfare and well-being of adults and children with disabilities and other vulnerable groups. MoSAVY’s Department of Welfare for Persons with Disabilities (DWPD) was established to lead and manage disability-related work. Other disability specific entities include the Persons with Disabilities Foundation (PWDF), the Disability Rights Administration (DRA) under the DWPD, the DAC, and the Council for Disability Classification.

Other relevant ministries and agencies include the Ministry of Health (MoH), Ministry of Education, Youth and Sports (MoEYS), Ministry of Women’s Affairs (MoWA), Ministry of Labor and Vocational Training (MoLVT) Ministry of Planning (MoP), Ministry of Interior (MoI), National Committee for Sub-National Democratic Development (NCDD) and the Cambodian Mine Action and Victim Assistance Authority.

The key coordination mechanism for the disability sector is the Disability Action Council (DAC). Any of the Ministries represented in the DAC are also members of the NCDD which aims to build capacity for good governance at the sub-national level.

A mapping of NGOs, Disabled People’s Organisations (DPOs), Federations and other service providers identified 138 entities working with or for persons with disabilities, including several mainstream service providers with programmes that are inclusive of adults and children with disabilities, in 24 provinces; 75 are national or international NGOs (Bailey & Nguon, 2014).

The Cambodian Disabled People’s Organization (CDPO) is considered the peak body working to promote the rights of persons with disabilities. Other DPOs work with specific target groups of persons with disabilities, including the Association for the Blind in Cambodia, Cambodian Spinal Cord Injury Association; the Parents Association of Children with Intellectual Disability; and, the Phnom Penh Centre for Independent Living (Bailey & Nguon, 2014).





LGBTQI

Sexual minorities are people whose sexual identity, orientation or practices differ from most of the surrounding society or heterosexual paradigm (Huamssee, 2006). This term encompasses sexual orientation and gender identity, including those who identify as being lesbian, gay, bisexual, transgender or intersex, or are men who have sex with men (MSM) or women who have sex with women. There is no formal statistical information on the sexual minorities in Cambodia.

In Cambodia, MSM is a term used to describe men who engage in consensual male-to-male sex. Most MSM live and gather in larger cities and provincial capitals (UNDP, 2014). Transgendered (TG) females also tend to live in larger cities and provincial capitals however, transgendered men tend to live in Cambodia's provinces and rural areas (UNDP, 2014).

Lesbians in Cambodia do not receive the same attention as other sexual minorities. Although, the thought that there are fewer lesbians than other sexual minorities exist, it could also be because there is a greater pressure on women in Cambodia to marry and have children. Women who identify as lesbian feel more comfortable and accepted living in rural areas in Cambodia (UNDP, 2014).

The dominant religion of Cambodia is Theravada Buddhism and is mostly free of homophobia and transphobia and does not differentiate between homosexuality and heterosexuality in its teachings about sexual activity (UNDP, 2014). Although there is no religious stigma associated with homosexuality there is a great deal of social pressure to follow Buddhist teachings on family and marriage to produce children (Cambodia Center for Human Rights, 2010).



EXCLUSION ANALYSIS

People who are in sexual minorities face significant stigma and discrimination in Cambodian society, especially if they “come out” and live openly expressing their sexual orientation and/or gender identity. This stigma and discrimination manifests itself through family rejection, forced marriages to the opposite sex, attempted “cures” for being LGBTQI, controlling and restrictive behaviour and violence (UNDP, 2014).

Many LGBTQI people leave home early due to lack of acceptance (UNDP, 2014). A recent study found that 82 percent of LGBT respondents placed discrimination related to sexual orientation and gender identity as the priority challenge faced by LGBTQI people. LGBT typically only “come out” to close friends (77 percent) and immediate family members (54 percent) for fear of discrimination, judgement, being bullied, and harassed. Almost one third (29 percent) of LGBT people in Cambodia never come out at all. Almost half (41 percent) of the straight and LGBTQI opponents would reject their child if they found out their child was LGBTQI and would try to change their sexual orientation (Vinh, Menh, & Norris, 2015). Many lesbians face greater persecution and stigma “coming out” to family than other sexual minorities (LGBTQI) (UNDP, 2014; Cambodia Center for Human Rights, 2010). This stigma has even reached media outlets like Khmer TV shows that portray sexual minorities negatively (UNDP, 2014).

LGBTQI people also face increased risk for violence or other abuse (MoWA, 2014). There is a high risk of abuse and homophobic attacks in public places such as markets, public events, neighbourhood, and family (UNDP, 2014). Some LGBTQI people described commonly being wrongly accused of theft in shops or in the market and while in public being arrested under false charges, being mistreated, and having to either pay fines or are abused sexually to get out of detainment (USAID, 2010).

Ultimately, all participants in the FGD reported feeling unsafe and discriminated against in public spaces, sometimes even barred from certain spaces and events because of their sexual orientation and gender identity. Mostly, the police were reported to be the most common threat and authority to force them to leave. This was reported as one of the major concerns of LGBTQI people.

Police brutality and abuse is reported as a common experience, especially by TG persons (Cambodia Center for Human Rights, 2016). In Siem Reap, the TG participants in FGDs reported they are banned from Pub Street, if they go, they will immediately be arrested. Members of the TG community in Siem Reap said they go out in groups for protection and safety, especially from the police.

Also, many TGs face discrimination by authorities under the guise of the Commune Safety Policy and anti-trafficking laws and are accused of selling drugs or sex in public places at night (Davis, Lippman, Miles, Morrison, & Miles, 2014; Jenkins, 2006). Many members are arrested and detained on false charges then are forced to pay fines or sexually abused to get out of detainment (USAID, 2010).

TG people who are sex workers are some of the most vulnerable to physical violence and sexual abuse in Cambodia and perpetrators rarely face consequences. A recent study interviewing 135 trans women revealed an 'overwhelming majority' of TG women are subject to 'shocking' gender based violence (GBV) and discrimination. Ninety-two percent of TG women reported verbal harassment, 43 percent physical harassment, 40 percent harassment by police and 31 percent experience sexual assault (Cambodia Center for Human Rights, 2016).

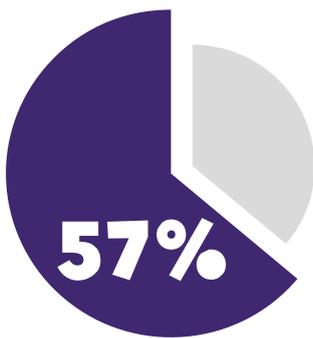
MSM also face violence based on their sexual preferences (Cambodia Center for Human Rights, 2010; UNFPA, Global Forum on MSM & HIV, UNDP, WHO, USAID, World Bank, 2015). Many of the attacks occur in urban areas as same-sex couples are more accepted at the village level in the provinces (UNDP, 2014).

In a 2013 report 57 percent of the 149 gay and lesbian people interviewed reported experiencing domestic violence from families or partners (Salas & Sorn, 2013). This is higher than the national statistics of 1 out of 5 for married women (MoWA, 2015). During FGDs, many members reported instances of domestic violence occurring in the same-sex relationships, however many felt uncomfortable or scared to report to police because of the discrimination and stigma perpetuated by the police against sexual minorities.

LGBTQI people report challenges with access to basic services. TG and MSM report incidents where tuk tuk drivers refuse service. Government issued ID cards, family books, travel documents and ID Poor Cards were reported to take a long time or not be received at all and do not routinely reflect their preferred gender identity (Cambodia Center for Human Rights, 2010) (CCHR, 2012).

Ultimately, participants in the FGDs reported feeling outside and not welcome in mainstream Khmer society. They saw themselves as judged and discriminated against because of their sexual orientation. This population also faces intense emotional and mental stress due to being LGBTQI in Cambodian society. There is a lack of psycho-social support for this community and little focus on the psychological affects discrimination and rejection has on these individuals (Salas & Sorn, 2013).

