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Background

Since the Paris Peace Agreement was signed in 1991, there have been dramatic changes in Cambodia's economic, political and social landscape. War and conflict have ended and political stability has been achieved. Economic growth is accelerating with infusions of external assistance as well as growing private sector investment. From an isolated nation in the 1980s, Cambodia has undergone significant change and is now a recognised member of the international community and a member of ASEAN. In May 1993 Cambodia successfully conducted a free, national election under the supervision of the United Nations, and now functions as a multiparty liberal democracy.

These are significant achievements within a relatively short period of time given that more than twenty five years of armed conflicts, isolation, and displacement have devastated Cambodia's social structure and its traditions. But challenges do remain in the rebuilding and development of the country. The stresses of globalisation and rapid modernization are adding further burdens to the well-being of the Cambodian people. Cambodia remains in poverty with high level of unemployment, and in the past decade social economic development has been damaged by perennial flood and drought. Economic deprivation, natural disaster, open markets and globalization have created growing disparities and hardships that impact upon society as a whole, but especially on women and the vulnerable.

High levels of domestic violence, trafficking in women, and rape are a grim manifestation of post conflict violence culture, of poverty and unequal power relations despite the principle of gender equality having been established in the Cambodian Constitution since 1993. Besides these structural deficits Cambodian women suffer

discrimination because of their low levels of education, and lack of knowledge regarding their rights, the law, and access to legal assistance. This means that legal and constitutionally established fundamental rights are still not adequately guaranteed and implemented.

In addition, stereotyped gender roles have been ascribed to women in Cambodia. The code of women called "Chbab Srey", a set of morals expected of women, is widely taught and has oppressed women in every field of their lives. Women are considered as subordinate to men.

On October 15, 1992, the Kingdom of Cambodia ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Following its ratification, Cambodia has not yet defined the term *discrimination against women* in its laws. However, Article 31.1 of the Constitution of the Kingdom of Cambodia has accepted the definition of the term *discrimination against women* as stipulated in CEDAW for its implementation on the basis of equality between men and women as the Article clearly states that " The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the Covenants and Conventions related to human rights, women's and children's rights."

The Royal Government of Cambodia (RGC) undertakes to provide fundamental freedoms in political, economic, social, cultural and other fields to women in order to ensure equality with men. Therefore, the definition of "discrimination against women" as stated in CEDAW is the basis for implementing and determining all legal documents for the purpose of development of Cambodia in all fields. Article 45.1 of the Constitution states that " all forms of discrimination against women shall be abolished", including distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

However, there is no law which identifies offences and punishments for acts of discrimination against women. The Transitional Criminal Law, which is currently in force, does not have any provision which mentions offences of discriminating against women. Article 61 of this Law only addresses discrimination based on nationality, race, and religion, and incitement of national, racial, or religious hatred.

Regarding the extent to which CEDAW is reflected in the Constitution, the Ministry of Justice has been examining and modifying the Draft Criminal Code which states that offences relating to gender discrimination are direct discrimination against women. The Draft Criminal Code provides for punishments in cases where gender discrimination takes place, in regard to a number of issues as follows:

- to condemn offences of refusing to give property or services;
- to condemn offences of providing property or services but attaching conditions;
- to condemn offences of refusing to hire; to condemn offences of providing a job attached with conditions; to condemn offences of dismissal or exclusion of any person based on sex; to condemn any public civil servant or military officer who refuses any person their enjoyment of any right.

Thus, the Royal Government continues to do its best to draw up other legal provisions to conform to the spirit of the Constitution and the provisions of CEDAW.

In practice, the RGC uses the principles of equality between men and women as a basis to draw up legal documents and laws to ensure that women enjoy equal rights as men in all fields without any distinction, exclusion or restriction imposed on women. Article 45.2 of the Constitution states that "men and women are equal in all fields, especially in marriage and matters of the family." In addition, there are other principles which are determined in the Constitution such as:

- Article 31.1 Equality before the law;
- Article 34 Equality to stand as candidates for the election and to vote;
- Article 35 Equality to participate in the political, economic, social and cultural life;

- Article 36 Equality to choose employment and to receive severance pay, to obtain social security, and to form and to be members of trade unions.

Apart from the above laws to ensure the protection, development and advancement of women based on the equality between men and women, there are other legal documents adopted by the Royal Government such as Sub-decrees, Circulars and Proclamations, Regulations etc.

The RGC has also embodied the principle of elimination of all forms of discrimination against women in its national policies and actions to ensure equal rights between men and women. It has set out systematic strategies to develop and advance women, to ensure that they exercise and enjoy fundamental rights and freedoms on the basis of equality between men and women, and to ensure women are empowered to participate in national development.

