

Cambodia Under CEDAW Review: Women's Access to Justice in Cambodia

The Cambodian judicial system is generally criticized as ineffective, weak and lacking independence. In 2019, Cambodia ranked 125 out of 126 countries in the World Justice Project's Rule of Law Index, which measures nations' adherence to the rule of law. This creates barriers to the fulfilment of women's rights and especially women's access to justice. There are various barriers to women's access to justice:



Legal barriers



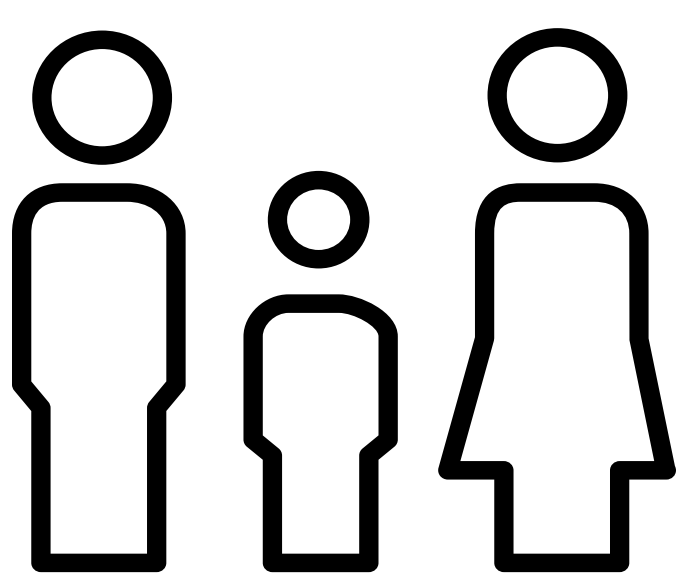
- Laws designed to protect women from gender-based violence ("GBV") are inadequate and flawed.
- The law does not sufficiently address the complex and diverse ways in which women experience GBV, definitions contained in the law fail to capture many types of domestic abuse.
- In addition, there is no explicit law in Cambodia preventing discrimination on the basis of gender.

Institutional barriers

- Women are underrepresented throughout the justice system. For example, from 2012 until 2017, about 14% of judges were women, and the number of female prosecutors increased from just 15 to 23.
- Additionally, discriminative attitudes and gender stereotyping are a widespread phenomenon throughout the justice system. Some women lawyers and prosecutors feel that they are not taken seriously by judges.
- Corruption is a significant issue within the justice system which frequently deters women from pursuing justice.



Economic, social and practical barriers



- Getting within reach of justice services can be very challenging for women because of the economic, political and social obstacles faced by them specifically, leading to their exclusion from the judicial system.
- For example, attitudes regarding the family and marriage result in pressure to seek redress through informal mediation in case of domestic violence as opposed to criminal justice.

Intersectional barriers

- For many women, discrimination on the basis of gender intersects with other forms of discrimination based on other identifying factors that indicate marginalised status.
- For example, rural women not only face economic and practical challenges, as travelling to appeal courts can be expensive and time-consuming, but often they are also housebound due to social obligations such as childcare.
- LGBTIQ individuals often find themselves in precarious situations when trying to access the Cambodian justice system, relying on too few lawyers providing pro bono services and/or some civil society organizations providing free legal advice.



Incarcerated women and children



- Although the actual numbers are unknown, as of February 2020, in 18 of Cambodia's 28 prisons there were 103 children living with their mothers and 43 pregnant women detained.
- The Cambodian prison system is incapable of providing for the most basic needs of children, including education, medical care, proper nutrition, and social interaction and contrary to international standards, Cambodian courts do not consider women's specific situations, such as pregnancy, when making decisions concerning detention.

CSO reports submitted for the pre-session Working Group

The shadow report 'Access to justice' of the Cambodian Center for Human Rights (CCHR), the Cambodian Human Rights and Development Association (ADHOC) and Destination Justice can be found here: <https://bit.ly/2pkZblJ>



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