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**STATUS OF HUMAN RIGHTS IN THE KINGDOM OF CAMBODIA
FOR THE 46TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Kingdom of Cambodia (Cambodia) for the 46th session of the Universal Periodic Review (UPR).

Background

2. Cambodia is located in Southeast Asia and has a population of approximately 16.9 million people.¹ Cambodia's official religion is Buddhism, with 97.1% of the population identifying as Buddhist.² Two percent identify as Muslim, 0.3% as Christian, and 0.5% as other.³

3. Cambodia's previous review was held on January 30, 2019.⁴ Cambodia supported 175 of 198 recommendations.⁵ Cambodia received and supported a recommendation from the Bolivarian Republic of Venezuela to “[c]ontinue to increase actions in the fight against trafficking in persons, especially women and children, and reinforce measures to detect, prevent and punish this crime.”⁶ Cambodia also received and supported numerous other recommendations encouraging greater efforts in combating human trafficking.⁷ Additionally, Cambodia received a recommendation from Portugal to prohibit child marriage and promote programs that raise awareness for child marriage, which it supported.⁸ It did not receive any recommendations regarding abortion.⁹

Legal Framework

Abortion

4. Article 8 of the Royal Kram on Abortion allows abortions on request until twelve weeks.¹⁰ Abortions may be performed beyond twelve weeks if the mother's life is endangered by the pregnancy, if the baby will not develop normally, if the baby would be born with a serious incurable disease, or if the mother was a victim of rape.¹¹ Whoever is performing the abortion is required to first inform the mother of potential damaging effects of abortion.¹² Further, compelling a woman to have an abortion is punishable by imprisonment from one to five years.¹³

5. Cambodia is a party to the International Covenant on Civil and Political Rights (ICCPR) as well as the Convention on the Rights of the Child (CRC).¹⁴ Cambodia has an obligation to uphold the rights enshrined in Article 6 of the ICCPR, which states that “[e]very human being has the inherent right to life. This right shall be protected by law.”¹⁵ Article 6 of the CRC states: “States Parties recognize that every child has the inherent right to life . . . [and] shall ensure to the maximum extent possible the survival and development of the child.”¹⁶ Cambodia also has a responsibility to uphold pro-life principles enshrined in other international agreements such as the UN Charter, the Universal Declaration of Human Rights (UDHR), and the 1994 Cairo Conference on Population and Development.

Child Marriage

6. Article 239 of the Cambodian Criminal Code defines the age of sexual majority as fifteen.¹⁷ Article 948 of the Cambodian Civil Code requires parties to be of eighteen years of age or older to marry.¹⁸ However, if one party has reached the age of eighteen and their partner is at least sixteen years of age, they can still marry with the consent of the younger party's parents.¹⁹ Furthermore, only one parent's consent is necessary to validate the marriage.²⁰ The minor can also petition the court for adjudication if the parents "unreasonably refuse consent."²¹

7. Cambodia is a party to both the Convention on the Rights of the Child (CRC) and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).²² Article 1 of the CRC defines a child as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier,"²³ and Article 16 of CEDAW prohibits child marriages.²⁴

Human Trafficking

8. Article 46 of the Cambodian Constitution prohibits prostitution and the sexual exploitation of women.²⁵ It also prevents women from losing their employment due to pregnancy and guarantees maternity leave.²⁶ Article 48 also enumerates children as protected from sexual exploitation as well.²⁷

9. Enslavement or sex slavery is punishable by life imprisonment under Article 188 of the Criminal Code.²⁸ Prostituting others is punishable by two to five years of imprisonment and a fine from four million to ten million Riels.²⁹ The punishments increase to five to ten years if the person being prostituted is descended from the party receiving the money.³⁰ The penalties further increase to seven to fifteen years if a minor is the one being prostituted.³¹

10. Cambodia is a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).³² Article 6 of which holds that "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."³³

11. Cambodia is also a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.³⁴ Under Article 9 section 1 of this protocol:

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.³⁵

Abortion

12. The right to life has been repeatedly affirmed in numerous international documents. The preamble to the United Nations Charter states that "the peoples of the United Nations determined . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person"³⁶ This is further enshrined in Article 6 of the ICCPR which states that "[e]very human being has the inherent right to life. This right shall be protected by law. No

one shall be arbitrarily deprived of his life.”³⁷ Cambodia’s law on abortion is in contravention to these fundamental human rights documents as evidenced by the fact that from 2015-2019, there were 195,000 abortions performed annually in Cambodia.³⁸