In 1993 the RGC established a national body called the Secretariat of Women's Affairs which was upgraded to the Ministry of Women's and Veterans Affairs in 1998, and later became the Ministry of Women's Affairs (MoWA). The priority action plan of the Ministry of Women's Affairs to promote a policy on gender equality and empowerment of women was directly inspired by the Beijing Platform for Action (BPFA) and CEDAW. This strategic plan called Neary Rattanak ("Women are Precious Gems") emphasises on 5 priority program areas: economic empowerment of women, women and health, women and education, legal protection for women, and women and governance.

Following that, the Cambodian National Council for Women (CNCW) was established in 2001 as an inter-ministerial body of 14 ministries represented at the level of Secretary of State. Two other related institutions were also established with the task to monitor and evaluate the implementation of the national laws, regulations and policies of the RGC from a gender perspective, and to monitor compliance with international Conventions. In 2004 under the Government Donor Coordination Committee, 18 Technical Working Groups were formed, one of them called the

Technical Working Group on Gender (TWGG), whose role is to mobilize support and resources on gender mainstreaming and to provide technical advice to promote gender equality in government policies and programs. The RGC has set up the Supreme Council of State Reform to undertake the implementation of several reforms, among them the promotion of gender equality in which the Minister of Women's Affairs is the Deputy High Commissioner in charge of Gender Equality and Culture.

For nearly eleven years, the RGC in partnership with national, international and civil society organizations has made significant progress in implementing and monitoring the process to ensure that the policies and programs of the government are addressing gender issues and are operational with gender targets and indicators in line with BPFA, CEDAW, and the Cambodian MDGs. Cambodia has increasingly been successful in having gender mainstreamed in these policies and programs such as the Socio-Economic Development Plan 2001-2005, the National Poverty Reduction Strategy 2002, the National Population Policy 2004, Governance Action Plan I and II, the Decentralization and De-concentration Strategic Framework, and the current document called the National Strategic Development Plan (NSDP).

In July 2004, the new government policy called the Rectangular Strategy for Growth, Employment, Efficiency and Equity highlighted the commitment of the government to gender equality. It recognised that women are the backbone of the Cambodian economy and society and placed high priority on the enhancement of their role and social status and focused attention on the implementation of a gender strategy which encompassed capacity building for women in social, political and economic sectors, changing the social attitudes that discriminate women, and ensuring the rights of women to actively and equally participate in nation building.

The RGC has strived to establish various special measures in order to make sure that women fully enjoy their rights and freedoms to be equal partners with men in the development of the country. For example, in 1995 at the sub-national level, the Government set up the Village Development Committee with women comprising 40% of its members. In 2002, at the commune level, the RGC created commune/sangkat-

based Women and Children's Committees and required women to be members of these committees. The Planning and Budgeting Committee of the Commune Councils must be composed of 50% women. At the village level, among three leaders of villages (1 Chief, 1 Deputy Chief and 1 Assistant), the RGC has determined that one of them must be female. Since 2004, a program to set up the process of gender budgeting has been initiated to build the capacity of staff from the Ministry of Economy and Finance, the Supreme National Economic Council (SNEC), and some key line ministries.

I will now highlight the achievements in various sectors.

1. Health

The Ministry of Health (MoH) has developed a number of policies designed to ensure safe motherhood. These include plans to increase the number of trained midwives and outreach services from the district health centres in order to better meet the needs of the community. In addition, there are other policies focusing on reducing infant mortality rate and improving healthy living for children such as the implementation of birth-spacing, better nutrition, and hygiene programs.

Some achievements are as follows:

- The MMR has decreased;
- The TFR has declined to a rate surpassing the CMDGs;
- The percentage of pregnant women attending two or more ante-natal care (ANC) consultations from skilled health personnel has increased;
- The HIV/AIDS prevalence rate among adults has sharply declined, and the prevalence rate among pregnant women aged has also dropped;
- Condom use amongst sex workers has increased.

However, some challenges in women's health still need to be addressed:

- One fifth of the causes of death for women are due to pregnancy-related complications including deliveries;
- Mother-to-child and husband-to-wife HIV transmission is still high;
- Access to health services, especially for poor and rural women, is still limited.

2. Education

The government recognises education as one of its four priority sectors (together with health, rural development and agriculture), and has increased the share of its recurrent budget allocated to education. Considerable progress has been made by the government in women's and girl's education. In the past five years the numbers of children enrolled in primary, lower secondary and high secondary schools rose in both rural and remote areas.