Sexual minorities face economic hardship and unemployment because they cannot be open about their sexual orientation in the workplace and have limited job



149 GAY AND
LESBIAN PEOPLE
INTERVIEWED REPORTED
EXPERIENCING DOMESTIC
VIOLENCE FROM FAMILIES
OR PARTNERS

opportunities due to discrimination and exclusion from employment sectors (Cambodia Center for Human Rights, 2010). FGD participants described only certain jobs like sex work, entertainment work, make-up artists, hair stylist and similar industries being available to those who are “out” in Cambodian society. Almost everyone in FGDs mentioned sex work as a common job for LGBTQI people in Cambodia, particularly for TG persons. Even NGO and CSOs who work with LGBTQI people do not typically hire them and if they do it is in low level positions (UNDP, 2014). Discrimination in the workplace if individuals are “out” is common.

Youth in sexual minorities are also more likely to drop out of school, due to bullying, economic hardship and family rejection, further limiting economic options (CCHR, 2012). Primary school tends to reinforce gender norms and does not incorporate diversity into the curriculum (UNDP, 2014). In the FGDs with MSM and TG group, most participants had dropped out of school after grade 6. LGBTQI youth described how hard it is to come out as a student because of the dependence on family for economic support and school fees, many felt they had to choose between school or their identity.

Even though health issues such as HIV are important, participants in FGD described wanting more NGO/CSOs to expand work with groups like TG and MSM beyond health and more toward human rights advocacy. There are existing local networks in each city that collaborate with NGOs on these issues, however there is no national mechanism which focuses solely on human rights awareness for LGBTQI in Cambodia, which makes addressing the policy gaps difficult at the national level. FGD participants and NGO workers reported attempts to engage local authorities and/or police in community meetings or LGBTQI events with little or no success. LGBTQI people wish to live freely and openly in Cambodian society and have full access to employment, rights, and protections.



The LGBTQI are at significant risk for gender-based violence. The mainstream definition of GBV centres on woman as the victim. However, in this context it is necessary to broaden the definition to “Any harmful act that is perpetrated against a person’s will and that is based on social-ascribed (gender) differences between males and females” (Betron, 2009).

Women in Cambodia due to traditional gender roles have less ability to pursue same-sex relationships. Lesbian relationships are viewed as unfathomable to many Cambodians and family members will use more drastic measures to break up these relationships (Cambodia Center for Human Rights, 2010). FGDs reflected similar findings, some lesbian participants families going to extreme measures such as trying to force marriages, rape, and other acts to prevent them from being “out” in society.



POLICY GAPS

Collectively, LGBTQI people are concerned for the recognition of their basic human rights. While the Constitution of Cambodia guarantees equal rights for all, LGBTQI people do not find equal protection under the law or from local authorities. There are no anti-discrimination laws for LGBTQI.

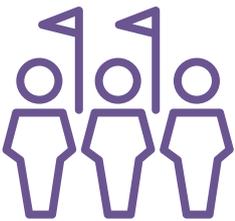
Same sex marriage is not legal (or not clear) in Cambodia, participants reported this is another way to prevent them from fully participating in society. Participants in FGDs expressed same sex marriage as their human right in order to remove stigma and discrimination against homosexuality. Same sex activities are not criminal offences in Cambodia, but laws and policies are silent and offer little protection for the LGBTQI community.



RISK ASSESSMENT

Individually, there are risks for the LGBTQI community to be out in Khmer society. Also, there is great risk, especially among TG and MSM to not only “come out” but to go out in public and organize; often resulting violence from police or the state.

For NGO/CSOs there are not apparent risks or reputational risk in working with this target community. However, it is important to note most of the services provided to these groups are around health and HIV prevention. There are possible negative scenarios that could result in focusing on human rights building and influencing policy.



IMPORTANT ALLIANCES

An important alliance to build is with the police and local authorities to build their understanding and address their discrimination and violence against this community. An important alliance to build further is with MoWA to ensure services to respond to violence against this community is addressed.

There are many CSOs working on issues related, primarily on health/HIV prevention issues and advocacy for this target community: Rainbow Community Kampuchea (RoCK), Cam ASEAN, KHANA, Men Health Cambodia (MHC), Men’s Health Social Services, Cambodian People Living with HIV/AIDS Networks (CPN+). Most of the organizations employ LGBTQI activists and community members. Cambodians Center for Human Rights also meets regularly with these groups and conducts joint activities and research. Legal Aid of Cambodia (LAC) has just started a program to build awareness of human rights of this community to local duty bearers and the police, especially rights of TG and MSM.





WOMEN FACING EXPLOITATION, ABUSE AND VIOLENCE

IN CAMBODIA, WOMEN AND GIRLS CONTINUE TO BE SUBJECTED TO PHYSICAL, EMOTIONAL, SEXUAL AND ECONOMIC VIOLENCE, CUTTING ACROSS ALL DIVISIONS OF INCOME, CULTURE AND CLASS IN THEIR DAILY PUBLIC AND PRIVATE SPHERES. (MOWA, 2014). IN CAMBODIA, THE RATIO OF MEN TO WOMEN IS STABILIZING AND THE NUMBER OF FEMALE HEADED HOUSEHOLDS IS DECLINING. HOWEVER, WOMEN ARE STILL A SLIGHT MAJORITY OF THE POPULATION (NATIONAL INSTITUTE OF STATISTICS, 2008). WHILE CAMBODIA OVERALL HAS EXPERIENCED RAPID POVERTY REDUCTION AND THE DIFFERENCE IN POVERTY BETWEEN MALE AND FEMALE HEADED HOUSEHOLDS APPEARS SMALL UNTIL HOUSEHOLD COMPOSITION IS CONSIDERED. FEMALE-HEADED HOUSEHOLDS ARE MORE LIKELY TO BE POOR (ASIAN DEVELOPMENT BANK, 2014). WOMEN HAVE LOWER LITERACY RATES THAN MEN AND OLDER WOMEN AND WOMEN IN RURAL AREAS HAVE EVEN LOWER RATES (NATIONAL INSTITUTE OF STATISTICS, 2014).



Migration is happening in record numbers both internationally and within Cambodia primarily to urban centers. The 2008 Cambodia Census indicates that of migrants living in Phnom Penh, 37 percent arrived within the last five years (Ministry of Planning, 2012). Women account for 50 percent of migrants nationally (CIPS 2013).



EXCLUSION ANALYSIS

Traditional social norms that disadvantage women are deeply rooted in Cambodian culture. Historically these norms are prescribed in the “Chbab Srey” or traditional ‘Code of Women’. The Chbab Srey is the moral guideline which sets forth through normative poems proper behaviour for “respectable” girls and women in Cambodian society. Boys are also taught from an early age the “Chbab Proh” - its equivalent version for men (Bricknell, 2007).

Women’s failure to follow Chbab Srey can result in some form of social sanction, including discrimination against her and her family, and even social exclusion. In contrast, men’s breach of Chbab Pros may not meet any sanction, or the sanction will be disproportionately small in comparison to that against women. Thus, men can continue to practice activities that they should avoid, such as gambling and excessive drinking. Such double standards in perceptions and attitudes towards gender roles and behaviours still influence women’s live in today’s Cambodian society (Bricknell, 2007).

One of these norms is that ‘good women’ do not go out at night alone – without the company of a male family member because they could be raped, robbed or assaulted. Women are commonly held responsible for these crimes by just ‘being out at night’ or ‘the way they dress’. Women working in garment factories, and hospitality and tourism industries are working at times and locations that require work in the evening or coming and going to work late because of work hours. Women working in garment factories report they experience risk for harassment and violence on the way to and from work and in their housing situation. Limited lighting and policing increase this risk (Taylor, 2011).

