



The LAT analyses national legal frameworks across 30 legal indicators to provide prompt, targeted and effective policy support to Member Countries to achieve gender-equitable land tenure. The list of indicators below reflects to what extent a country has incorporated the indicator in their national legal framework. The results are shown in different colour ranges on a scale from 0 (absence of the indicator in the legal framework) to 4 (the indicator appears in multiple legal instruments).

Le LAT analyse les cadres juridiques nationaux à travers 30 indicateurs dans le but de formuler des recommandations rapides, ciblées et efficaces aux pays membres, pour des régimes fonciers équitables entre les sexes. La liste d'indicateurs reflète le stade d'un pays à l'égard de l'indicateur et son incorporation dans le cadre politique et juridique national. Les résultats sont présentés dans différentes couleurs et sur une échelle de 0 (absence de l'indicateur dans le cadre juridique) à 4 (l'indicateur a été intégré dans plusieurs instruments juridiques).

La herramienta LAT analiza el marco legal de los países a través de 30 indicadores legales con el fin de dar asesoría rápida, focalizada y oportuna a los Países Miembros de la FAO. El objetivo de este ejercicio es el de avanzar la tenencia equitativa de la tierra en cuanto al género. La lista de indicadores muestra la etapa en la que se encuentra el país en cuanto a la integración de este indicador en el marco legal nacional. Los resultados se muestran en diferentes colores y en una escala que va de 0 (ausencia del indicador en el marco legal) a 4 (el indicador está integrado en diversos instrumentos jurídicos).

Cambodia

Key element 1: Ratification of human rights instruments		Yes/No	Basis
1	The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is ratified.	Yes	N/A
2	The African Charter on Human and Peoples' Rights (ACHPR) is ratified.	N/A	N/A
3	The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) is ratified.	N/A	N/A



Key element 2: Elimination of gender-based discrimination in the Constitution		Stage	Basis
4	The Constitution prohibits gender-based discrimination.	3	The Constitution, 1993, Article 45
5	The Constitution recognises customary law but states that gender-based discrimination in customary law is superseded by the principle of non-discrimination in the Constitution.	0	No provision could be located
6	The Constitution recognises religious law but states that gender-based discrimination in religious law is superseded by the principle of non-discrimination in the Constitution.	N/A	N/A
7	The Constitution promotes the adoption of special measures for the advancement of women.	3	The Constitution, 1993, Article 46
Key element 3: Recognition of women's legal capacity		Stage	Basis
8	Men and women have the ability to conclude contracts under the same basic conditions, rights and obligations.	3	The Civil Code, Articles 6, 8, 15 and 16
Key element 4: Gender equality of rights with respect to nationality		Stage	Basis



9	Men and women are able to apply for identity documents under the same conditions.	3	Sub Decree No. 36 ANK/BK/ JULY 26, 1996 on Khmer National Identity Cards, Articles 3 and 4
10	A female national can confer citizenship to her non-national spouse under the same conditions as a male national.	3	Law on Nationality, 1996, Article 5
11	Women can confer citizenship to their children under the same conditions as men.	3	Law on Nationality, 1996, Article 4
Key element 5: Gender equality in property rights		Stage	Basis
12	The law recognises gender-equality in the right to own or control property regardless of the type of marriage.	4	The Constitution, 1993, Articles 44 and 45 *** The Civil Code, Article 974 *** The Land Law, Article 4 and 24 <i>Collective ownership by indigenous communities includes all of the rights and protections of ownership as are enjoyed by private owners.</i>



13	The law recognises full or partial community of property as the default marital property regime.	4	The Civil Code, Article 971 *** Law on the Marriage and Family, 1982, Article 32
14	Spousal consent is mandatory for any transaction involving matrimonial property.	4	The Civil Code, Articles 973 and 976 *** Law on the Marriage and Family, 1982, Articles 33 and 37
15	The law establishes a presumption of joint ownership of property in consensual unions.	0	No provision could be located
16	The legal framework includes special measures to guarantee women's equal rights to land ownership and control.	0	No provision could be located
Key element 6: Gender equality in inheritance		Stage	Basis



17	The surviving spouse is granted user rights to the matrimonial house for life.	0	No but according to Article 75 of the Land Law, 2001, when an inherited immovable property is used as a dwelling for the deceased's family or where the land is used to support the family's life, the successors may not demand a partition or a sale without the unanimous express consent of all co-successors.
18	Under the law of succession, the surviving spouse is entitled to a minimum share of matrimonial property.	3	Civil Code, Articles 1161(1) and 1162
19	The law allows partners living in consensual union to inherit from each other.	0	No provision could be located
20	Brothers and sisters have an equal right to inherit.	3	Civil Code, Article 1156(1)
21	Brothers and sisters receive an equal share of inheritance	3	Civil Code, Article 1156(2)



22	A right to compensation of other siblings giving up their claims on the family property exists.	0	No provision could be located
Key element 7: Gender-equitable implementation, dispute mechanisms and access to justice		Stage	Basis
23	Decentralisation of land administration services is effected through recognised customary land institutions.	0	The Land Law, 2001 Article 23 <i>The legal status of indigenous communities and management of immovable property has yet to be determined under a law on communities.</i>
24	Decentralisation of land administration services is effected through formal land institutions.	3	The Land Law, 2001, Articles 231 to 233
25	The law guarantees equality before the law.	3	The Constitution, 1993, Article 31
26	The law guarantees equal access to judicial systems and statutory or customary dispute resolution mechanisms to resolve disputes over tenure rights.	3	Code of Civil Procedure, Section 2(2)



27	The law makes provision for legal support in civil procedures.	3	Code of Civil Procedure, Sections 69 and 70 <i>Referred to as In Forma Pauperis (Aid in Litigation)</i>
28	A human rights commission or gender-specific institution is in place.	3	Sub-Decree No. 570 of 2013 on the Organization and Functioning of Cambodian Human Rights Committee
Key element 8: Women’s participation in national and local institutions enforcing land legislation		Stage	Basis
29	The law sets quotas for the appointment of women in land management and administration committees.	0	No provision could be located
30	The law sets quotas for the appointment of women in land dispute resolution committees.	0	No provision could be located