The Ministry of Education, Youth and Sport (MoEYS) has a well-developed gender strategy, collects sex-disaggregated data and has some strategies including budget allocations to address gender disparities. These include:

- More and improved school facilities including separate toilets for girls;
- Dormitories in remote areas so poor girls are able to attend school and continue a higher education. These dormitories exist in Teacher Training Centres and Regional Teacher Training Centres for female students from the poor families and ethnic groups living in remote and disadvantaged areas;
- Scholarships for female students who are from remote areas, disadvantaged areas, and ethnic groups;
- Implementation of a policy providing scholarships for female students in higher education;
- Setting up schools in the communes and districts with lower secondary schools and high schools so that the female students will not drop out of school due to living too far away;
- Operating literacy classes for illiterate people, many of whom are female;
- Mainstreaming gender, human rights, women's rights, health education, HIV prevention, domestic violence and trafficking into school programmes;
- Commune councils being given responsibility to encourage parents living in their commune to send their children to school, especially girls, and keeping them in school;
- Increasing the number of women in education management.

Some challenges still need to be addressed in the education sector:

Dormitories do not exist in some remote and disadvantaged areas;

- Limited scholarships for poor girls and ethnic groups;
- Fixed and mobile libraries and community learning centres are limited;
- A survey on the illiteracy rate for poor women and women of ethnic groups has not been done yet.

3. Legal Protection

Protection of people's rights and freedoms is one of the major duties of the RGC. In order to protect the legal rights and to secure the equal rights of all people, the government has established a judicial body and prepared some legal provisions and regulations.

Currently, those laws and regulations are based on equality of people and securing the equal rights between man and woman. The series of such provisions are: the Constitution; Criminal Law during the Transitional Period (UNTAC); Criminal Procedure; Labour Law; Law on Marriage and Family; Law on Suppression of Kidnapping, Trafficking and Exploitation of Human Persons; Land Law; Law on Nationality; Law on Prevention of Domestic Violence and the Protection of Victims, etc.

The RGC tries to address the effectiveness of the law enforcements in strengthening the capacity building of the law enforcer by legal training and law dissemination. However, the RGC acknowledges that some laws are still lacking and some provisions do not have clear definitions which explain the difficulties of implementation. Moreover, the number of provincial and municipal courts, in particular special chambers, is still limited.

The Rectangular Strategy of the RGC on legal and judicial reform gave high priority relating to the enhancement of the rule of law and the promotion of the status of women through the drafting process of new laws and regulations.

Some of the significant laws that we have been drafting are:

- The Civil Code and Civil Code Procedure;
- The Criminal Code and Criminal Code Procedure;
- The Law on the Suppression of Human Trafficking and Sexual Exploitation;
- The Law on the Organization of the Court;
- The Law on the Status of Judges and other Laws.

There are a number of programs involving Cambodia and the countries of the Greater Mekong Sub-Region (GMS) focusing on preventing and combating human trafficking and MoWA is deeply involved with these programs, as well as the development and implementation of Memoranda of Understanding with countries in the region and GMS Countries (COMMIT MoU and Bilateral MoU).

The RGC has enacted additional legislation to eliminate all forms of human trafficking and sexual exploitation of women. On 20 Nov 2001, the RGC issued a directive to stop the business of bars, night clubs, discotheques and Karaoke bars in Phnom Penh, and in provinces and municipalities throughout the country. The 5 year National Action Against Trafficking and Sexual Exploitation of Children 2000-2004 by the Cambodian National Council for Children (CNCC) covers 4 programs: Prevention, Protection, Prosecution, Rehabilitation and Reintegration

The Ministry of Interior has made strong efforts to collect information on human trafficking by establishing the Department of Anti-Trafficking and Juvenile Protection, with specialized units under its control in provincial/municipal police commissariats. Within two years of operation, the police received numerous complaints both online and from the public. The police rescued 1,381 victims in total and arrested 832 perpetrators in total, and sent to the court for punishment according to the laws in force.

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children was adopted by the National Assembly on 24 November 24, 2005.

The draft law on the Prevention of Domestic Violence and the Protection of Victims was passed and came into force on 24 October, 2005. This law aims specifically to prevent all forms of domestic violence and protect the victims. Husbands, wives, and dependant children are all protected under this law. Moreover, this law applies to those who live under the same house and are dependant on the same family.