This social norm that women should not go out at night can limit women’s opportunities as well. For example, technical and vocational training is important to improving women’s economic opportunities, but providers report it is much easier to provide training to males than females because they can “go out at night” and have “fewer competing home responsibilities” (Srun, 2013).

Women experience high rates of violence from an intimate partner. Recent data shows that about one in five women experience physical or sexual violence in their lifetime (MoWA, 2015). Additionally, the Law on the Prevention of Domestic Violence and Protection of Victims (2005) (DV Law) identifies the “nearest authorities in charge” as having responsibility to urgently intervene to protect women (National Assembly, 2005), which is often the Commune Authorities or Police.

While given responsibility to respond to these crimes, the local authorities at the Commune (or Village) levels often lack the skills and resources to intervene in cases impacting women. While the Cambodia National Police has made significant progress in establishing a structure to prevent and improve the police response, concerns have been raised that negative attitudes by authorities are an inhibiting factor in women’s access to the legal system (Brickell, Prak, & Poch, 2014) (MoWA, 2014).

Because of these challenges women who do ask local authorities for help may be met with an inadequate response, discouraging them from seeking further assistance. According to the Ministry of Women’s Affairs (MoWA) 2009 follow up survey, 35 to 45 percent of local authorities felt a husband was justified in engaging in extreme types of violence if wives argued with husbands, did not obey him or did not show respect (MoWA, 2009).

Another challenge faced by women is registration of marriage. While couples are increasingly registering marriage, if their marriage is not registered this reduces their legal options in divorce. For example, it can impact property settlements and ability to seek redress in the courts.

The Cambodian economy is primary driven by four sectors: garment manufacturing, tourism, construction and agriculture. Over 84 percent of women aged 15 and over participate in the workforce (Janssens, 2013). Many female workers are confined to the informal economy because of limited educational opportunities and rudimentary work skills. Women’s labour market participation is also constrained by time-consuming domestic and care responsibilities. Women often face a triple burden of caring for family, attending to domestic chores, and bearing and rearing children. These constraints begin during childhood and continue throughout the life cycle (Asian Development Bank, 2013).



Photo: CWCC

Cambodian Women’s Crisis Center built capacity of women self-help group to address gender based violences and women rights.



AGRICULTURE

Women provide 75 percent of the labour in the agriculture sector and 80 percent of food production, they only receive 10% of extension services (MoWA, 2014). The lack of access to extension services for women is thought to be based in social norms that women should not engage with men outside the home – most extension workers are men.



WAGE EMPLOYMENT

Manufacturing, particularly garments and footwear, accounts for 45 percent of women's wage employment. Women make up about 90 percent of the garment sector labour force in Cambodia (ILO, 2012). Manufacturing workers tend to be young women who have migrated from rural areas (Ministry of Planning, 2012).

While most should be eligible for longer-term contracts with benefits, many reports receiving short-term contracts that keeps them in a perpetual state of probation. Workers also perceive discrimination in hiring and report that union members are dismissed, or their contracts are not renewed (ILO, 2012). One in five women report sexual harassment or harassment with sexual undertones which led to a threatening work environment. No uniform mechanisms to address harassment exist (ILO, 2012).



HOSPITALITY AND TOURISM

There is a wide range of work in the hospitality and tourism sectors for women. Women are working in large numbers in hotels, restaurants, beer gardens, and in karaoke venues. As much of this work is informal and not documented, there are no clear estimates available.

This sector is among the world's top creators of jobs requiring varying degrees of skills which allows for quick entry into the labour force for youth, women and migrant workers. Commonly women working in these settings are unskilled or semi-skilled and tend to work in vulnerable jobs where they are more likely to experience poor working conditions, inequality of opportunity and treatment, violence, exploitation, stress and sexual harassment (International Labour Office, 2010).



CONSTRUCTION

Recently increasing attention is being focused on the construction industry in Cambodia. The country, and in particular Phnom Penh experiencing a construction boom Cambodia's construction is growing and is expected to come within reach of the garment industries contribution of 10% of GDP in 2015. An estimated 20 to 40% of the construction workers are female and are reported to be in the lowest skills and lower paid positions and without equal pay even for equal work (Janssens, 2013).



SMALL BUSINESSES

Women own nearly two-thirds (65 percent) of all businesses in Cambodia. The majority of women's businesses are microenterprises. Ninety-six percent engage four or fewer people and fifty one percent engage only one person. Females have the same legal access to credit as men, however barriers such as lack of land, lack of knowledge about micro-credit and cultural barriers prevent women from having adequate access to credit (MoWA, 2014).

Women in Cambodia remain under-represented in decision-making positions in politics, the public sector and the judiciary. Discrimination impacts the ability of women to be promoted and women are concentrated in sectors traditionally associated with women and at lower levels of government. Men continue to hold the vast majority of decision-making positions at all levels (MoWA, 2014).

Many voters do not believe in the woman's ability for leadership and their competence to manage high-ranking positions, and therefore neither support nor vote for women who are running for office. Increased political participation will require overcoming stereotypes (Cambodia Center for Human Rights, 2016).



POLICY GAPS

Cambodia has a significant policy framework addressing women facing discrimination, exploitation and abuse. However, there remain gaps. While Cambodia has ratified most major ILO conventions, has a Labour Law, National Social Security Fund, and other protections, many women work outside the protective system in informal work, thus rendering them extremely vulnerable in terms of safety, health and social security. Additionally, the Ministry of Labour and Vocational Training (MoLVT), which is responsible for workers' safety, does not have the capacity for enforcing the laws and some gaps remain, such as the lack of a specific safety code for construction workers (Phallack, 2012).

Equally problematic is the absence of any clear definition of a minimum wage. Only the garment industry was able to establish a minimum wage for garment, textile and shoe industry workers. In fact, outside these subsectors, employers “are free to set wages and minimum rates of pay as long as the rate is not below the base wage of a labourer” (ADB, 2013), currently \$2 per day (Phallack, 2012).

The legal framework to protect women from violence both in the family and in the workplace, is weak. While sexual harassment is mentioned in the criminal code and in the Labour Law, it is not clearly defined therefore difficult to implement (CARE, 2014). The Law on the Prevention of Domestic Violence and Protection of Women (2005) also has gaps. As part of the 2nd National Action Plan to Prevent Violence Against Women a review of the law is slated. Initial gaps identified it that the does not clearly define local authorities’ responsibilities clearly, only covers people in the same household and does not have any enforcement mechanism.

The Commune Safety Policy has also resulted in challenges. While positive that it addresses domestic violence and trafficking, the desire for reduced cases, has led to limited response to women seeking help. The Law on Suppression of Human Trafficking and Sexual Exploitation (2008), also has challenges. While intended to reduce trafficking, unintended consequences are that women are arrested for selling sex by just having condoms.



RISK ASSESSMENT

The Royal Government of Cambodia has prioritized gender equality in its government strategies and have specifically identified working with specific marginalized groups. As a result, there are limited risks working with this target group, however, some still exist. For example, the garment and construction industries are significant portions of the country’s economy, therefore, there is some risk particularly if working on worker rights, wages etc. In some cases, the labour movement has been tied to political parties, especially in relation to the coming election. Depending on the type of human rights and influencing work done by NGOs and CSOs, possible negative scenarios could arise.



IMPORTANT ALLIANCES

Australian Aid: Australian Aid is a key development partner that has supported ending violence against women. Coming to the end of a 5-year funding cycle, Australian Aid will examine priorities for funding for ending violence against women for 2017 onward in the coming months.

UN Women: UN Women has various priorities related to women experiencing exploitation, abuse and violence. Through the Australian Aid funded EAW programme, UN Women is funded to partner with the Ministry of Women’s Affairs to provide technical support for implementation of the 2nd National Action Plan to Prevent Violence Against Women. This includes technical support to the Technical Working Group on Gender’s Subcommittee on Gender Based Violence (GBV) and other priorities

including a prevention strategy, mediation guidelines, minimum standards for services, review of the domestic violence law and others.