13. Further, since the 1994 Cairo Conference on Population and Development, U.N. Member States have had an affirmative commitment to “reduce the recourse to abortion”³⁹ and to “take appropriate steps to help women avoid abortion, *which in no case should be promoted as a method of family planning.*”⁴⁰ In Cambodia, 65% of all unintended pregnancies end in abortion annually.⁴¹ Clearly, Cambodia is failing to reduce the recourse to abortion. Further, abortion is not family planning. Family planning involves deciding when you will have children and the number of children you plan to have. Family planning is not taking the life of an innocent human being. The UDHR states that “recognition of the inherent dignity and of the equal and inalienable rights of *all* members of the human family is the foundation of freedom, justice and peace in the world,” and provides that “[e]veryone has the right to life”⁴² The fact that a majority of U.N. Member States recognize the inherent dignity of the preborn baby shows those Member States understand their obligation to protect the life of everyone. Indeed, 109 of 193 Member States have strict limits on abortions.⁴³ Although Cambodia limits abortions to twelve weeks, it is failing to recognize the inherent dignity of the preborn and its obligations to protect life.

14. Cambodia is also failing to protect preborn babies that may be born with a disability. Cambodia’s law is extremely troublesome because it says that babies with disabilities are less deserving of life than otherwise healthy ones. For example, under this law, a baby who is shown to possibly have Down syndrome can be aborted on that fact alone. Cambodia’s law disregards the medical advances that have allowed individuals with Down syndrome, and other abnormalities, to live otherwise long and healthy lives.⁴⁴

15. Further, Cambodia’s law on abortion is harming women. One woman, who had undergone two abortions, told her story of the harms that the abortions has caused her:

Two days after the abortion I would go back to work as normal, because I don’t want anybody to know that I had an abortion. I can drink only a little because I’m afraid of abdominal pain. I had a lot of pain in my stomach the first time I had an abortion. I didn’t take medicine or drink beer with customers. That time, because I didn’t take any medicine, my stomach started to hurt until it seized up. I started to cry and wanted to go back home, but my friend put on an ice pack to dull my pain for relief. I went out, ‘to eat noodles,’ and took medicine.⁴⁵

16. Her story shows the harmful impact that abortions can have on women and why the government should take action to not only protect the preborn but women as well. Women who have undergone abortions have reported experiencing shame, drug abuse, and even suicidal thoughts.⁴⁶ By eliminating abortion, Cambodia would protect not only preborn babies, but also women who would otherwise be vulnerable to the devastating consequences of abortion.

Child Marriage

17. In Cambodia, nineteen percent of girls are married before the age of eighteen, while two percent are married before the age of fifteen.⁴⁷ Child marriage is most prevalent in rural areas such as Ratana Kiri or Mondul Kiri, where thirty-six percent of girls are married before

eighteen.⁴⁸ Of girls aged fifteen to nineteen, nearly one in eight have begun childbearing.⁴⁹ Furthermore, in Cambodia, it is traditional for men to pay a dowry to the family of the bride.⁵⁰ This tradition could incentivize parents to consent to a child marriage for their own benefit, rather than the benefit of the child.

18. An eighteen year old girl named Phon was feeling “the pressures of being an unmarried girl in her village.”⁵¹ A native of the Ratana Kiri province, Phon felt that pressure due to the customs and traditions in her village to marry early.⁵² Because of such cultural pressure, many young girls enter marriage early and their options in life are limited to helping on family farms.⁵³ This spurred Phon and many other young Cambodian women to join a social media campaign to spread awareness of child marriage in rural provinces.⁵⁴ While the campaign has not yet brought about institutional change, it has spread the information to the girls who need it most.⁵⁵

