

The Evolution of Gender Policies, Laws and the Institutional Framework in Cambodia (1993-2011)

An overview and analysis from a gender perspective.

Mara Vidal López (Coordinator and Co-author)

Phong Kimchhoy (Researcher and Co-author)

Lena Ganesh (Editor)



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FOREWORD

The 19 years that have passed since the first national elections in 1993 we have seen increasing efforts of the Royal Government of Cambodia (RGC) to improve gender equality in the country. The government has established bodies, organisms, forums and legislative documents to intervene in gender issues and attempt to eliminate gender inequality and discrimination.

The international framework for fighting gender inequality is composed of three major cornerstones: the international framework Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action (BPfA), and the Millennium Development Goals (MDGs). In order to align itself with these agreements, Cambodia has produced a wide set of laws, policies and strategies aimed at tackling gender issues and responding to the needs for gender equity. This report attempts to put together how this alignment has taken place between 1993 and 2011, considering the laws, policies, strategies and plans that have been put into place, as well as their implementation. We hope that this report will be useful to governmental and non-governmental agents to understand the process followed, and to identify possible improvements that might be undertaken to meet uncovered the gender equality needs.

I confidently hope that this report will be of value to those in charge of developing future policies and strategies that will address gender inequality and discrimination in Cambodia. Free and general public access to information and knowledge of this report will help in promoting the changes and improving the gender situation in society.

I would like to thank the entities and ministries – and specifically the Ministry of Women's Affairs - for their support on this work, as well as to the Spanish Agency for International Cooperation and Development (AECID) for the financial support which enable the preparation a publishing of this report.

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Chim Manavy
Executive Director
Open Institute

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These contributions and supports mentioned above are extremely acknowledged and again, the research team would like to thank all of them. Hopefully, the report of "The Evolution of Gender Policies, Laws and The Institutional Framework in Cambodia (1993-2011)" would be a part of the global contribution to improve the development of the next Cambodian laws, policies and strategies which respond the gender needs.

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Abbreviations and Acronyms

ADB	Asian Development Bank
CAMBOW	The Cambodian Committee for Women
CARERE	Cambodia Area Rehabilitation and Regeneration Project
CCWC	Commune Committee for Women and Children
CDHS	Cambodia Demography and Health Survey
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CHDR	Cambodia Human Development Report
CDHS	Cambodian Demographic and Health Survey
CMDGs	Cambodian Millennium Development Goals
CNCW	Cambodian National Council for Women
CSES	Cambodia Socio-Economic Survey
DoLA	Department of Local Administration
EMIS	Education Management Information System
ERW	Explosive Remnants of War
GAP	Governance Action Plan
GDCC	Government-Donors Consultative Committee
GMAG	Gender Mainstreaming Action Group
GMAP	Gender Mainstreaming Action Plan
HDR	Human Development Report
JICA	Japan International Cooperation Agency
KWA	Khmer Women's Association
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
MAFF	Ministry of Agriculture Forestry and Fisheries
MDG	Millennium Development Goals
MFAIC	Ministry of Foreign Affairs and International Cooperation
MIME	Ministry of Industry, Mines and Energy
MLMUC	Ministry of Land Management, Urbanisation and Construction
MLVT	Ministry of Labour and Vocational Training
MoC	Ministry of Commerce
MoE	Ministry of Environment
MoEYS	Ministry of Education, Youth and Sports
MoH	Ministry of Health
MoI	Ministry of Information

MoP	Ministry of Planning
MoSVY	Ministry of Social Affairs, Veterans and Youth Rehabilitation
MoT	Ministry of Tourism
MoWA	Ministry of Women's Affairs
MoWRM	Ministry of Water Resources and Meteorology
MoWVA	Ministry of Women's and Veteran's Affairs
MRD	Ministry of Rural Development
MWVA	Ministry of Women's and Veteran's Affairs
NPP	National Population Policy
NPRS	National Poverty Reduction Strategy
NR	Neary Rattanak (Five-year strategic plan)
NSDP	National Strategic Development Plan
PLHA	People Living with HIV/AIDS
RGC	Royal Government of Cambodia
SEDP	Socioeconomic Development Plan (I and II)
SSCS	Secretariat of State for Civil Services
SSWA	Secretariat of State for Women's Affairs
TWG-G	Technical Working Group on Gender
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNIFEM	United Nations Development Fund For Women
WAC	Women Association of Cambodia
WCCC	Women and Children Consultative Committees
WID	Women in Development

1. Basic overview of the project

The present analysis outlines the creation -between 1993 and 2011- of structures, tools and knowledge that support the advance of gender equality achievement in Cambodia. It also provides comments on the state of policy and its implementation. The current report has been possible thanks to the financial support offered by the Spanish Agency for International Cooperation and Development (AECID).

The year of the first national elections after the long period of instability (1993) could be termed the beginning of democracy and governance-oriented political development in Cambodia. Since this "Year of Peace" until the present day, socio-economic change has been rapid and has enhanced opportunities and development in Cambodia in a manner that link it better with the global community. However, Cambodia is still strongly tied to traditional values, culture and ideals -especially those that present gender inequality as 'natural' and which position women at a lower status than that of men in routine practice. This has propelled the Government towards greater efforts at changing socio-cultural attitudes and behaviour in order to break down gender-based inequalities. The Ministry of Women's and Veteran's Affairs (currently the Ministry of Women's Affairs) was created after the first National Assembly of the RGC was formed. It has – since then – produced a number of policies, strategies and plans to improve the status and well-being of women in Cambodia.

This report reviews and analyses those documents produced by the Cambodian Government during successive legislative periods since 1993 and which promote women's rights and the elimination of sex-based discriminations and inequalities. Considering the extensive period included in this analysis and with the objective of presenting information in a manner that is easily structured, the research team has divided the document into four main periods from 1993 to date; each period corresponds to a legislative period. By way of introduction to each chapter, some data has been included to describe the social situation in the referred period with the support of statistical information extracted from researches and assessments elaborated by other organisations.

During the recent decades there has been greater interest and attention paid to women's issues across the globe and this has encouraged the implementation of many policies and strategies to promote equality between the sexes. The international community has included this goal to the main lines of action in supporting development around the world. In line with this, the Millennium Development Goals (MDGs) are considered one of the major international documents aiming to free people from extreme poverty and multiple deprivations, as well as in promoting gender equality and empowering women. In response, Cambodia also localised these global development goals and produced a similar document for local action called the Cambodia Millennium Development Goals (CMDGs).

The development and implementation of policies for equality between women and men in Cambodia are relatively recent, although the first document approved on it, the National Women's Policy, dates to 1996. Key developments in the national policy and overall policy environment since then have very much supported and shaped Cambodia's ongoing advances in addressing gender concerns. Apart from the named Policy, the Ministry of Women's Affairs has developed other governmental political actions and measures to improve women's living conditions: the most noteworthy are the three five-year strategic Plans, also called Neary Rattanak I, II and III, with each Plan's main goal being the full integration of women's concerns and issues in all development programmes and activities/sectors. To date, almost all the Line Ministries have created their own gender mainstreaming action plans, but their impacts have

not yet been systematically measured and monitored. Evidence of other measures towards gender equality implemented by other governmental organs is also needed.

For a general understanding of the machinery and political and legal framework built over the years since 1993, it is necessary to consider the importance of international conventions and treaties ratified by Cambodia, particularly of the Convention on the Elimination of Discrimination against Women (CEDAW). The present document therefore reviews Cambodia's national policies and legislations while taking into consideration international norms and agreements.

Lack of adequate access to academic education and the absence of a strong women's movement—a grassroots movement of Cambodian women—amid conservative traditions and social perceptions have been noted in calls for change by the international community through donors and international civil society organisations with presence in Cambodia. These are also reflected in this review's critical analysis of the measures implemented and of the implications that the gender policies promoted in recent decades have had on society.

As further justification of this analysis, to our knowledge there is no cohesive study on the evolution of gender policies and laws in Cambodia covering the period reviewed here. In this regard, the produced text can be a useful tool in knowledge generation for governmental and non-governmental agents working in the country. We expect that this contribution can be utilised to enhance existing tools for action and to evaluate weaknesses with a holistic perspective in order to generate both in-line proposals and new working approaches to meet uncovered social needs.

The main objective of this research is to collate and present the evolutions in those policies, strategic plans and laws that have been designed to improve the gender social equality and to eliminate the discrimination against women in Cambodia since the Year of Peace (1993) to date. The analysis will focus on the identification of improvements and the weaknesses and gaps of those norms and plans drafted and implemented from the first to the fourth legislatures.