International Labour Organisation (ILO): The International Labour Organisation is the key body promoting Decent Work. Much of this is through formal work, but efforts are also targeted to informal workers.

UNFPA: UNFPA is working to implement National Guidelines for Management of Violence Against Women in the Health Setting.

Ministry of Women's Affairs: The Ministry of Women's is a key alliance in government as the work to end violence against women is led by this Ministry (see above). The MoWA leads the TWGG-GBV a key multi-sectoral technical working group.

Ministry of Interior: National Committee for Counter Trafficking in Person services as the secretariat and leads government implementation of the National Action Plan for Counter Trafficking in Persons.

Cambodia National Police and the Local Authorities: As mentioned the police and local authorities are key actors in response on violence or abuse. As a result, partnerships with the authorities are important to ensure improved response.

Numerous international and national non-government organisations and civil society organizations are working on the issues of exploitation, abuse and violence against women. Some key organisations working in this area are: Cambodia Women's Crisis Center, Gender and Development Cambodia, Transcultural Psychosocial Organisation, Legal Aid of Cambodia, Adhoc, LICHADO, Cambodia Defenders Project, Legal Services for Women and Children, Cambodia Women's Development Association, WOMEN, Social Services of Cambodia and Cambodia Women for Peace and Development. These organisations provide a range of services – from safe shelter, psycho-social support, legal aid, training, income generation, women's economic empowerment and information and referral.

Some key international organisations include CARE International in Cambodia, The Asia Foundation, FHI 360, GIZ, and ActionAID. These organisations provide a range of interventions, including policy development on workplace rights including sexual harassment, media codes of conduct, prevention of violence or HIV with key populations and targeting garment factory workers, hospitality and tourism workers and other women at risk of experiencing violence and exploitation.

Engaging with the private sector, particularly around improving working conditions is critical. This includes working with the brands (Nike, Levi's, H&M, etc.) that are manufacturing clothing, as well as peak industry bodies such as Cambodia Federation of Employers and Business Associations (CAMFEBA), Garment Manufacturers Association Cambodia (GMAC), and others. Trade Unions are also critical or other bodies that represent employees.





AGE- DISCRIMINATED VULNERABLE GROUPS



Photo: HelpAge Cambodia



ELDERLY PEOPLE

Older people are the fastest growing population in Cambodian society (Zimmer & Khim, 2013). In 2008, persons 60 years old and up, made up 6.34 percent or 848,911 persons and are projected to increase around 11 percent or 2,204,171 persons by the year 2030 (National Institute of Statistics, 2012). Based upon these statistics, older people will be the greatest percentage of the population in the coming years.

Around 83 percent of older people live in rural areas and 17 percent in urban areas (National Institute of Statistics, 2012). The Plains Region and Tonle Sap Region are expected to experience the most growth with the province of Kampong Cham expected to have the greatest change in aging structure from young to old (National Institute of Statistics, 2012). About 3 out of 4 older persons live in a rural area and roughly half of the elderly live in poverty (HelpAge, 2015). Women make up about 60 percent of the population of elderly in Cambodia making this population mostly rural and predominantly female (HelpAge, 2015).

Older people today are survivors of decades of war including the Khmer Rouge regime (HelpAge, 2015). Many survivors who are now older people experienced or witnessed brutal violence, some were themselves tortured, experienced forced marriage and women experienced sexual violence (Savorn, 2011; Van Schaack, Reichter, & Chhang, 2011). These experiences have left a traumatic legacy on the aging population of Cambodia.

Older people are also vulnerable due to health problems associated with aging that can cause disabilities and often are affected by poverty due lack of economic resources. FGD participants reported that the primary challenges faced in their daily lives is access to quality affordable healthcare and economic opportunities either as employment or a pension.



EXCLUSION ANALYSIS

There is no stigma associated with aging in Cambodia. Older people and elders are deeply respected in Cambodian culture, typically children are expected to take care of their older parents as they age, and support aging parents (South Eastern Region Migrant Centre, 2011). However, Cambodian culture is changing rapidly and some of the cultural norms are shifting towards older people.

Older people in FGDs reported some discrimination as they aged particularly in relation to finding jobs, participation in household decision-making, and in access to healthcare. These participants also reported, feeling a sense of isolation from younger generations, especially if their children migrate for work, or they are too unhealthy to leave their homes. An NGO worker who works with the target population discussed the shift in Cambodian society through globalization as a reason for some discrimination.

More and more people leave villages for the city for work and other people are left behind, when before older people would share homes with their children and operate as a collective unit. Both participants in the FGD and KIIs addressed this issue in some way and spoke of this shift resulting in a more isolated view for older people.

Economic exclusion comes in the form of economic dependence, decreased levels of support from family, low levels of literacy, and higher levels of disabilities are some of the main challenges elderly people face. Most elderly are self-employed or are employed in the home participating with other family members to generate income, also many elderly people participate in secondary income generation activities like crop and livestock farming (National Institute of Statistics, 2012). The same type of economic opportunity available for younger people simply does not exist for older people. The participants in the FGD and KII reported many older people work and wish to continue to work, but employment is limited to only secondary income activities because older people have lower rates of literacy and do not live in urban areas, both factors which influence economic opportunity.

In addition, members of the FGD with older people reported they had access to credit, loans, and land ownership. However, loans and credit had high interest rates that made them inaccessible and sometimes land registration could be difficult.

Migration is happening in record numbers and commonly older grandparents are left to care for grandchildren when parents migrate for work (Zimmer & Khim, 2013). The households in Cambodia living in the highest rate of poverty are households with only the elderly or an elder person(s) with a child (ren) under the age of 17 known (Zimmer & Khim, 2013; HelpAge, 2015).

Many older people have become the heads of households and are left to care for children and are unable to participate in primary generating activities. Older people in Cambodia have had difficulties saving money throughout their working lives. As a result, they move into old age in a state of material and physical vulnerability. Increased numbers of older people are the primary caretakers of grandchildren due to the migration. At least half of the participants of the FGD with older people were heads of household in the skip generation homes due to migration. Many reported this is a challenge in their community and in surrounding communities. MoH oversees providing healthcare to all citizens of Cambodia regardless of location or availability to pay. However, many older people cannot afford healthcare or health centres are too far.

The FGD and KII reports that many older people feel isolated from their community either due to health issues, poverty, or heavy workload in the home. These participants reported illness keeps many older people confined to the home and this only becomes compounded by inadequate healthcare or no access to proper treatment due to economic status or distance to hospitals. However, those older people who are able and can afford do travel do leave home. Some described going to city markets to sell vegetables or to visit family in the surrounding areas. Participants also described traveling to visit other older people in their community who were unable to leave their homes.

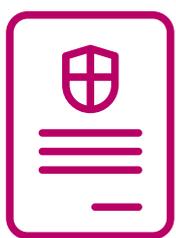
FGD participants reported during times of flooding or other natural disasters, the elderly are the most vulnerable because they cannot easily move to other areas due illness, disability, or poverty. Natural disaster planning was described as key priority the members of the OPAs in their community worked on and a priority area among HelpAge International as well.

Older people, especially those active in OPAs have a strong collective voice and work together to help each other as well as organize to advocate for their rights, but more so at the local level than the national level. The MoSAVY has a plan for Old People's Association to be in every commune and village in Cambodia but the reality is there is no funding to implement this policy. HelpAge International with cooperation of other donors fund the existing functioning Old People's Associations in Cambodia.