With regards to migration, the government recognises that both internal and external migration is steadily increasing as people, particularly women, seek better livelihoods. Migration is also a significant contributor to poverty reduction, and we are seeking to improve labour migration management to better assist and protect women migrant workers. There are a number of ministries with different roles and responsibilities in managing labour migration: The Ministry of Labour and Vocational Training, MoWA, the Minister of Foreign Affairs and International Cooperation, and the Ministry of Interior. Together they work to:

- manage the export of Cambodian migrant workers (e.g. through agreements with the governments of Malaysia and Thailand);
- select and license employment agencies;
- monitor and evaluate recruitment agencies, withdrawing licenses from employment agencies who do not follow relevant laws, sub-decrees and other regulations;
- via diplomatic channels coordinate the distribution of all relevant documents and regulations including the MOU between Cambodia and receiving countries;
- manage and resolve labour disputes between workers and their employers in receiving countries via Cambodian embassies in those countries.

Additionally, MoWA and the Ministry of Labour and Vocational Training, in partnership with UNIFEM, are in the process of developing a mechanism to integrate a gender perspective into how the government handles migration issues.

Some challenges that remain:

- Law enforcement needs to be strengthened;
- The 1996 Trafficking Law still has some legal gaps and needs to be amended;
- The absence of the trafficking victim's cooperation hampers the prosecution of the offenders;
- The absence of economic support to the victims might lead to re-trafficking.
- The absence of full time labour attaches in Cambodian embassies abroad, dedicated to protecting the interests of Cambodian migrant workers.

4. Women and the Economy

Cambodia has the highest female labour force participation rate in the region at 74.8% of all women 15 years of age and older. The public sector provides 2% of female employment, and an estimated 80-85% of all employment is in the informal sector, with women being primarily as self-employed and unpaid family workers. Women work as skilled agriculture and fishery workers, and also make substantial contributions in non-agricultural sectors of the economy; they are also major contributors of the primary labour force in wholesale and retail trade, as well as manufacturing.

The government is seeking to work towards greater gender equality for women in rural areas. The ADB's forthcoming loan for the Agriculture Sector Development Programme (ASDP) will include support for strengthening the capacity of the Ministry of Agriculture, Fisheries and Forestry gender working group. Under the five-year loan, the Government will establish a formal career track for agricultural graduates. As an incentive to graduates, the loan will provide a supplement to the government salary for 60 positions, half of which must be filled with women. The project will provide extension and credit to farmers' groups in four provinces, requiring that these groups include equal numbers of men and women farmers. Gender training will be provided for staff and farmers.

MoWA is at the beginning of a process of converting the existing provincial Women in Development Centres to Women's Empowerment Centres with multi faceted programs of training in micro and small enterprise skills, developing women entrepreneurship, as well as training in literacy and life skills development and providing assistance to the female students to access credit.

Women's economic contribution has become even more significant in the past seven years with the growth of the garment industry in Cambodia where around 230 000 people are employed, 85% of being young women. The garment industry is the biggest industry in the country and top foreign exchange earner so this means a significant part of the growth in the economy rests on the shoulders of Cambodian young women. Fortunately, they are working under regulated conditions and receive a living wage. This may be used to increase household expenditure on food or inputs to increase agricultural productivity, the education of siblings, health costs and traditional family costs such as weddings. Thus, they are making significant contributions to poverty reduction. A UNIFEM research project estimated that 1.3 million people were benefiting from the work of these young women.

In Cambodia, there are two other potential areas of growth. One is tourism and the other is agriculture. We must make sure that women, who play an important role in both of these sectors, are able to enjoy the benefits of these developments. To that end we are cooperating with other ministries, donors and NGOs in a number of research projects to monitor these developments and to provide training to ensure that women workers can increase their skills and promote their careers to more responsible positions. These projects include:

- A UNIFEM and UNDP Gender and MDGs project focusing on a study of the impact of trade reform on women garment workers;
- Monitoring the effects of Cambodia's accession to the WTO;
- MoWA and the Ministry of Labour and Vocational Training will implement a project on Gender and Labour Migration with a focus on safe migration for women workers including government-to-government agreements;

- Piloting a project with a local NGO, to provide social support to women garment workers. The government has also recently signed an MOU with ADB, the Garment Manufacturers Association, and ILO to provide training to garment workers through the Garment Training Centre. Training women to become skilled employees and supervisors in garment factories is already underway;
- The Ministry of Commerce and the Ministry of Industry, Mines and Energy are working to support SMEs, including those run by women to understand local markets and to better match skills to market demand;
- The Ministry of Labour and Vocational Training and MoWA are currently working with ILO and other agencies to develop a national employment and training strategy.