More specifically, the concern of this report is in knowing the actions, strategies and methods implemented at the national level, in terms of the documented framework as well as in the machinery and infrastructural network created to facilitate the correct and effective practice of political and legislative interventions. Thus understood, those activities aimed at mainstreaming gender as an integral and cross-cutting axis to all measures developed by the central government are fundamental to complete the general spectrum of this review.

In addition, free and general public access to information and knowledge is one of the main bases in promoting changes in a society; thus the dissemination of all the information collected in this report to public constitutes the last of our objectives.

Moving to the methodology used, our work has been based upon a desk review of the related literature; policies, strategic plans and laws have been analysed with the support of other documents such as international conventions, assessments elaborated by different agencies to evaluate policy implementation and other researches and reports on specific issues in the context of Cambodia. In order to document the gender responsiveness and sensitivity of these documents, we have used the gender perspective to analyse their contents and data. This research has 2 phases: (1) Review and Analysis of Policies, Strategic Plans and Laws; and, (2) Deeper Analysis of Policies, Strategic Plans and Laws by using a gender check-list.

The team has compiled, reviewed and analysed:

- policies, laws and strategies for implementing measures for equality promoted by the Government of Cambodia,

- documents prepared by the Government to assess the social situation from a gender perspective,
- documents elaborated by civil society and international organisation on the situation of women in Cambodia, and
- international treaties and conventions and their recommendations on gender issues.

Phase I uses the brief analysis to examine various relevant policies, strategic plans and laws. It seeks to answer key questions such as: what are the important policies, strategies and laws on gender issues developed (published/approved) in Cambodia since 1993; what are the main changes effected on the definition of policies, strategies and laws (words and concepts, subjects, target groups, areas of action) ; and, what are the main differences among the correlated documents developed in the different periods.

The compilation of documents was a long and hard process due to bureaucratic procedures around formal requests for information and documents, and due to the difficulty of sourcing and obtaining documents of laws, policies and plans, especially in their original and approved versions.

For data analysis, a tool for internal work was designed by one of our collaborators; its objective was to facilitate the preliminary analysis of the documents and to store the information for later consultations. This "data synthesis tool" was designed to include the most significant axes of the analysed policies, laws and strategies. Currently the database contains detailed but synthesised information which is also included in the present report.

In the second stage of the process and as a guideline for a deeper analysis, a check-list for analysing policy and legislative documents was elaborated; this tool was mainly based on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which has significantly influenced the production of documents for the promotion of gender responsible actions/interventions in Cambodia. The 45 requests from CEDAW to the Government of Cambodia in 2006 were also kept in mind while preparing the gender check list. As a result, a list composed of general and specific questions was drafted to support and guide the analysis presented here.

In terms of limitations, the period analysed here is broad and the production of political and legal documents by the Government is so extensive that we were obliged to select some of the most fundamental texts to provide a situational overview. Further the research team's inability to obtain many monitoring and assessment reports that could throw light on the implementation of the reviewed legislative documents could prevent a deeper and better understanding of the effectiveness of the documents under review. In addition, the volume of documents have made a deeper analysis impossible; the large number of sub-decrees associated with some of the laws discussed and the great number of strategic plans makes it difficult to evaluate all the documents in a preliminary approach like this. In fact, most of the reports produced until today in Cambodia to analyse policies and/or laws are focused exclusively either in one period as a group of interlinked documents or are documents related to one specific sector.

As said, the number of the legal norms, policies and plans, the perception of what documents are public/private and the low number of documents digitised and disseminated through the internet added to constraints around information accessibility); these elements have set the limits and the scope of our analysis.

Before going on with the analysis, it needs to be stated explicitly that the present analysis does not aim to constitute a final or exhaustive study of the evolution of policies and legislative measures in Cambodia, but is more of a first approach to present a general overview of how measures and actions have been carried out and put into practice in the governmental sphere with the goal of decreasing gender-based discrimination, oppression and stigmatisation, improving women's social position and moving towards a more egalitarian and equitable society.

2. A brief on the historic evolution of policies, laws and the institutional machinery toward gender equality in Cambodia

The year 1993 is a break point in Cambodian history. It marks the first democratic elections held after the 1991 peace agreement that put an end to almost 30 years of war. These years included the massive bombing of Cambodia by the United States during the Vietnam war, the genocide by the Khmer Rouge Regime, the Vietnamese invasion that expelled the Khmer Rouge, and the years of war that the Khmer Rouge and partners led from Thailand against the Cambodian and Vietnamese armies with the support of the United States and China, concluding with the withdrawal of the Vietnamese army and the peace agreements.

While there was some grass-roots and even some government-organised work on women's rights and equity long before 1993, none of it had yet made it to government policy during these difficult years, even if some engagements were propelled through the CEDAW convention.

Little information about the grass-roots feminist social movements has been transmitted to the present, but through the MoWVA we know about at least two active women's groups until that date, one in each side of the war: the Khmer Women's Association (KWA) and the Women Association of Cambodia (WAC)¹. The former was located along the Thai-Cambodian border for exiled Cambodians, and the latter, which was established during the socialist regime, provided emergency assistance, in particular to poor women for a long period (1979-1993) (MoWVA, 1999). WAC was a mass organisation of the socialist government participating in both political campaigns and relief work, from central to village levels, by supporting poor widows and addressing women's needs (Kusakabe, 2004). According to ADB (1996), WAC's main roles were in providing emergency assistance to women with special problems and in advising the Government on policy and programmes for women.

Prior to the initiative of the government elected in 1993, there was some attention from the state institutions towards women's issues: there were two National Women's Congresses held in 1983 and 1988 mandated to create specific committees for women and to develop a five-year-action plan to further the well-being of women.

In 1989, Cambodia ratified the Marriage and Family Law to regulate and protect marriage and family, to ensure equality of the spouses in marriage and family, to strengthen the responsibility of parents in raising and taking care of their children and to promote the moral and educational development of children towards becoming good citizens.

In 1980, Cambodia, with reservations, signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)². By signing to the Convention's agenda, the state took on the obligation and committed itself to undertake a series of measures to end discrimination against women in all forms; up to 1992, Cambodia did not ratify its formal adherence to it.³

One year later, Cambodia officially adopted a new political regimen- democracy. It held its first general elections and the Constitution was formulated with the inclusion of some egalitarian and gender-sensitive precepts; among other rights, it held that Khmer citizens of either sex have the

1 This doesn't mean that the named groups necessarily held a feminist ideology.

2 CEDAW, adopted by the UN General Assembly in 1979, is considered somewhat similar to the international bill of rights for women and is the only human rights treaty that includes reproductive rights, and culture and tradition as key in the development of gender roles and relations.

3 <http://cedaw-seasia.org>

same rights and obligations. In the same period of 1993, the Secretariat of State for Women Affairs (SSWA) was established by incorporating provincial staff and former key staff of WAC to its structure. It was mandated to oversee the functioning of various agencies for direct service delivery to women rather than as the national machinery for the promotion of the women's status.

In January 1996, SSWA was upgraded to Ministry of Women's Affairs (MoWA) and the first National Policy for women was elaborated, with technical and financial support from the Asian Development Bank, to improve the conditions of Cambodian women. The National Policy addressed gender issues in seven areas: education, health, agriculture, employment, social action, environment and decision-making (ADB, 1996). Similarly, the *Law on Suppressing the acts of kidnapping of human persons for trafficking /sale and the exploitation of human persons* was produced in this same year with the intention of developing solutions and measures against trafficking and to protect human dignity. In 1997, two new laws came up to deal directly with gender issues: the Labour Law and the Abortion Law.

In 1999, the Ministry of Women's Affairs became the Ministry of Women's and Veteran's Affairs (MoWVA) and launched the first gender-specific national strategic plan: "Neary Rattanak: Women are Precious Gems". "Neary Rattanak refers to new image of Cambodian women, moving from a "disadvantaged group" to the nation's invaluable assets and its economic potential" (MoWVA, 1999). It consisted of seven focal programmes- strategic management, policy and planning, reproductive and sexual health, information and communication, family and economic development, human resource development, administration and finance, and, reintegration and development of veterans (MoWAV, 1999). This initiative was also inspired by the Beijing Platform of Action for the Promotion of the Status of Women⁴.

In 2001, the Royal Government of Cambodia developed a national strategy named Socio-Economic Development Plan II (2001-2005) (SEDP II) in which gender was integrated across sections. There was a description in it of the roles of the MoWVA and the gender strategies for the next five years.