Women experience greater challenges and barriers in old age as they live longer, have lower levels of literacy, less access to employment, and lose economic stability after the death of a spouse (National Institute of Statistics, 2012). Older Women are particularly vulnerable because they typically are unable to provide food and material support for themselves as compared to older men. Many older women lost spouses and children during the Khmer Rouge Regime during the late 1970s and do not have the same support as their male counterparts (HelpAge International, 2013). Also, older women have lower rates of literacy, much lower rates of participation in community meetings, and voice in development activities (HelpAge International, 2013). Older women face more challenges in receiving healthcare and typically have poorer health than Cambodian men.

The most recent Cambodia Socio Economic Survey conducted in 2012 revealed women aged 55-64 participate in the labour force at a significantly lower rate than men of the same age, at 65.3 percent and 89.1 percent respectively. Women live longer than men, but this can mean more social isolation, economic hardship, and living longer with poor health and disabilities (HelpAge International, 2013).



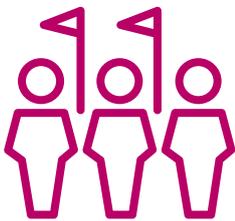
There is limited policy framework specifically addressing the needs and rights of older people, however there are gaps. Currently, there are no pensions or social security outside that provided to civil servants in Cambodia, so there is little safety net for older Cambodians to use when placed as heads of households. MoSAVY also has identified the strengthening of social security as one of its three strategies in its 2014-2018 strategic plan, making public pensions and building social protections for older people a priority. The government recognizes the needs and priority of older people in Cambodia what is lacking in terms of relation to these state entities is the resources to carry the policies out.

In addition, there is a policy to establish OPAs in all communes in Cambodia, however there is little funding to implement this policy. FGDs revealed the most active OPAs are funded through NGOs and have worked with sub-national officials to include funding in Commune Investment Plans. Also, through the Healthcare Policy for the Elderly, older people are ensured healthcare regardless if they can afford it or not however, obtaining the card for free access is difficult for most elderly people to obtain. There is little funding to carry out the policies put in place for older people.



RISK ASSESSMENT

Ultimately, there is very little risk for individuals, CSOs, NGOs, the Voice Project for working with older people. Although there are very few NGOs, CSOs working with older persons, the literature and KII participants expressed no risk in reputation. One risk to consider is historically the research centred around older people in Cambodia is rooted in the Khmer Rouge. Although this research is important in order to address exclusion, stigma, and discrimination, moving away from this focus to address other needs and priorities could serve older people more efficiently and effectively.



IMPORTANT ALLIANCES

To promote inclusion and well-being, guaranteeing the rights and addressing the needs of older people requires a coordinated multi-sectoral approach involving a range of actors at all levels.

UN Agencies

UN Women is a key UN agency. UN Women is focused on the needs of women and girls and addresses some of their specific vulnerabilities. For example, UN Women, has been a key player in supporting efforts to address issues of older people such as forced marriage during the Khmer Rouge Regime.

Line Ministries

The lead line ministries are MoSAVY and MoH. MoSAVY has primary responsibility for providing basic protections and basic services to older people. MoH is responsible for providing adequate healthcare regardless of location or ability to pay. The National Committee on Elderly works to advocate for issues related to older people.

Other relevant ministries and agencies include the Ministry of Labour and Vocational Training (MoLVT), the National Social Security Fund.

At the sub-national level, relevant actors include the Provincial Office and District Office of Social Affairs, Veterans and Youth Rehabilitation (PoSVY, DoSVY). Deputy Governors, Commune/ Sangkat Councils, Village Chiefs, and in specific target areas, NGO-supported Old People Associations (OPA).

NGOs and CSOs

OPAs have been established in to benefit the well-being of older people in Cambodia. These associations are set up democratically and are meant to be a community level mechanism for older people to meet, discuss issues, and problem solve.

HelpAge is the most significant NGO working on older people issues. HelpAge has nationalized but belongs to a federation of HelpAge International.



YOUNGER PEOPLE

Younger People make up the largest portion of the population of Cambodia. Two out of every three people are below age 25 with more than 30 percent between age 10-24 giving Cambodia one of the largest youth populations in Asia (UNICEF, 2009). Eight in 10 (83 percent) reside in rural areas, with the densest concentrations in the Plains and Tonle Sap regions (UNICEF, 2009).

The vast majority of the population still lives in rural areas (76.6 percent), but this has fallen due to high rates of migration. Out-migration, particularly of young adults to work in urban areas or in neighbouring countries is resulting in a 'slow graying' of the rural population (MoWA, 2014).



EXCLUSION ANALYSIS

Young people want to have opportunities. In FGDs the participants reported wanting to get a good education, a job and have a safe life. For youth, the FGD participants reported that both boys and girls can attend school, but that the long distance is a barrier to participation of females in activities like clubs. Sometimes because of no transportation, girls could not participate. FGD participants also reported that there is some discrimination based on other characteristics such as living conditions (poverty) and being a good versus a poor student. This takes the form of being gossiped about or being excluded from some activities.

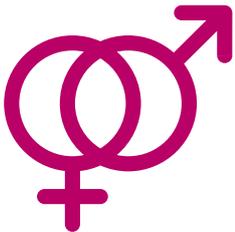
While primary education is almost universal for children in Cambodia, secondary and tertiary education completion is much more limited. This results in less access to better economic opportunities.

Child labour continues to be a challenge, around 9 percent of children (5-18 years of age) engage in child labour (National Institute of Statistics, 2013). Young people are being taken out of school to work sometimes in very dangerous work. The ILO along with Ministry of Labor and Vocational Training has identified the worst forms of child labour and are trying to reduce child labour in these areas. Young women in rural areas are much more likely to be working than women of the same age in Phnom Penh. This reflects the demand for women's agricultural labour in rural areas and the greater economic opportunities in Phnom Penh (MoWA, 2014).

When parents migrate, mostly to urban areas or other countries, children left behind are sometimes kept out of school to help around the house or with productive work. Other children are kept out of school and migrate with their parents. Either way children's education is often impacted (Plan International Cambodia, 2014). The impact of migration is significant, and in fact the International Office of Migration is initiated a large-scale research to understand its impact on children.

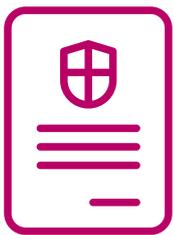
For young people in the FGD, they reported being able to voice up some concerns because of their ability to participate through the child clubs. Youth clubs and youth groups throughout Cambodia have worked to raise the voice of young people and through forums have provided opportunities for young people to raise issue to commune level and even national level authorities (Cambodia National Council for Children). With this bringing together, again, this builds the power with and power within, by building a critical mass of youth and building capacity of youth.

For children, the CCWC has a critical role in child protection including prevention and service provision. Child protection mechanism at the local level have been created in cooperation or using the mechanism of the CCWC. The CCWC, Commune Council and Village Chiefs are the closest to the people and are the first to respond in child protection issues. The challenge is often they lack capacity or knowledge and skills of good practice. Importantly participants also reported they wanted the authorities to help solve problems 'on time'. Some examples of requests for intervention were on domestic violence or other problems in the community.



GENDER

Girls face challenges based on gender including less access to education, more challenges in participation. Girls are not able to travel to school or meetings because of distance and the perception that it is not safe for a girl to travel – for fear of rape or robbery.



POLICY GAPS

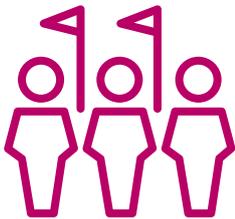
While Cambodia is a party to the Convention on the Rights of the Child and the Constitution states that the human rights of children should be protected, there are still gaps. In 2013 the Cambodia National Council for Children did a Gap Analysis of Laws and Policies for Children. An overall challenge identified is the lack of a Child Protection Law. Child protection is addressed in various laws, but there is no comprehensive child protection law.