5. Participation in governance and politics

The RGC also put strong efforts to promote women to play an active role in the decision-making process. The Constitution guarantees and protects women's rights to participate in political, social and public life on an equal basis with men. (Article 34.1, 34.2, 34.3, 34.4, 41 and 42). This fact is clearly demonstrated in the implementation of national laws of Cambodia by the RGC that promote and increase women's participation in politics and the public sector.

There are a significantly increased number of women participating in decision making both in politics and the public sector. The number of women in the National Assembly has increased from 5.83% in 1993 to 18% in 2003; in the Senate from 13.11% in 1998 to 18.03% in 2003; and in the government from 7.40% in 1993 to 9.58% in 2003.

At the local level, the decentralisation and de-concentration process through the Seila program (a government program) has set up several special measures to promote women in the decision-making process. Commune Committees to support women and children focal points were established in 2004. In the Commune Committee for Planning and Budgets 50% of the members must be women. At the village level, one of the three representatives of the village (Village chief, Deputy Chief, and Assistant)

must be a woman. This effort has been considered successful in increasing the number of women participating in the decision making process.

6. Land

The RGC has taken into account the needs of women in its Land Law. It is recognised that for land policy to meet the needs of all Cambodians, it must be gender responsive. This is demonstrated by the continued principle that land titling will be available as joint ownership between husband and wife. The National Committee on Land Management has also determined that poor women and female headed households are vulnerable groups which should be given priority under the social land concessions programme. Furthermore, women should be represented in the various commissions and committees established to deliberate on land policy issues.

Main Challenges in Achieving the Goals of CEDAW

- Although considerable efforts have been made, the adoption of legal and administrative measures as well as the implementation of these measures has not always been appropriate and fully effective. Gender mainstreaming in public institutions is limited and not widely accepted, and gender issues are not deeply understood.
- Inactivity has resulted from the limited understanding of Cambodian citizens in general. Gender issues are not deeply understood. The recognition of women's capability remains poor. Overall, law enforcement is still weak, which is the reason why the adopted measures are not very effective.
- While there is excellent endorsement of CEDAW by the RGC at the most senior level, greater commitment is needed from decision makers in ministries to implement the nationally endorsed policy of gender equality. More skilful advocacy

on the part of MoWA and NGOs is needed, as well as building a ground swell in civil society.

- Success in achieving the aims of CEDAW requires financial commitment. Public Sector Financial Reform (PSFR) is a commitment of the RGC in this mandate (*Rectangular Strategy*). The gender budgeting process should be integrated into PSFR to ensure greater influence and action at the macro economic level.

- Significant cultural changes are taking place resulting from globalisation, economic forces including poverty, and social disruption caused first by wars and other factors. The reality is far different but is not necessarily part of the consciousness of either men or women. The belief that men are the heads of families and have the right to discipline women and children with violence is widely held. MoWA will be working with other ministries to articulate and promote social values that make it clear that this behaviour, and other behaviour offensive to women and human rights, cannot be tolerated.

- While there has been significant progress in the education sector demonstrated by increased numbers of enrolment and higher rates of retention, the same focus and effort must be given to achieving gender mainstreaming in the school curriculum. Schools are an important access point in reaching young boys and girls and educating them about gender equality from an early age, and laying a foundation for gender awareness that can be reinforced as they progress through the education system.

Conclusion

Having fully acknowledged both the spirit (all articles, general recommendations and committee's comments) and principle (substantive equality, non-discrimination and affirmative actions) of CEDAW, the Royal Government of Cambodia has clearly understood its roles, obligations, responsibilities and commitments to gender equality and gender mainstreaming. We identify that gender mainstreaming must be the responsibility of all bodies: Senate, National Assembly, Government with all line

ministries and other institutions. This has been the message that MoWA consistently advocates.

MoWA has learned much from its work in engineering national policies and advocating gender equality over the past five years. It has realised the need to identify the right people to lobby in order to get gender issues included in narratives, activities, indicators and targets of those policies. However, policy making is only the first step. The next step is to ensure through training, dissemination and budget allocation, that the policy is finally implemented.

With the continuous strong commitment of the government and the support of national and international organizations, the situation of Cambodian women has been significantly improved. We have a much better foundation in terms of basic statistics and their analysis on which to base our gender policies. With peace and stability in the country, coupled with the increasing number of better-educated young people who are more receptive to ideas of gender equality, we are better placed to meet the challenges of working for the women of Cambodia. Armed with our overall existing policies and strategies, the RGC will continue its responsiveness and innovation towards achieving gender equality, always seeking to improve and to develop more effective measures to achieve the goals of CEDAW.