Cambodia "joined" the global Millennium Development Goals (MDGs) in 2002, adopting all the eight goals of global MDGs and adds one goal relevant to Cambodian situation/context. The nine goals that form the Cambodian Millennium Development Goals (CMDGs) are: to eradicate extreme poverty and hunger; to achieve universal primary education; to promote gender equality and empowerment women; to reduce child mortality; to improve maternal health; to combat HIV/AIDS, malaria and other diseases; to ensure environmental sustainability; to forge a global partnership for development; and, de-mining explosive remnants of war (ERW) and victim assistance (MoP, 2001 & 2010). As a signatory to MDGs declaration, Cambodia has the obligation to work towards achieving its goals. One year later, the National Poverty Reduction Strategy (2003-2005) (NPRS) was produced. The Government ratified international conventions and became a signatory to MDGs. The strategies addressed in the NPRS covered the interests of those conventions and goals, including that of gender equality.

After the 2004 elections, a new governmental period began: a macro policy titled the Rectangular Strategy for Growth, Employment, Equity, and Efficiency (2004) was elaborated as the main guideline for governance. A gender strategy was included in it. The Ministry of Women's and Veteran's Affairs was re-named and again became the Ministry of Women's Affairs

4 The Beijing Platform for Action 1995 is an internationally agreed-upon plan for achieving equality for women across 11 critical areas – poverty, education and training, health, the economy, power and decision-making, human rights, armed conflict, institutional mechanisms, the environment, violence against women and the girl child.

(MoWA), a name that is still used at present⁵. Building upon the Rectangular Strategy, an updated Five Year Strategic Plan (2005-2009) titled "Neary Rattanak II" was produced by MoWA (MoWA, 2004).

In 2005, another step was taken by the Government for the protection of women. The Law on the Prevention of Domestic Violence and the Protection of Victims was introduced with the aim of preventing domestic violence, protecting the victims and strengthening the culture of non-violence. A year later, the Monogamy Law was elaborated to protect the dignity of women and to ensure women's rights and respect inside the marriage partnership in accordance with Article 45 of the Constitution of Kingdom of Cambodia; this was in addition to the laws already in force.

In the following year, the National Strategic Development Plan (2006-2010) (NSDP) would include various policies as the Cambodian MDGs and cover goals, mission, priority strategies and actions to be implemented by the Government. It integrated gender equity with three focal points: building commitment and capacity at all levels in relation to gender sensitivity and mainstreaming, promoting the economic empowerment of women, and, enhancing legal protection for women.

In 2008, there were further amendments in the Constitution of the Kingdom of Cambodia. The Constitution, revised on six occasions until 2008, was on this occasion influenced strongly by the 2nd set of amendments that were introduced 1999⁶. However, all those amended Articles had not been modified with the direct intension of minimising the gender impact of discriminatory socio-economic, political and legal conditions and frameworks.

2008 also saw reform of the Law on Suppression of Kidnapping, Trafficking and Exploitation of Human Persons, now aimed at including specific issues affecting women and children. This new law included further stipulations around the selling/buying or exchanging of human-beings and their confinement and gave new definitions to the terms "prostitution", "child prostitution", "pornography", and, the "act of indecency against Minors under fifteen years".

The current national gender strategy is the Five Year Strategic Plan (2009-2013). Named "Neary Rattanak III", it is complementary to the National Strategy Development Plan (2009-2013), currently under implementation. Neary Rattanak III is the continuation of the policies of its two previous editions and it distinguishes itself from Neary Rattanak I and II with the new dimension of mainstreaming gender in national policies, reform programmes and sectors, cross-cutting areas of strategic management, capacity development and aid effectiveness. It has five strategic areas: economic empowerment of women, education of women and girls, attitude and behaviour change, legal protection of women and girls, health and nutrition of women and girls and HIV/AIDS, and, women in public decision-making and politics (MoWA, 2009).

To support, complement and extend the work of which MoWA is in charge, other mechanisms have been created during these last years. The most important ones are: the Cambodian National Council for Women (CNCW), the Technical Working Group on Gender (TWG-G), the Gender Mainstreaming Action Groups in Line Ministries (GMAGs), and the Women and Children Consultative Committees (WCCC).

5 The implementation of the Gender Policy can be found in the slide 3 of the Rectangular Strategy.

6 Articles 11, 12, 13, 18, 22, 24, 26, 28, 30, 34, 51, 90, 91, 93 and all the Articles in Chapters 8- 14 had been amended in 1999.

The Cambodian National Council for Women (CNCW), was created in 2001 to coordinate the reporting on the implementation of CEDAW's agenda, and to follow up the implementation of other aspects in the political and legal field in relation to gender equality.

The Technical Working Group on Gender (TWG-G) was established in 2004 (together with 18 other working groups) within the framework of Government/Donor Consultative Committee (GDCC) and as a forum for enhancing collaboration and coordination among development partners and the Government of Cambodia. Supported by international aid, its specific goal is to promote the identification of good practices and to work towards the engendering of the political field.

The goal of mainstreaming gender issues through the institutional framework in Cambodia led to the establishment of Gender Focal Points in Line Ministries. While retaining the positions of the focal points, this network for mainstreaming gender issues was reinforced gradually by the creation of the Gender Mainstreaming Action Groups (GMAGs) starting in 2005. GMAGs, supported by the MoWA and the TGW-G, are the mechanisms in charge of the design, implementation and monitoring of gender mainstreaming in each Ministry and its sector/s.

The Women and Children Consultative Committees (WCCC) were founded in 2009 as part of the machinery to act at a local/provincial level; among their general duties are to provide advice and recommendations to local councils and governors on issues related to gender equality, women, youth and children. Their creation responds to the need of transmitting national principles into local actions; thus, the CCWCs are designed to participate actively in the development of legal norms, policy evaluation and the annual work-planning at a provincial level. They are used to collect data about gender equality and the needs of women (and children), to disseminate understanding of laws and policies among the population and to advocate for women to participate in decision-making processes.

As we can see from the above, Cambodia has, from 1993 to 2011, gathered from the experiences of grass-roots movements in prior periods and developed, in a relatively short time, policies and structures to mainstream and apply gender equity policies along all sectors and levels of society. Starting with a wider set of focal issues, it has, in recent years, centered its efforts in five main areas, while creating the necessary governmental structures to mainstream gender equity in the policies and regulations of all Ministries and their sectors.

3. National measures for gender equality between 1993 and 1998: A new beginning.

3.1 Gender situation and trends in Cambodia between 1993-1998

During this period, men formed the majority in professional occupations and positions and had all or most decision-making responsibility. Less than a third of professionals were females, and only 6 percent of legislators, senior government officials and managers were women. These were also the positions which give status in Cambodian society, even though they did not necessarily command high salaries (CDRI, 1999).

In the first mandate of the National Assembly of the Royal Government of Cambodia (RGC), the majority of economically active men and women were farmers or fisher-folk. Women were much more likely than men to be service workers and/or self-employed. The government and state-owned enterprises employed a majority of men while the private sector employed a majority of women; in this regard the private sector had done better than the public in hiring women. Additionally, women constituted nearly 90 percent of workers employed in the garment industry, one of the main manufacturing industries of Cambodia. Much of this was in contrast to the situation in earlier times when Cambodian women played important roles in the public workforce because of the higher death rate among men and the drafting of men as soldiers (CHDR, 1998).

In the education sector, there has been a historical gender disparity in access to education which positioned women at a disadvantage to men; women's rates of literacy were lower than that of men and girls were under-represented in formal education at every level. Despite girls and boys being enrolled in the schools in equal numbers, the number of girls decreased in the higher levels with progressively higher drop outs; the gender gap increased with the rise in the level of education.

According to Cambodian Human Development Report (1998), girls and boys had roughly similar school enrollment rates up until age 10, but girls started falling behind boys in school enrollment after that age. By age 15, male enrollment was 50 per cent greater than that of females, and, by age 18, male enrollment rates were nearly three times as high as female enrollment rate.

The lower enrollment rate of women at higher levels of education happened not because parents did not send their daughters to school but because parents pulled them out of formal education after a few years so that the daughters could take on the responsibilities of household chores and work in markets. Another important cause was the lesser number of villages in Cambodia having secondary schools; this obliged girls to travel long distances or stay away from home in order to complete their studies in secondary school. With a fear of girls' safety and lack of dormitory accommodations, parents were more likely to keep their daughters at home. Social attitudes towards gender-associated roles and the gender division of labour may complete the circle. Traditionally, men's role has been to work in the public sphere and generate income while women's role has been to take care of the housework and to look after children and the elderly. Thus, the perception of parents is that a girl's education would bring lower returns than a boy's.