Recently (2016) the Juvenile Justice Law passed, but it is not yet implemented. This however, will address significant challenges for children in contact with the law. Again, while laws and policies are 'on the books' enforcement can be weak. Child labour is not permitted; however, the lack of adequate inspections and weak enforcements means child labour continues. Violence against children is not illegal. Parents are permitted to use physical discipline with children. While the RGC has promoted community based care, many children remain in institutional care.



RISK ASSESSMENT

There is little risk associated with working with younger people. There a large effort from the government, INGOs, NGOs, and CSOs to prioritize child rights and child protection.



IMPORTANT ALLIANCES

To promote inclusion and well-being, guaranteeing the rights and addressing the needs of younger people requires a coordinated multi-sectoral approach involving a range of actors at all levels.

UNICEF is focused overall on children including strengthening government structures. The lead line ministries are MoSAVY, MoEYS and MoH. MoSAVY primary responsibility for providing basic protections to children. MoH is responsible for providing adequate healthcare regardless of location or ability to pay. MoEYS is responsible for education.

Other relevant ministries and agencies include the Ministry of Labour and Vocational Training (MoLVT) that deals with the worst forms of child labour. At the sub-national level, relevant actors include the Provincial Office and District Office of Social Affairs, Veterans and Youth Rehabilitation (PoSVY, DoSVY). Deputy Governors, Commune/ Sangkat Councils, Village Chiefs.

As referred to earlier numerous NGOs work on issues related to children. The number is in the hundreds so there are too many to list. Key larger NGOs include Save the Children, Plan International, World Vision, Hagar Cambodia, Friends International do a lot of work with children and are known for their good practices and innovative interventions with children.



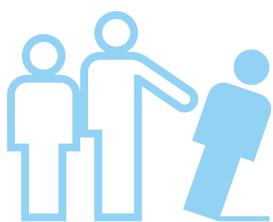


INDIGENOUS PEOPLE AND ETHNIC MINORITY GROUPS

Indigenous ethnic minorities in Cambodia are called variously ethnic minorities, hill tribes, highlanders, highland people, indigenous people, and Khmer Leu. According to the ADB working definition indigenous peoples are “those with specific social or cultural identity distinct from the dominant or mainstream society, which makes them vulnerable to being disadvantaged in the process of development (Asian Development Bank, 2002). This includes people considered indigenous and ethnic minorities.

Cambodia has identified 24 groups of indigenous people and/or ethnic minorities spread over 15 provinces. Over 383,000 Cambodians speak indigenous/ethnic minority languages (NGO Forum on Cambodia, 2008). The 2008 census identified 1.34 percent (about 179,000) of the population as indigenous/ethnic minority (National Institute of Statistics, 2008).

Over half of the indigenous/ethnic minority population in Cambodia are in the north-eastern provinces of Rattanakiri and Mondulakiri (NGO Forum on Cambodia, 2008). Other provinces highly populated with indigenous people are Stung Treng and Kraithe (Chhim, 2005). Other areas populated by indigenous groups are in the southeast and southwest of Cambodia, mostly by the Cham (Kirchner, 2015). The Cham although separate from Khmer society, due to mostly religion beliefs, integrate more into mainstream Khmer culture.



EXCLUSION ANALYSIS

Cambodian indigenous and/or ethnic minority people have different cultural practices, migration history and patterns, means of living, and sense of identity (Kirchner, 2015). These groups should not be placed into one perspective seen as different.

Stigma and discrimination against indigenous and/or ethnic minorities among the larger Khmer Society is common. Many of the indigenous people's customs and practices are different from Khmer society and are sometimes seen as less civilized, uneducated, and simple. Indigenous people see themselves as different from Khmer society and government, and as such the government has historically seen these groups as separate too (Chhim, 2005).

During FGDs and KIs, some experiences of stigma and discrimination were described by indigenous people such as being denied services or services taking longer because of their indigenous or ethnic minority status. One example reported in an FGD was that school officials did not come to their community to inform parents about school registration. Others reported of being treated negatively by local authorities.

Although members of this community reported feeling discriminated against by outsiders, they reported feeling very connected to their community members and other groups like them. FGD participants reported solving problems and addressing in their local community before taking issues outside of the community because they felt little or no help would come from the outside. Ultimately, indigenous people and those working with these groups expressed the desire for autonomy to practice their customs and traditions, live freely on their land, while receiving all the basic rights and protections given under Cambodian and international law.

Land is important to indigenous and/or ethnic minority people's identity and livelihoods. Through the process of privatization and land grabbing, many indigenous people are losing their land. This is resulting in reduced economic and livelihood opportunities and cultural implications denying people the ability to engage in their own social practices and maintain their own identity (Kirchner, 2015).



An important aspect of land for indigenous and/or ethnic minority people is its' cultural and spiritual significance. Collective land use is common often for burial sites that have spiritual meaning. Indigenous and/or ethnic minority people's cultures, stories, and sacred sites are associated with the forest and land (Kirchner, 2015). Some forests referred to as spirit forests, are places where religious ceremonies are practiced (Cambodia Center for Human Rights, 2013).

For many of these people, the forest is also the main source of livelihood, providing food, and cultivation of goods to sell, and land to grow crops (Kirchner, 2015). Participants in FGDs identified land as the primary source of income generation for their community; without access, there is little other means to earn income or create economic opportunities. All FGD members were subsistence farmers, and gather goods like honey from the forest to sell in local markets. Economic opportunity for indigenous people and ethnic minority groups is extremely dependent on land access, land protection, and land rights.

While most of Cambodia has felt positive economic growth and poverty reduction, indigenous people have felt the opposite as they bear the cost of social inequities and environmental destruction because of this economic growth. Living in lands that are natural resource rich and therefore wanted by those in power has also contributed to their exclusion from this prosperity (NGO Forum on Cambodia , 2008 ; Cambodia Center for Human Rights, 2013).

The highest rates of poverty in Cambodia are in the northeast provinces where the highest populations of indigenous people reside (UNDAF, 2016). Job opportunity is low and dependent on land, making this population even more vulnerable to economic exclusion especially as they lose access to and control over the land. Access to services is also a challenge for many in the indigenous communities. Commonly people are living in remote areas where they cannot access services effectively. Services such as health care, or for women experiencing gender based violence were mentioned as gaps. The female participants saw this as a real problem affecting their community with very little intervention or services provided.

The Ministry of Interior is responsible through commune and provincial registrars for issuing birth certificates and ID cards, which under Sub-decree 103 on Civil Registration is a right for all Cambodian Citizens. This was shown as difficult for most indigenous people to obtain due to stigma, discrimination, and retaliation over land conflicts.

Indigenous people and ethnic minority groups who live in more remote areas are more isolated and constricted to their communities. Poor roads, long distances all present barriers to access services. Although, the village members interviewed during the FGD lived close to town, they knew of many other groups who lived more remotely that could not travel freely because of poor road conditions.

KIIs with NGO workers also mentioned women were less likely to travel due to heavy workloads and cultural norms that women do not travel outside their community alone. The FGD participants did not reflect this norm, but this group said they were

a bit different because they had to organize against the government to protect their land, so this required all members of their community to leave at various times.

Education was also a challenge with higher dropout rates for indigenous people, greater gender disparity in school attendance, lack of textbooks, and lack of teachers willing to teach in remote areas. Often, classes are not taught in indigenous languages, only providing access to those who are fluent in Khmer (NGO-CEDAW, 2014). Youth also report a lack of access to secondary and tertiary education (Sarem, 2013).

The MoEYS has the National Plan on Education and recognizes indigenous people may have special education needs such as language barriers, however full implementation is still a challenge. Finding teachers to teach and live in remote areas is difficult and even more difficult are teachers to teach in indigenous languages.

Political participation and voice is a challenge for indigenous people and fear for local authorities is common (Beban & Pou, 2014). As described in the FGD and KIs, recognition and support from local authorities is one of the biggest challenges for indigenous people. Community members reported inviting local authorities to their community meetings, but no one would show up. Since, the community interviewed is in conflict with the government and private sector over the land this was the reason.