19. In December 2022, Ministry of Women’s Affairs (MWA) spokeswoman Mann Chenda acknowledged that early marriage in Cambodia is at an alarming level.⁵⁶ While steps to combat child marriage were taken in Ratana Kiri province, those same steps were not implemented across the entire country.⁵⁷ However, Cambodia plans to expand the action plan out of Ratana Kiri to the entire nation and the MWA is taking a nationwide survey to compile concerns about child marriage.⁵⁸ The high rates of child marriage are attributed to “a lack of access to education, economic opportunity, and health services, particularly for girls, alongside severe poverty and weak legal and enforcement mechanisms.”⁵⁹ Deputy Director of Plan International Organization to Cambodia Yi Kimthan said “emphasis on health education must be increased by the authorities too to help students better understand how their bodies, mental health, and sexual relationships have changed and how child marriage negatively affects the health of young mothers and their unborn children.”⁶⁰ The MWA also has set up two hotlines related to child marriage and youth pregnancy.⁶¹ The hotline provides mental and legal counseling as well as other resources.⁶²

20. Child marriage is a harmful practice that can result in lasting consequences for girls. Child marriage deprives girls of their childhood and threatens their lives and health as girls who marry before 18 are noticeably more likely to experience domestic violence and less likely to remain in school.⁶³ Furthermore, they have worse economic and health outcomes than their unmarried peers, which are inevitably passed down to their own children, perpetuating the systemic societal problem.⁶⁴ Additionally, child brides often become pregnant during adolescence, which further increases the risk of complications during pregnancy and childbirth for themselves and their offspring.⁶⁵ The practice can also isolate girls from family and friends and exclude them from participating in their communities, which takes a heavy toll on their physical and psychological well-being.⁶⁶ Because child marriage impacts a girl’s health, future and family, it also imposes substantial economic costs at the national level with major implications for a country’s development and prosperity.⁶⁷

Human Trafficking

21. In 2020, the women’s charity organization Chab Dai reported an average of one new case every three days of women as young as fourteen being trafficked to China among what is likely thousands of unreported cases.⁶⁸ Because of massive job losses due to the impact of COVID-19, many women are being lured away to China and then trafficked to compensate for China’s diminished female population.⁶⁹ “Cambodian women who have returned from China often describe experiences of sexual, physical and psychological abuse, confinement, torture and forced labour.”⁷⁰ These cases are especially difficult to prevent because many of these women’s relatives are complicit in the wrongdoing.⁷¹ The offer of sometimes thousands of

dollars is difficult for poor, rural families to resist.⁷² Many of these girls and women are trafficked to China through Vietnam.⁷³

22. In December 2020, a nineteen year old Cambodian girl made a social media post calling for help from China.⁷⁴ She was lured there with the promise of a good job at the age of seventeen where she was then held captive and trafficked for the next two and a half years.⁷⁵ “They’ve forced me to take husbands here,” she wrote in her post, “[t]hey said if I don’t take them as husbands, they would sell me to a brothel. . . . I want freedom, and to meet my family again.”⁷⁶ She had to walk five days to the Chinese border, but when she arrived, there was no job.⁷⁷ She was told she would have to marry a Chinese man, but that she could still send money back to her impoverished and ailing mother.⁷⁸ During the first year she was able to send \$2,000 to her mother, but the payments eventually stopped.⁷⁹ The girl was sent to a different house where the family locked her up.⁸⁰ She could only sneak phone calls to her mother occasionally, sometimes telling her that she had been raped.⁸¹ The Cambodian police handled the case lethargically. Once they finally took it on, they could not locate the girl and bring her home until she made the social media post.⁸²

Recommendations

23. Cambodia must protect the life of the preborn especially in light of the high percentage of pregnancies that end in termination. To accomplish this, Cambodia must immediately adopt legislation restricting abortion in order to protect the life of the mother and the preborn child from the dangerous effects of abortion. It should also apply that protection to preborn children who might have an ailment, as every human life deserves protection.

24. Cambodia should increase the age to marry to eighteen across the board, as well as increase its efforts to educate people of the dangers of child marriage, especially in cases in which parents marry off their daughters for monetary gain.

25. Cambodia should take greater steps in enforcing its anti-trafficking laws as well as introducing programs to prevent the exportation of young brides to China. It should attempt to work more closely with the Vietnam government in preventing and reclaiming trafficked Cambodian women as well as directing law enforcement to more heavily prioritize trafficking cases.

¹ Cambodia, THE WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/countries/cambodia> (last updated Sept. 1, 2023).

² *Id.*

³ *Id.*

⁴ Universal Periodic Review Second Cycle – Cambodia, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/kh-index> (last visited Sept. 8, 2023).

⁵ Cambodia Infographic, OHCHR, https://cambodia.ohchr.org/sites/default/files/InfoNotes/Infographic_Cambodia.pdf (last visited July 6, 2023).