The inadequate access of women to education is among the main factors limiting their employment opportunities and contributing to their inability to compete in professional career and decision-making positions. "By restricting girls' access to education, their life opportunities

and choices are also restricted. Literacy and numeracy enable access to information on a range of areas which improve the quality of life of a woman, such as contraception, nutrition, sanitation. Education increases access to employment and economic opportunities. Illiteracy limits the choices available to women and restricts participation in many development activities" (CDRI, 1999).

In health issues, the average life expectancy at birth in 1997 was estimated to be 54.4 years: 50.3 years for men and 58.6 for women (Huguet, 1997⁷). The reason for the life expectancy gap between males and females is the greater mortality rate of men in the civil war.

Cambodian women are at particularly high risk of suffering from reproductive health problems, especially maternal mortality. According to UNFPA, in 1996 the maternal mortality rate was estimated at about 500 deaths per 100,000, with about 2,000 Cambodian women dying each year of childbirth-related causes⁸. Some of the root causes of this high maternal mortality rate are: poor access to and utilisation of maternal health services, low-quality health facilities, and insufficient access to birth-spacing information, supplies and services. The poor availability of birth-spacing services has resulted in the popularity of induced abortion, the incidence of which is high.

Additionally, according to the National Health Survey conducted in 1998, under-five mortality was about 115 deaths per 1,000 live births; most of this mortality occurs during the first year of life (89 deaths per 1,000 live births).

In this same period under review we also find a high proportion of HIV/AIDS; 2.4 percent of married women were infected with the virus, indicating that the epidemic had now spread to the general population (CHDR 1998). The rates of HIV infection among rural married women were greater than those among urban women, suggesting transmission from cities to rural areas. Among the young adult age groups, the HIV infection rate was very high; following CHDR⁹ findings, among the police it is the 20-29 year cohort that has the highest levels of infection. Among married women, it is women aged 13-20 years who have the highest rates of infection. And among sex-workers, 41 percent of the 15-19 year olds and 20 percent of the 10-14 year olds are HIV infected. The majority of these young people, who represent the future of Cambodia, will die before they reach their years of maximum economic productivity.

Domestic violence¹⁰ is a shameful reality, which however, is considered a private issue and which women hide from people outside the family. Domestic violence cases are rarely reported and this leads to inaccurate statistics on the prevalence rates. According to a household survey conducted by MoWA in 1995-1996, 16 percent of all women surveyed reported being physically abused by their husbands¹¹. Zimmermann conducted a qualitative investigation into domestic violence in Cambodia and found cases of spousal rape, abuse during the pregnancy, torture,

7 As cited in *Cambodia and Development in Cambodia*, 1999.

8 Cambodia Human Development Report (1998), p. 35

9 CHDR (1998).

10 Here we are reproducing the terminology used in Cambodia in this period; it is more correct to use the term "gender-based violence in domestic ambit"; this way the term is much more clear and it doesn't make invisible the existence of power relations with sex/gender bases. In addition, in this period it seems that there's no attention paid to other forms of violence.

11 CHDR (1998), p. 41.

and, death as a result of beating; other forms of non-physical abuse included threats, insults and restrictions on mobility¹².

One of the causes of the perpetuation of the circle of violence is that victims of domestic violence, especially women, tend to have low levels of literacy, qualification and skills and are unable to leave an abusive spouse due to economic dependence (CDRI, 1999). Another explanation is related to the social pressure exerted by relatives and by the community who often prevent women from leaving the spouse since divorce was considered a disgrace for the family. Parents, in particular, try to reconcile and encourage women to continue their lives with the abusive spouse. Moreover, social attitudes toward domestic violence spill over into the legal system. For instance, the police were reluctant to interfere in a private family matter.

Moving to the field of political participation in this period, women have little representation within the Government. In 1997, there was no woman of ministerial rank in the Government, no female Provincial Governors and no Secretaries of State in any Ministry. According to the Secretary of State for Women's Affairs (1994), of the 110 judges in Cambodia, only 8 were women; among the 40 prosecutors, there were no women in these years¹³. In the Parliament of 1998, there were only 7 female legislators out of a total of 122, even though women constituted 56 percent of registered voters and 58 percent of real voters in the 1993 elections¹⁴.

3.2 The first steps to "re-build" the legal framework

3.2.1 Law on Suppression of the Kidnapping, Trafficking and Exploitation of Human Persons

The first Cambodian law on the suppression of the kidnapping, trafficking and exploitation of human persons was passed in 1996. The objective is to fight against these acts *in order to rehabilitate and upgrade the respect for good national tradition, protect human dignity and protect the health and welfare of the people*, as the legal document affirms.

The elaboration of the Law is related to the ratification of numerous international conventions by Cambodia, among which are: the Convention of the Rights of the Child (1992), the Convention on Forced Labour or Compulsory (1969) and the International Covenant on Civil and Political Rights (1992). Specifically, CEDAW discusses this topic with the introduction of Article 6¹⁵.

The Constitution of Cambodia, elaborated only three years before the present 1996 Law, establishes the legal base in the fight against commerce of persons (see Article 46). Here, legislators seem to be worried just about female "honor", and present no concerns about the different purposes of selling/buying persons

Article 46: The commerce of human beings, exploitation by prostitution and obscenity which affect the reputation of women shall be prohibited. (...)

12 CDRI (1999), p. 33.

13 CHDR (1998), p. 11.

14 CHDR (1998).

15 **Article 6** states that parties shall take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of prostitution of women.

and about other 'soft' forms of exploitation. Further, the other reference that this general Law makes is in relation to exploitation of women in employment^{16 17}.

The legal text elaborates upon the ways of luring a human person and the punishment it will evoke, the definition of pimp or head of prostitutes and punishment for them, and upon debauchery and the punishment for any person who opens a place for committing it. However, there are many different themes included within the same norm, and it fails at defining each of them.

In relation to this, and following an analysis done by CAMBOW, the Government of Cambodia produced this Law in response to the demands of trafficked sex-workers¹⁸. However, the text is observed to be weak because it focuses almost only on prostitution in relation to trafficking, and avoids dealing with other uses of trafficking in human-beings such as forced marriages, adoptions, begging and other forced work, including domestic labour. Further, the law makes no discrimination between "smuggling" and "trafficking"; consent nature aspect should have been taken into account.

The fourth chapter of the Law- on debauchery- seems to have come about as a result of moral precepts, rather than from a strict relation to the rest of the text.

The Law makes no guidelines for, nor mention of, protection for victims; this uncovered section has crucial consequences for kidnapped and trafficked persons as, in the absence of mechanisms for social reintegration, there's a higher chance for them to be involved in the same situations again.

Further, it does not allocate responsibility for the prosecution of these crimes, and makes no measure for training and awareness regarding different situations such as kidnapping, trafficking, labour exploitation and sexual exploitation. It does not address awareness-raising among the general population either or provide for the creation of services to attend to victims, or create avenues for redress. Lastly, the Law does not contemplate the creation of, nor make mention of, protection programmes for witnesses.

Article 3: Any person who lures a human person, even male or female, minor or adult of whatever nationality by ways of enticing or any other means, by promising to offer any money or jewellery, even though upon there is or no consent from the concerned person, by ways of forcing, threatening or using of hypnotic drugs, in order to kidnap him/her for trafficking/sale or for prostitution, shall be subject to imprisonment from ten (10) to fifteen (15) years. Shall be punished to imprisonment from fifteen (15) to twenty (20) years, for the case if the victim is a minor person of less than 15 years old.

Those who are accomplices, traffickers/sellers, buyers, shall be subject to the same punishment term as which of the perpetrator(s).

Shall also be considered as accomplices, those who provide money or means for committing offences.

All means of transportation, materials and properties which are used during the commission of offences, shall be confiscated as State's property.

16 See **Article 45:** "(...) The exploitation of women in employment shall be prohibited".

17 The Constitution (1993) also includes provisions guarantee children's welfare: **Article 48:** "The State shall protect the rights of children as stipulated in the Convention on Children, in particular, the right to life, education, protection during wartime, and from economic or sexual exploitation. The State shall protect children from acts that are injurious to their educational opportunities, health and welfare".

18 The Cambodian Committee of Women (CAMBOW) (2007): *Violence against women: How Cambodian laws discriminate against women*.