Typically, the lack of trust in local authorities also transfers to the courts. Indigenous people do not utilize formal justice mechanisms favouring traditional means of conflict resolution. However, increasingly communities are trying to use the court systems for land disputes, however knowledge of these formal systems is still low (Chhim, 2005; Beban & Pou, 2014).

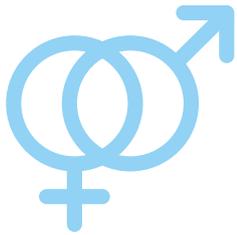
Another factor in the gap between this group and local authority is the lack of participation among many indigenous people in the Cambodian People's Party. Members of the FGD and KIs saw this as barrier to building connections to local authorities and even gaining national support. Indigenous people have a deep mistrust of the government due to the history of land conflict and are less likely to vote in elections or give their endorsement to any political party much less the Cambodian People's Party. FGD participants reported because of this, they perceive that local authorities were less likely to listen and work with their community.

Many of the participants of this FGD had participated at the national level with support of NGOs to advocate for the protection of the land of indigenous people. Also, this community had organized and participated in protests to try to protect their land.

During KIs, NGO workers described political exclusion among this group as being forgotten by the government unless a group's land is seen as valuable. Moreover, these participants reported the government does not see human capital among indigenous people because they are less likely to participate in elections, they only see their land as capital and belonging to the state.



**EDUCATION
WAS ALSO
A CHALLENGE
WITH HIGHER
DROPOUT
RATES FOR
INDIGENOUS
PEOPLE**

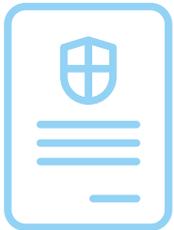


GENDER

Indigenous and ethnic minority women and girls have lower rates of literacy and are more likely to drop out of school than their male counterparts. Women are the caretakers of the household and agriculture matters and have some decision-making power in these areas but anything outside of these realms, indigenous women have little say (Chhim, 2005; Cambodia Center for Human Rights, 2013). Indigenous and ethnic minority women have limited access to justice in their communities. Few women seek justice in the formal system for gender based violence and traditional mechanisms are not always equitable to women (UN Women, 2014).

Land registration is another issue which deeply impacts indigenous women (Cambodia Center for Human Rights, 2013). Since women are primarily responsible for the home and agriculture, when land grabbing occurs, women have very little means for other economic opportunity and livelihood activities, making indigenous women even more vulnerable when loss of land occurs (Chhim, 2005).

Women typically participate in community meetings and even protest during land conflicts but are less likely to hold office or leadership roles (Chhim, 2005). This is slowly changing but members of the FGD reported women are more likely to be very active in collective organizing at the grass-roots level but were less likely to be as active at the provincial level or national level due to heavy workloads.



POLICY GAPS

While there are policies and laws in place in Cambodia which address land rights including for indigenous or ethnic minority people, their implementation is ineffective in protecting their rights. The Land Law of 2001 provides a mechanism for titling of land for citizens that lack formal registration. According to this law, possession of land can lead to ownership. Article 30 of the law stipulates that “Any person who, for no less than five years prior to the promulgation of the law, enjoyed peaceful, uncontested possession of the immovable property that can lawfully be privately possessed, has the right to request a definitive title of ownership.” Additionally, the government has instituted a land titling program supported by youth volunteers to support registration of the land (Adhoc, 2012).

However, the registration process is not without its challenges. Many do not know how to register the land, and others have come in direct conflict with Economic Land Concessions granted to large companies for plantation farming. When in conflict, small farmers, land owners including indigenous people, have not been successful competing for the land title (Adhoc, 2012).

State public land has been systematically to state private land in large numbers during the last two decades to promote economic development of the private sector, which in turn has caused many indigenous people to lose their collective land rights (Cambodia Center for Human Rights, 2013).

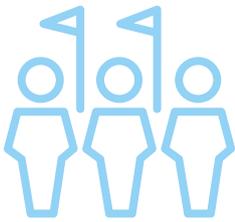
In addition, the National Policy on Development of Indigenous Minorities (2009) prioritizes the needs of indigenous and ethnic minority groups in particular the desire for cultural autonomy, however, the policy has not been adequately implemented or acknowledged.



RISK ASSESSMENT

Risk for indigenous people is perceived as high by the group. The interaction between the government, local authorities, and indigenous people and/or ethnic minority groups over land disputes, lack of policy implementation, and isolation of this target group, has caused a mistrust.

NGOs and CSOs see similar risks when working with this group. One NGO key informant that both research and advocacy with this group is monitored by local authorities and local police. Potential negative scenarios for working with this group could be a tenuous relationship with government officials. NGOs working directly on influencing, and advocacy with this group reported having a strained relationship with duty bearers from the sub-national to the national level because they do human rights awareness indigenous people and the ethnic minority group.



IMPORTANT ALLIANCES

The Office of High Commissioner on Human Rights in Cambodia is doing work with indigenous people on building human rights awareness, government transparency, and political process involvement.

International Labour Organization is an international organization which brings together workers, states, and employers to promote decent work for women and men. This organization has been working with indigenous peoples to build capacity in the community and local NGO on social protections for this target group and land rights.

Ministry of Rural Development has been reported to doing some work with INGOs and NGO on the promotion of indigenous people's rights, especially around land titling and community leadership.

Ministry of Agriculture and Fisheries does most of the official data collection on land use, land taxes, etc, they do work with indigenous people and other NGO/CSOS who advocate for this target group but based on the literature review, FGD, and KIIs, they are identified as a secondary alliance.

Important alliances working with this group are NGOs/CSOs who work directly with indigenous people and ethnic minority groups on different issues like land rights, legal representation, child protection, education, poverty alleviation, and advocacy. NGOs working with indigenous people include ADHOC, Cambodia Centre for Human Rights, LICHADO, International Cambodia Cooperation, World Wildlife Federation, Cambodia Indigenous Youth Association. International NGOs include Plan International and CARE International in Cambodia.

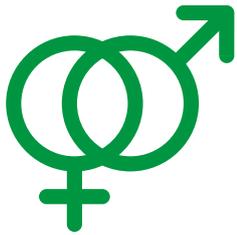




INTERSECTIONS AND LINKAGES BETWEEN GROUPS



Photo: Highlander Association



GENDER

The most common intersection identified between all groups is the increased vulnerability in each group for women and girls. Women in all the groups are more vulnerable, face higher rates of poverty, lower economic opportunity, higher rates of violence, poorer health conditions, and other vulnerabilities compared to their male counterparts.

Older women face more economic hardship and health problems than older men, girls have less access to education than boys, indigenous women are less likely to hold leadership positions or having decision making power than indigenous men, TGs and Lesbians face more violence than MSM, and disabled women are more likely to experience non-spousal abuse than disabled men.



POVERTY AND LACK OF ECONOMIC OPPORTUNITY

Although income poverty has fallen drastically in Cambodia, vulnerability to poverty is increasing, especially urban poverty (Asian Development Bank, 2014). The literature and interviews reveal an intersecting vulnerability to poverty experienced among all groups. Economic exclusion is also a common experience the groups. Mostly, this economic exclusion was identified as lack of access to job opportunities and income generation activities.



STATE RECOGNITION AND PRIORITY- RITIZATION

Among these discriminated groups, three are priorities by the state. Cambodia has committed to gender equality and has passed significant laws and created policy to protect women and provide equal rights.