⁶ OHCHR, UPR of Cambodia (3rd Cycle – 32nd Session): Thematic List of Recommendations, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session32/KH/UPR32_Cambodia_Thematic_List_Recommendations.docx (last visited July 6, 2023).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ ROYAL KRAM ON ABORTION, 1997 [CS/RKT/1197/06], art. 8 (Cambodia), http://moh.gov.kh/content/uploads/Laws_and_Regulations/Law/Law%20on%20Abortion%20Eng.pdf.

¹¹ *Id.*

¹² *Id.* art. 7.

¹³ *Id.* art. 14.

- ¹⁴ *Ratification Status for Cambodia*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=88&Lang=EN (last visited Sept. 8, 2023).
- ¹⁵ International Covenant on Civil and Political Rights art. 18, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].
- ¹⁶ Convention on the Rights of the Child art. 6, *adopted* Nov. 20, 1989, 1577 U.N.T.S. 3, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> [hereinafter CRC].
- ¹⁷ CRIMINAL CODE art. 239 (Cambodia), https://ngocedaw.org/wp-content/uploads/2015/05/Criminal_Code_EN-KH_Jan_2014.pdf.
- ¹⁸ CIVIL CODE art. 948 (Cambodia), <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/93489/109310/F757909474/KHM93489%20Eng.pdf>.
- ¹⁹ *Id.*
- ²⁰ *Id.* art. 953.
- ²¹ *Id.*
- ²² *Ratification Status for Cambodia*, *supra* note 14.
- ²³ CRC art. 9, *supra* note 16.
- ²⁴ Convention on the Elimination of All Forms of Discrimination Against Women art. 16, *adopted* Dec. 18, 1979, 1249 U.N.T.S. 13, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.
- ²⁵ CAMBODIA'S CONSTITUTION OF 1993 WITH AMENDMENTS THROUGH 2008 2008, art. 46
- ²⁶ *Id.*
- ²⁷ *Id.* art. 48.
- ²⁸ CRIMINAL CODE art. 188 (Cambodia), https://ngocedaw.org/wp-content/uploads/2015/05/Criminal_Code_EN-KH_Jan_2014.pdf.
- ²⁹ *Id.* art. 284.
- ³⁰ *Id.* art. 288.
- ³¹ *Id.* art. 289.
- ³² *Ratification Status for Cambodia*, OHCHR, <https://indicators.ohchr.org/> (last visited Sept. 8, 2023).
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- ³⁷ ICCPR art. 6, *supra* note 15.
- ³⁸ *Cambodia*, GUTTMACHER INST., <https://www.gutmacher.org/regions/asia/cambodia> (last visited Sept. 12, 2023).
- ³⁹ International Conference on Population and Development, *Report of the International Conference on Population and Development*, ¶ 8.25. U.N. Doc. A/CONF/F.171/13/Rev. 1, https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/a_conf.171_13_rev.1.pdf
- ⁴⁰ *Id.* ¶ 7.24 (emphasis added).
- ⁴¹ *Cambodia*, *supra* note 38.
- ⁴² G.A. Res. 217 (III) A, Universal Declaration of Human Rights, pmb., art. 3 (Dec. 10, 1948) (emphasis added).
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⁴⁹ *A Statistical Profile of Child Protection in Cambodia*, UNICEF 13 (2018), <https://www.unicef.org/cambodia/media/711/file>.

⁵⁰ Keo Mony, *Cambodian Marriage*, ETHNO MED (Sept. 1, 2004), <https://ethnomed.org/resource/cambodian-marriage/>.

⁵¹ *Breaking the Link: Girls Disrupting the Cycle of Child Marriage and Poverty in Cambodia*, PLAN INT'L, (last visited June 29, 2023).

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⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ Yim Sreylin, *Gov't Out to End Child Marriages*, KHMER TIMES (Dec. 15, 2022), <https://www.khmertimeskh.com/501202770/govt-out-to-end-child-marriages/>.

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⁵⁸ *Id.*

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⁶⁰ *Id.*

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⁶⁶ *Id.*

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⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ Tran Techseng, *Sex Trafficking Victim Posts a Call for Help From China*, VOD (Dec. 2, 2020), <https://vodenglish.news/sex-trafficking-victim-posts-a-call-for-help-from-china/>.

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⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

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⁸² *Id.*