3.2.2 Labour Law

The Labour Law was approved in 1997; it amends the previous Act produced in 1992 and covers areas related to the regulation of labour conditions and rights. It contains provisions that stipulate standard working hours and condition, and endorses the establishment of unions and the right to strike as well as the normative precepts for equality between sexes in the employment ambit. This law was further amended in 2007¹⁹.

In general, this law should follow the basis established in the Constitution that, through Articles 36²⁰ and 45²¹, lays down gender equality in the remunerated work sphere.

Along the same lines of non-discrimination, the legislation on labour issues includes a basic Article on the right to equal opportunities among Cambodians to access and maintain jobs, detailing a large range of situations that may derive from discriminatory practices in order to protect and guarantee this legal right. As we can see in the figure, "sex" is specified as a category that is prohibited to be used in as an "excuse" for discriminatory actions.

Article 12: Except for the provisions fully expressing under this law, or in any other legislative text or regulation protecting women and children, (...) no employer shall consider on account of: race, color, sex, creed, religion, political opinion, birth, social origin, membership of workers' union or the exercise of union activities; to be the invocation in order to make a decision on: hiring, defining and assigning of work, vocational training, advancement, promotion, remuneration, granting of social benefits, discipline or termination of employment contract.

Women in Cambodia generally enter the labour market with low professional qualifications since they generally do not have access to education or to higher education. As such, Article 95, although it seemingly establishes fairness in the event of a layoff, may not protect working women's rights but rather may help continue the implicit and indirect discrimination against women since, in practice, the first workers to be laid off are likely to be women, especially with the male cast in the bread-winner role.

Article 95: Any layoff resulting from a reduction in an establishment's activity or an internal re-organisation that is foreseen by the employer is subject to the following procedures: The employer establishes the order of the layoffs in light of professional qualifications, seniority within the establishment, and family burdens of the workers.

This law, however, in following the general lines set by the Constitution, introduces an essential aspect for the development of a fair labour market: it mandates equal pay for equal work and establishes minimum wage in relation to specific socio-economic contexts and needs.

¹⁹ In that year, the articles number 139 and 144 were altered.

²⁰ **Article 36:** "Khmer citizens of either sex shall enjoy the right to choose any employment according their ability and to the needs of the society.
Khmer citizens of either sex shall receive equal pay for equal work.
The work by housewives in the home shall have the same value as what they can receive when working outside the home. (...)"

²¹ **Article 45:** "All forms of discrimination against women shall be abolished.
The exploitation of women in employment shall be prohibited. (...)"

Nevertheless the Law does not attach any annex with the tables for minimum wages and all its provisions remain undeveloped in full measure; it refers to its development and control by other decrees and other institutions. Finally, the Ministry of Labour, which is responsible for ensuring these rights and provisions for equal minimum wage, would take a long time to elaborate the ministerial order for wages regulation. Thus, the barrier is found to no longer in the practice of Law, but on development for its implementation in fact. At the end, workers' rights seem to be a diffuse issue.

Article 106: For work of equal conditions, professional skill and output, the wage shall be equal for all workers subject to this law, regardless of their origin, sex or age.

Article 107:

1. The guaranteed minimum wage is established without distinction among professions or jobs. It may vary according to region based on economic factors that determine the standard of living.
2. The minimum wage is set by a Prakas (ministerial order) of the Ministry in Charge of Labour, after receiving recommendations from the Labour Advisory Committee. The wage is adjusted from time to time in accordance with the evolution of economic conditions and the cost of living.
3. Elements to take into consideration for determining the minimum wage shall include, to the extent possible:
 - a) the needs of workers and their families in relation to the general level of salary in the country, the cost of living, social security allowances, and the comparative standard of living of other social groups;
 - b) economic factors, including the requirements of economic development, productivity, and the advantages of achieving and maintaining a high level of employment.

Turning to women's rights in relation to their biological and reproductive cycles and to the reconciliation of family-personal-working life, the Law recognises some rights in relation to the maternity period. Thus, a 3 month-period of maternity leave is set, and due to the high physical effort associated with some forms of remunerative employment, the Law recognises the necessity of protecting women from such labour during the first two months after giving birth. It says nothing regarding those jobs where workers are in contact with unhealthy and dangerous substances (for example those in which workers deal with chemical elements, dyeing, noxious fumes, and so on).

Article 182: In all enterprises covered by Article 1 of this law, women shall be entitled to a maternity leave of ninety days.

After the maternity leave and during the first two months after returning to work, they are only expected to perform light work. The employer is prohibited from laying off women in labour during their maternity leave or at a date when the end of the notice period would fall during the maternity leave.

As a continuation of the State's concern around women's work during and post pregnancy, it established in Article 183 that during periods of maternity leave, women workers are entitled to financial benefit from the company as well as the reservation of their positions. However, as reflected in one of the documents produced by LICADHO²², the exercise of this right to maternity leave, payment of the wages and

Article 183: During the maternity leave as stipulated in the preceding article, women are entitled to half of their wage, including their perquisites, paid by the employer. Women fully reserve their rights to other benefits in kind, if any.

Any collective agreement to the contrary shall be null and void. However, the wage benefits specified in the first paragraph of this article shall be granted only to women having a minimum of one year of uninterrupted service in the enterprise.

²² LICADHO (2004): *The situation of Women in Cambodia*.

reservation of the job will depend on the benevolence of the employer, especially for jobs in the private sector.

In addition, this Law stipulates that women on maternity leave will only be awarded half-pay, which is unconstitutional, since, Article 46 of the Constitution²³ clearly states that women shall have the right to take maternity leave with full pay. Hence, the Article 183 of the Labour Law contradicts the Constitution of the Kingdom of Cambodia.

Besides this, each time that a woman on maternity leave is not paid or loses her job²⁴ – the Law does not contemplate any punishment to penalise these acts. The Government is, in effect, violating its ratification of, and obligations regarding, CEDAW's convention, as explicitly stated in Article 11, CEDAW²⁵.

Additionally, this law makes no reference to paternity leave, which could be considered a discrimination to both sexes, because women are seen in their roles of caregivers and mothers with the responsibility of taking care of the child and leaving their jobs in favor of family maintenance, while the absence of paternity leave for men keeps them away from family issues and prevents their equal responsibility in family care. Maternity and paternity leaves are essential for shifting the balance of responsibilities within the family to make for a more egalitarian distribution of duties around child-care.

Likewise, this Law provides, through Articles 184 and 185, for the mother to breastfeed during the first year of the baby. Mothers are entitled to one hour each working day to nurse the baby, for which time the company or employer shall not deduct from rest time or other normal breaks nor have the breastfeeding time reflected in pay cuts.

Article 185: Breaks for breastfeeding are separate from and shall not be deducted from normal breaks provided for in the labour law, in internal regulations of the establishment, in collective labour agreements, or in local custom for which other workers in the same category enjoy them.

However, if these two Articles (184 and 185) are connected to the next one, we'll see that there may be some barriers to translating them into practice.

A breast-feeding room and baby-care center need only be established in those enterprises employing a minimum of one hundred women or girls (thus making a difference between women and girls. One hundred is definitely a big number since the small and medium enterprises (SMEs) in Cambodia are defined as enterprises with a hundred or less than a hundred employee number. So, in reality, what may seem as a fair and modern labour law that could cover the needs of the population is, in fact, less that useful.

²³ **Article 46:** "(...) A woman shall not lose her job because of pregnancy. Woman shall have the right to take maternity leave with full pay and with no loss of seniority or other social benefits. (...)"

²⁴ Even when the contract is suspended for a period of two months when the enterprise has economical problems, as it is stated in the **article 71:** "The labour contract shall be suspended under the following reasons: (...) 5. The leave granted to a female worker during pregnancy, delivery, as well as for any post-natal illness. (...) When the enterprises faces a serious economic or material difficulty or any particularly difficulty, which leads to a suspension of the enterprise operation. This suspension shall not exceed two months and be under the control of the Labour Inspector. (...)".

²⁵ CEDAW sets in its **article 11**, section 2: "In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures: (a) To Prohibit, subject to the imposition of sanction, dismissal on the grounds of pregnancy or of maternity leave (...) and "(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances".

Apart from this, the Law's provisions for gender-equality shouldn't be focused on women, but on family units. It would only be through such provisions that men and women would be able to make use of this measure, and enterprises would assume it as an obligation.

Article 186: Managers of enterprises employing a minimum of one hundred women or girls shall set up, within their establishments or nearby, a nursing room and a crèche (day-care centre). If the company is not able to set up a crèche on its premises for children over eighteen months of age, female workers can place their children in any crèche and the charges shall be paid by the employer.