Older and younger people and people with disabilities are prioritized through government policies and protections. This prioritization and recognition from the state makes building alliances with these target groups and local duty bearers easier. However, state recognition does not always result in effective implementation of the laws and policies. Many of the policies created for these groups have not been implemented nationally or locally due low or lack of budget, support, resources, and/or trained or available human resources. This lack of implementation has resulted in the intersection of different types of exclusion for each group. Indigenous people/ethnic minorities and the LGBTQI are both not fully recognized by the state or given full autonomy to live freely. Indigenous people/ethnic

minorities see themselves and are seen by others outside their group as separate from Khmer society. There was a sense from indigenous people/ethnic minorities of not belonging to Khmer society but also a desire to be separate and practice their own customs and traditions.

Members of LGBTQI community expressed similar expressions of not belonging and in fact being ostracized by family and community, but also had a strong desire to be accepted as part of Khmer society.



MIGRATION

Another intersection is with migration. Young adults are migrating in record numbers most commonly for work. Children are being left behind in the care of older people or are being taken out of school for work with their parents or to generate income themselves. Jobs and opportunity are drawing people to urban areas or to nearby countries. Conversely, people in indigenous communities also feel the impact of migration as people migrate to their traditional lands in search of resources or to work in plantation farming as the forests are destroyed.



STIGMA AND DISCR- IMINATION

Each of the group's report experiences of stigma and discrimination based on their status as a group member. This typically had significant consequences on the group member ranging from social isolation and lack of access to economic opportunities to significant violence and abuse.

People who are sexual minorities (LGBTQI) particularly TG experienced significant physical violence and abuse by the state authorities. Older people, and people with disabilities experienced social isolation, lack of economic opportunity, and higher rates of abuse in the family. Young people experience stigma and discrimination if they are poor or a sexual minority. Indigenous people/ethnic minorities are seen as different than the larger Khmer society.

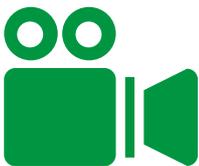


ACCESS TO SERVICES

Although, all groups have different NGOs/CSOs working on various issues related to their needs and have varying level of recognition from the government, FGD participants from all groups reported limitation on access to services and barriers to assistance.

Some of these limitations were described based on stigma and discrimination. For example, members of the Indigenous People FGD reported not being aware of school registration times. Other limitations are based in denial of human rights such as the inability of TGs to choose their preferred gender.

Access to quality healthcare was described as barrier across groups. Older people described as one of the greatest challenges they face, as well disabled people. Although, both groups knew this was a guaranteed right under Cambodian law, both groups described not being able to access healthcare either due to distance from a health centre, affordability, and accessibility. LGBTQI individual described being aware of various programs that respond to health issues affecting their community, especially HIV, but reported these services were inconsistent. Younger people and women described a limitation in response from local authorities when reporting instances of abuse.



MEDIA

The influence of media on these target groups is varied. Media can be both a positive influencer – targeting change, increased awareness of laws and policies, or can be a negative impact – promoting negative images or social norms and traditional stereotypes.

Negative impacts are particularly strong for LGBTQI people and women facing exploitation and abuse. For both groups, the media has portrayed them negatively or by promoting traditional norms. Other groups, the media has not portrayed in detail. Recently, The Asia Foundation has engaged in with the television industry to try to impact programming – with positive content through the development of standards strengthening the policy environment.

However, there have been positive of using mass media primarily for awareness raising efforts, both targeting awareness on policy and awareness of the issue in general. These campaigns are important for the implementation of policies, as they raise awareness about a issue, such as the rights of victims, and can demonstrate pathways for response. These campaigns have been particularly useful in that they make survivors of a particular type of violence aware of the issue, but also build support for policy change through increased pressure from the public and increased knowledge of policy makers themselves. Raising the issue publicly helps policy makers to better understand that an issue is important.



ACADEMIC INSTITUTIONS

Currently there are 105 higher education institutions in Cambodia of which 39 are public institutions. However, due to budget constraints not many universities do not conduct their own research. If research is completed it typically is taken on as consultancy work commissioned by donors or NGOs (The Asia Foundation, 2015). However, another way academic institutions are engaged is through targeting change programmes to students. This has been a common mechanism, particularly on ending violence against women, where students are engaged in prevention activities and learning sessions.



STRENGTH OF CSOS IN CAMBODIA

According to the Cambodia Center for Cooperation website, there are an estimated 5,073 civil society organisations registered in Cambodia. Many are not active, but the numbers are staggering. In 2015, the Law on Association and Non-Governmental Organizations (LANGO) passed after some opposition from the NGO community. This was designed to monitor NGO's compliances on being registered to conduct activities that are legitimized. Successful practices and advocacy efforts have been achieved by building relationships and networks with the government at the national and subnational level.

During FGDs, many of the local human rights organizations mentioned the desire to form a network however, fear of repercussions of the LANGO law dissuaded them. When interviewed, members of the CSOs see themselves as a strong force for human rights and influencing advocacy but also realize they must work in certain political confines to be effective.



CONCLUSIONS AND RECOMMENDATIONS

People with disabilities face challenges from stigma and discrimination and equal access to services, education, and some are challenged with physical accessibility. The RGC has created laws and policies to address these challenges however their implementation is limited. There are mechanisms at the national and sub-national level including the Cambodia Disabled People's Organisations and local Disabled People's Organisations, that provide a forum for disabled people to come together and build their capacity, identify needs and provide a forum to voice their concerns.

The key area of focus is to improve policy implementation is to directly address stigma and discrimination, access to services, education, economic opportunity and removing physical barriers. This coupled with providing further opportunities for all people with disabilities to participate raising their concerns is critical for promoting the human rights of people with disabilities. Additionally, clarifying definitions and consistency in data will better inform policy development. LGBTQI people in Cambodia do not receive the same protections as others under the law. In addition, stigma and discrimination, the groups experience significant human rights violations including physical abuse. The police and local duty bearers openly discriminate and commit human rights violations against the group. The most at risk are TG people.

Some local CSOs and international donors are funding projects to educate duty bearers and government officials on LGBTQI human rights and raise their awareness of challenges they face. Partnering or creating further initiatives in this area would be a way to address equal protection.

In addition, peer networks are an important mechanism to build support capacity within the groups, provide a forum for advocacy. While at the local levels there are peer networks for support and advocacy organized within city or urban areas, there is no national network established. This type of mechanism would be useful in promoting influence on LGBTQI issues while simultaneously providing a network of support for LGBTQI people countrywide.

Women facing abuse, exploitation and violence: The RGC has a significant legal and policy framework to address the women facing abuse, exploitation and violence. However, women still face violence abuse, exploitation and violence in the home, in the community and in the workplace. Activities to address inequitable gender norms, promote improved policies, and women's access to formal protections both in the home, in the workplace and in the community, are critical to improving the situation of women that face abuse, exploitation and violence. For particularly vulnerable groups, a common mechanism has been peer networks. This provides again an opportunity for group members to come together and build their own capacities and develop an advocacy agenda.

Age-discriminated groups, both older and younger people face similar challenges in which the RGC has created policies and laws to provide protections, but implementation is still limited. Both lack equitable access to services and protections. No real protection systems are in place; many are at the local level and in place due to the support of NGOs in partnership with the government. Factors such as poverty and migration make both populations more even more vulnerable to protection issues.

Building further partnerships at the national level to help influence policy implementation is critical for the needs of this group to be addressed. This requires advocacy for government budget and resources, so the government can implement its role as duty bearer. Groups such as the Older People's Associations and Children's Groups are entry points for providing information, support, and advocacy to promote human rights and influence policy for both of these groups. Indigenous People and Ethnic Minority Groups face significant challenges around land access, poverty, and recognition from the government and local duty bearers. Many indigenous groups are currently engaged in advocacy and due to land rights issues have organized to ensure access and protect their native land.

Working on advocacy of land rights would influence better access to human rights for the group. Also, another step would be working with local duty bearers on understanding the basic human rights of indigenous people and ethnic minority groups.

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