Regarding the right to integrity and inviolability of the human being, Article 172 of this Act refers to the prohibition of harassment by exclusively providing for the protection of minors and women. But while it is true that children under 18 and women are seen as the most vulnerable, it is also true that men (of all ages) are not exempt from "harassment". In this way, males over 18 years old seem to be unprotected.

In addition, understanding of this Article is a little complicated as it uses the term "decency", a term that has more to do with morality, and it "forbids" "any form of sexual violation", which term is directly linked to "harassment".

Article 172: All employers and managers of establishments in which child labourers or apprentices less than eighteen years of age or women work, must watch over their good behaviour and maintain their decency before the public. All form of sexual violation (harassment) is strictly forbidden.

Similarly, and as a closing comment, the Law should provide for the prosecution and punishment of harassment as well as mobbing, and not just forbid it.

Article 200: All regular plantation workers are entitled to a daily allocation of rice as indicated below for their wife and dependent minor children, legitimate or illegitimate, less than sixteen years old:

- 800 grams for the wife;
- 200 grams for a child under two years;
- 400 grams for a child two to six years;
- 600 grams for a child six to ten years;
- 750 grams for a child ten to sixteen years.

These benefits are due to the worker as head of the household for each day worked entitling him to wage or to any interruption of work for hospitalisation or for a justified illness. Children more than sixteen years of age and less than twenty-one years of age, who are studying in a public secondary or tertiary education institution or in an authorised private secondary or tertiary education institution, or who are working as apprentices, receive the same family benefits as minor children less than sixteen years old.

To be entitled to family benefits, the wife must meet the following requirements:

- a) She must not be gainfully employed.
- b) She must live with her husband, either on the plantation if he is a regular resident worker or at home or in the husband's normal place of residence outside the plantation if he is a non-resident.

To be entitled to family benefits, minor children must live with the head of the household, either at the plantation if he is a resident worker, or at his home or normal place of residence outside the plantation if he is a non-resident. However, children who study at a distant school or who attend apprenticeship and therefore cannot live with their parents are entitled to benefits if a statement attesting to this situation is issued by the public or authorised private school. If the school is a private institution, the signature of the head of the institution must be notarised by the competent ministry.

Article 200 uses explicitly gender-biased language which assumes that all regular plantation workers are men; and women are to get the family benefits because of their husbands. In this sense, we can say that the law is sexist and that it preconceives men as the sole breadwinners of the family and women as economically dependent, when reality shows that rural Cambodian women participate fully in the labour market and represent a high percentage of the labour force in agriculture or plantation work. Additionally, this Article directly harms those female-headed households, especially those run by widows and divorcees, and breaks the precept of equality between women and men.

The Labour Law provides quite a clear framework of the general working conditions for women including on work, wages, working hours and overtime, holidays, leave, benefits and dispute-resolution. This Law, in letter, encourages and promotes gender equality in employment and labour but, as we have seen, in reality that there is indirect and implicit discrimination against women in it.

This legal text does not cover areas such as the domestic workers, family business and farm-labour. It rather applies to formal employer-employee relationships in industry, factory and enterprise. However, since the majority of shop owners, market vendors, and domestic workers are female, the Labour Law fails in safeguarding their rights and work conditions and in offering them protection.

As said above, the Labour Law has been amended once, in 2007, since it was first introduced in 1997. With only two Articles changed, there are many modifications required in several Articles to enable this Law to bring about equality of sexes in every labour sector.

3.2.3 Abortion Law

This Law was adopted in 1997 with the objective of determining procedures and conditions for the voluntary termination of pregnancy.

One of the main concerns of this Law is the reduction of maternal mortality rates due to abortions performed by unlicensed health practitioners in unsanitary conditions. By this Law, abortions are required to be performed by licensed health professionals in hospitals and certified clinics within the first trimester of pregnancy. It also states that women under the age of 18 must obtain parental consent.

This law seems to focus on improving women's health, particularly sexual and reproductive health, since unsafe abortion is known to be a major contributor to maternal mortality and is an extended practice in the country.

Under this Law, the period within which abortion is permitted is until the 12nd week of pregnancy; after the 12th week, termination of pregnancy is allowed in cases of incurable disease of the baby, unusual growth, threat to the mother's life and when the pregnancy is a result of rape.

A curious anomaly in this Law is that girls under 18 may have an abortion only with the permission of a guardian, even in the case of pregnancy due to rape. Equally anomalous is that girls under 18 who are pregnant before marriage still need the permission of a guardian to have an abortion; this is despite the fact that girls can be legally married at age 16²⁶.

²⁶ According to *Abortion in Cambodia* (2008), "among the facilities that provide safe abortion services, nearly half (42% of hospitals, 44% of health centers) refuse services to adolescents".

In contrast to other legal texts, this Law includes harsh penalties for those who harm women during illegal abortion procedures, setting punishments up to 5 years of imprisonment if a woman is injured, and from 5 to 10 years in case of her death.

Article 12 says any person who violates Articles 5²⁷ and 6²⁸ shall be subject to a reprimand and other punitive action. It is unclear

if this punitive action is applicable to women who practice abortion on their own body. Studies show that Cambodian women tend to self-terminate their pregnancies or seek unsafe services which offer confidentiality or anonymity²⁹.

In spite of the Law allowing safe abortion, under the specified circumstances, one Article makes the right dependent upon operational guidelines (Prakas) around access to resources that the Ministry of Health was in charge of developing. Despite the Abortion Law having been approved in 1997, until the year 2002 the Ministry of Health hadn't published those operational guidelines.³⁰ This means that without the information about who can and should offer services to terminate pregnancy, women remain in the dark about access to safe and legal abortion. Women's ignorance about such relevant aspects in abortion matters is not the only factor that damages their rights and infringes upon the law; the professionals (medical doctor, medium medical practitioner, midwife) authorised to perform legal abortions too lack information and guidelines about conditions, rights and duties to practice pregnancy termination in accordance with the Law. And women continue to bear the brunt of this lack of implementation.

In addition, the Law offers no means or directions regarding dissemination of its provisions among the general population. The clear effect of this absence is that the majority of the Cambodian population has little or no idea about women's right to abort. This ignorance favors the spreading of non-professional services and practices which women use and have unsafe and unhygienic abortions while risking their lives.

Following these inputs, we need to go back to the beginning of this Section: the Abortion Law was formulated to prevent unsafe abortions, but, this reality hasn't changed: women continue using unsafe services, buying abortion pills without knowledge about what they are taking and

²⁷ **Article 5:** Only medical doctors, medium medical practitioners or midwives who received authorization from the Ministry of Public Health may perform the abortion.

²⁸ **Article 6:** Abortion may be carried out only inside a hospital, health center, public or private clinic or maternity which is authorized by Ministry of Public Health. All abortion services authorized by the Ministry of Public Health shall be required to have:

- A technical capability in providing emergency medical treatment for any consequence which may result from abortion.
- Means of transportation to a hospital, if necessary.

²⁹ As Joanne Hemmings and Ben Rolfe remark in *Abortion in Cambodia* (2008).

³⁰ For further reference, see "Abortion in Cambodia: An overview of the current situation" (2002).

the consequences, practicing abortions on their own or by traditional birth attendants who in several cases follow no basic norms of hygiene and lack of proper tools in cases of emergency.

Another important issue that needs to be commented upon is that the Law provides no guidance in terms of economic costs; it neither establishes tariff for services nor specifies who will pay for the intervention. Abortion interventions should be accessible and free of charge in all cases, but in many occasions women pay extra (and very high) fees if they want attention from medical staff: charges range from \$10 to \$100, depending on the method, the need for intervention, the level of intervention and the place where the abortion is done³¹.

As general conclusions, the government needs to find the strategies to encourage women to seek safe termination services or post-abortion care without delay. Information must be disseminated and women must be educated about the legality of abortion services, where, and at what cost they can be obtained. Additionally, medical providers need further training and facilities, and greater commitment, to provide safe terminations and to care for complications from unsafe terminations. The Ministry of Health should ensure its health staff has access to standards for abortion services.

3.3 The dawn of gender policy and the national instruments for equality

Cambodia finally ratified without reservations its adherence to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1992.

After the election in 1993 came the new Constitution and a democratically elected government committed to reform and rural development. The new government created a formal institution titled the Secretariat of State for Women Affairs (SSWA) and charged with the duty of developing policies and programmes to advance the welfare of Cambodian Women. The first National Policy for Women came about in 1996, unifying related policies and programmes addressing women's issues and complementing the Government's first Five-Year Socio-Economic Development Plan (2001-2005).

In the same year, the SSWA became the Ministry of Women's Affairs (MOWA). The basis on which the MOWA was formed is the network set down by the SSWA (and the WAC before it) at the provincial level; it consolidated twenty-one provincial offices. With the transformation of the Secretariat into a Ministry, MOWA acquired a greater role in supervising, monitoring and evaluating those programmes on women's issues assumed by other ministries. The Ministry also became a centre for collecting, generating and diffusing information, with direct attention to public, with the duty of being in charge of developing and implementing training actions to raise awareness among its staff and other government agencies' officials, and was also the driving force to implementing decisions at the local level.

The government's general policy, as outlined below, also promoted the creation of an inter-ministerial technical committee to begin the empowerment of women and aiming for an equitable and more just social environment.

The mechanisms that were conceived of and proposed in this period are very innovative and it seems that the importance of mainstreaming gender (women's issues for this period) were well understood right at this new beginning for Cambodia.

³¹ Joanne Hemmings and Ben Rolfe (2008): *Abortion in Cambodia*.

Apart from these institutional structures specially focused on the promotion of gender equality and the well-being of women, there were other strategic practices that were designed and put into practice during this period. Seen as a whole, we can observe that a mainstreaming of women's issues had been taken from the very first steps of this new era. The agency working solely on women's issues (SSWA/MOWA) was not alone in designing and implementing special measures oriented to women's integration and their needs in relation to specific topics/ambits for action. The ministries of Health (MOH); Ministry of Education, Youth and Sports (MOEYS); and Ministry of Rural Development (MORD) - among others- began to initiate special mentions within their action plans to promote women's needs.

3.3.1 The National Policy For Women

Women's issues have become more visible in wide range of policy-making institutions since the beginning of United Nations Decade for Women, 1976. Cambodia initiated policies and plans to bring women's interests into its agenda some decades later.

With the country's limitations in human resources regarding women's issues, the Policy was produced by the Asian Development Bank (ADB) adopting the Women in Development (WID) approach³². The National Policy for Women specifically incorporated women into many sectors of development. The focal point in Cambodia during this period was on 'woman' as an analytical and operational category, reflecting the translation of focus on women into practice of governance.

The National Policy appears to be a consequence of the developmental agendas and agreements derived from the Beijing Conference and aligned with the precepts marked in the CEDAW text. It also responds to the basic principles of the Constitution of the Kingdom in which equality among all Cambodian persons is stated explicitly (especially in Article 31³³, but in others too, as we will see in the present analysis). Despite everything, and as the preliminary and situational analysis marks, the impact on women of these principles had been very limited; this was one of the most important reasons in evolving the National Policy³⁴.

32 According to it, disadvantaged positioning was the main focus in the process of institutionalizing developmental processes through policy.

33 **Article 31:** "Every Khmer citizen shall be equal before the law, enjoying the same rights and freedoms and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status".

34 ADB (1996): The National Policy for Women.

The National Policy for Women was developed by the Asian Development Bank (ADB) with three main objectives:

1. To integrate women into all sectors of development, to enhance their quality of life, reduce poverty, ignorance and illiteracy, and ensure a peaceful and prosperous nation.
2. To ensure an equitable sharing of resources, information, opportunities and the benefits of sustained development by women and men
3. To provide a framework for overcoming the major problems affecting women in Cambodia today including high unemployment and underemployment, the decline in income from agricultural production, increased landlessness among women, substantially higher illiteracy rate for women and girls, combined with a low rate of female participation in education and training, especially beyond the primary level; a decline in female participation in politics and government; a high rate of maternal mortality and infant and child mortality; an increase in prostitution and the number of women infected with HIV; and, a lack of child care centers and programmes.

The National Policy for Women addressed women's issues in seven sectors through the following specific objectives:

- **Education:** To promote literacy, numeracy, education and training for women, and to eliminate gender gaps and disparities at all levels of education and training.
- **Health:** To promote the improved health (both physical and psychological), nutrition and safety of women in a way that recognises their important roles both within and outside of the home.
- **Agriculture:** To promote the recognition of women in agriculture and rural development, providing credit and other support services to agricultural and rural women, and to improve access to available support services in this sector.
- **Employment:** To identify and promote the interests of employed women, including protection in the workplace, access to skills training, exploration and promotion of alternative and non-traditional educational opportunities, access to improved technologies, enforcement of equal pay for equal work and prevention of all forms of exploitation by reason of gender.
- **Social Action:** To support the drafting, passage and enforcement of laws against all forms of violence against women, promote training, education and access to economic opportunities to counteract violence against women; and; strengthen the provision of access to skills training, employment, housing, food, income and support systems for disadvantaged groups of women, including widows, returnees, victims of armed conflict and women on the street.
- **Environment:** To recognise and promote the important role played by women in environmental protection and management.
- **Decision-Making:** To improve the participation of women in Cambodia's decision-making bodies, at the central, provincial and local levels (ADB, 1996).

Principals and guidelines for implementing the Policy include:

- The National Policy will be aligned and coordinated with the National Development Policy of Cambodia and the Action Plan to implement the policy for Women will complement the National Economic Development Plan.
- The active participation and involvement of women will be integrated in all stages of the development process, and in program and project identification, planning, implementation, monitoring, evaluation, follow-up and maintenance.
- The promotion and integration of women in traditional and non-traditional sectors and in all levels of social, cultural, economic and political development is shared responsibility of both public and private sectors. The Secretariat of State for Women's Affairs will be responsible for monitoring and evaluating policy implementation.
- Appropriate measures will be taken to ensure that women's reproductive functions do not adversely affect their potential for playing a more active productive and social role, and men are encouraged to share fully in the responsibility for child rearing and home-making.
- The positive image of women shall be promoted.
- Special measures shall be developed to address historic and current disadvantages experienced by women.
- All information and data on target participations and beneficiaries and the impact of all policies.

The elaboration and approval of this Policy signifies that the Government recognised the existence of an important social inequality, high levels of discrimination in what women are subjected to, and the invisibility of all the situation. It was now acknowledged that women are essential and active agents in society and in the economy. The intention was to involve women in the development process and to promote their rights, roles and access to resources, through the integration of women in a number of sectors that were addressed (i.e. the sectors named above).

Additionally, women were viewed as active participants and beneficiaries in the process of development in the document through both their productive and community roles. In relation to women's productive role in the agricultural sector, the Policy recognised that women dominated the agricultural work force and are responsible for most of Cambodia's food production. Thus, it acknowledged that progress in this area is not possible without the full participation of women. It also acknowledged the importance of bringing women into the employment and labour market and of their contributing to the economic growth.

In addition, women inside the community sphere were regarded as having an important role in environmental protection and management; therefore, based on their roles within the family and as agricultural workers and business entrepreneurs, it acknowledged that women's involvement in the protection and management of natural resources would have profound influence over the sustainable development of general resources.

The Policy placed great consideration on women as a "disadvantaged group" in participation and benefiting from the development process. Promoting women's equality in education, employment, agriculture and environment through practical measures such as access to education, capability-building, credit, skill training was the means through which women were to be incorporated into the development process.

It also admitted the fundamental issues of inequality between men and women in Cambodia across social-economic aspects. In education, there was disparity between girls' and boys'

schools enrollment at the primary, secondary, high school and tertiary levels. In employment, there existed the gender division of labour and forms of exploitation based on gender, including due to social beliefs and stereotypes. Women faced problems of gender-based violence and of trafficking. Women were also under-represented in Cambodian decision-making bodies as the number of women participating in the parliament remained significantly low. The Policy shows commitment to equitable sharing of resources, information, opportunities and to the equal benefit of sustained development by women and men.

The fundamental issue of inequality was rooted in both the public and private spheres from the macro to micro levels of social structures. Hence, the Policy placed emphasis on overcoming the major problems affecting women in the state's territory such as high unemployment and underemployment; the decline in income from agricultural production; increased landlessness among women; substantially higher illiteracy rate for women and girls, combined with low rate of female participation in education and training, especially beyond the primary level; a decline in female participation in politics and government; a high rate of maternal mortality and infant and child mortality; an increase in prostitution and the number of women infected with HIV; and, a lack of child-care centers and programmes.

However, from a technical point of view, and although the Policy attempts to meet both practical and strategic needs, there is no clear defined framework as a means for its implementation, and this makes the achievement of the objectives in the Policy non-measurable and difficult to evaluate.

For example, there was a good proposal for gender-disaggregated data which is useful for policy-making and evaluating performance in reaching goals and targets related to women. However there was no indicator mentioned in the Policy as measurable tool, despite indicators being fundamental for measuring and evaluating achievement, necessary for collecting a baseline data to evaluate the effects and impact of the interventions that have taken place, and to guide future action plans. A budget plan for guaranteeing the implementation was also not mentioned. A gender-responsive budget plan, referring to the planning of budget and resources allocated to interventions to promote gender equality and women's empowerment was also not addressed in the Policy.

To close this Section, it needs to be mentioned that the Policy was accompanied by a long-term action-plan dividing all focal axis of intervention during a ten-year period. It is hard to evaluate this plan for policy implementation as it seems to be a draft in which the action-lines are named but not specified or developed for their real integration. There is no concrete activity outlined for each action axis, nor assignment of resources, nor a time frame for implementation.

3.4 Creating new structures and frameworks: Women's Issues go into the political spectrum.

The creation of institutional structures and the development of the legal and political framework for gender social equality in this period was a clear sign of Cambodia's adaptation and its reformulation with the change of political regimen. The country was now responding to the responsibilities and obligations assumed with the signing of international conventions and treaties.

With reference to the production of national policies and strategies to integrate and mainstream gender, there are some aspects that need to be commented upon. The perspectives of much planning in this period was situated in the Women in Development (WID) approach which

tended to focus on women in a manner isolated from social structure and without regard to gender relations or socio-cultural, political, and other similar, contexts. The National Policy for Women, for example, placed great emphasis solely on women and its strategies did not address women's issues in relation to men for challenging gender relations. Its policies were not oriented to changing the perception of society on gender stereotypes, gender relations and the gender division of labour which are at the root of inequality. It did not recognise that focusing on of women's roles in development without changing the gender relations will not lead to women's integration nor benefit women in any substantial manner.

Following a critical re-appraisal of Moser (1993) it was acknowledged that, the WID approach, with its isolated focus on women ignores the real problem: women's subordinated status to men. Whitehead (1979) for example, argues that "the focus on gender rather than women makes it critical to look not only at the category 'women' –since that is only half the story – but at women in relation to men, and the way in which relationship between these categories is socially constructed. Men and women play different roles in society, with their gender differences shaped by ideological, historical, religious, ethnic, economic and cultural determinants" (Whitehead, 1979).

In spite of its limitations, the WID approach, taking into account its context and the time, has been useful in determining the very basic and essential needs of women. With its feminist point of view, the WID approach did play a somewhat useful role in setting strategic starting points for gender quality. However, the approach did also prove problematic in many aspects. For example, policy should recognise the importance of women in environment protection and management and the need to involve women in environment protection. If the involvement of women does not guarantee the equal access, control and benefit, this participation will only give more work to women.

The National Policy for Women and its associated action plan had no logical frameworks or implementation matrices for activities, indicators, implementors, budget allocation and expected outcomes. There is no explicit framework on how the policy was going to be implemented.

According to the Policy, the Ministry of Women Affairs (MoWA) was mainly responsible for implementing the Policy in cooperation with other Ministries³⁵. In accordance with its roles and functions, MoWA was to direct its activities to several fundamental tasks in order to benefit 'women' as a category.

The Ministry's activities towards implementing the Policy's objectives fell short due to several reasons, two of which are the lack of resources and technical knowledge and the focus of interventions towards institutional levels rather than towards society, thus leaving objectives unachievable.

In this same period, other actions to improving women's living standards were taken. In 1997, the Ministry of Health published the national policy and strategy for "Safe motherhood", with the aim of decreasing maternal and newborn mortality rates. This strategic plan seems to have addressed its implementation from an integrated perspective, as it includes measures covering family planning, antenatal care, hygiene, post-partum- care and essential obstetrics care. Through this, the Ministry of Health's intentions were to ensure equality for women in the whole structure of the health system. The implementation of specific measures and a focus on the needs of women to minimise inequality in their living conditions, is one of the steps involved in

³⁵ Including Ministry of Education, Youth and Sports, Ministry of Health, Ministry of Agriculture, Ministry of Rural Development, Ministry of Industry, Trade and Tourism, Ministry of Social Affairs, Labour and Veteran's Affairs, and Ministry of Environment.

matching their status. Nevertheless, and as we noted earlier, these such actions should not be the only ideological approach to adopt.

On the other hand, Cambodia's adherence to certain international conventions propelled development and helped amend some legal norms with important gender implications, such as the law against trafficking.

However, this Law's weakness in basic definitions (trafficking, kidnapping and sexual exploitation) renders it insufficient and makes it, and the resulting policies and action plans, confusing in terms of target groups; this can result in inefficient efforts to mitigate or eliminate the problem.

Inconsistency is also found in terms of compensation to victims: there's no provision for the indemnity rights of trafficked, kidnapped or exploited persons. In addition, there's no reference to the social reintegration of victims, and leaves problematic and important socio-economic issues unresolved: no economic compensation, no measures for reintegration and no medical support for rehabilitation.

The law refers to "places of obscenity", but fails to describe or detail the places: karaoke, brothels, etc leaving the Article with undefined places in which to put the law into practice.

A very worrying issue is that this Law does not consider the possibility of a daughter being sold/transferred to repay a family's debts through her work (any kind of work, including sexual work).

In spite of the elaboration of the anti-trafficking law one year before the law on labour issues, it, surprisingly, makes neither reference to nor provides legal or social protection measures for migrant workers.

On the positive side, following the revision of the Labour Law, and despite it not being mentioned in the correspondent section, both the Constitution and the Labour Law allow for unionism by recognising the right to free association and by prohibiting discriminating against workers for their union association or activities. Labour unions are thus seen as valid social actors for the defense of workers' rights. Despite these provisions, employers' reactions and resistance to the formation of unions, coercion and fear in the general social environment, and the masculine predominance of leadership in labour unions may push women's needs and rights to the background or make them invisible. Regrettably, we lack the data to discuss this.

The Labour Law does pay attention to and try to integrate, several excellent measures towards gender equality and women's specific needs: the principle of non sex-based discrimination, maternity leave, resumption of work after pregnancy, equality in wages, etc. In practice, all these "respectful" articles oriented towards the promotion gender equality remain on paper if there's no monitoring and implementation on behalf of the administrative and judicial bodies. This comment can be extended to all the policies and laws.

Moving towards the voluntary termination of pregnancy, the Abortion Law is seen as a great social advance and its text is considered one of the most liberal in the Asian region. Despite this, the Law is weak in some aspects: it doesn't take into account inequality in access to abortion services and ignores the very real consequences of the lack of resources and the real distances in the country, leaving poor and rural people facing great disadvantages in accessibility. Further, the Law makes no provision to guarantee free access to abortion services, or to post-abortion care services, as suggested in CEDAW.

According to research done in 2002³⁶, the majority of providers had little idea about the legal status of abortion in the country, and if professionals are not correctly informed about this issue, what should we expect from the rest of the population? Some years later, in 2008, 40 percent of providers from hospitals thought that voluntary termination of pregnancy is not permitted by the Ministry of Health³⁷.

When the initiatives of this period are seen in relation to each other, it is seen that laws and policies do not form a network with complementary measures in order to meet the social needs holistically. Interestingly, if we look at the National Policy that emerged in this period, there is no reference to topics such as immigration, trafficking and exploitation as priority areas for social interventions. While it is true that the Policy reflects the intent of providing attention to policies designed in the employment ambit, it makes no provisions for improving conditions through the law. The issues around abortion also seem to have been overlooked in favor of the general attention to family-planning and health during pregnancy. However, from this period, with the presence and roles of the MOWA turning official, and this fact defines the explicit compromise of the country towards law enforcement, as the intention of keep working on the policy level.

36 Felicia Lester (2002): "Abortion in Cambodia: An overview of the current situation".

37 Joanne Hemmings and Ben Rolfe (2008): *Abortion in Cambodia*.

4. From 1998 to 2003: the struggle to enter into the Political Agenda

4.1 Gender situation and Trends in Cambodia between 1998 and 2003

During this period in Cambodia, there was a rapidly growing labour force but limited new employment opportunities with 250,000 young people reaching working age and entering the employment market each year (UNIFEM, 2004); this context contributed further to the gender inequalities in labour markets and to disparities in employment. Specifically, young adults in the rural agriculture sector migrated to the urban areas to seek work in the industries and services sectors. According to a labour force Survey³⁸, labour force participation increased from 55.5 percent in 1998 to 71.7 percent in 2001. Moreover, the female work participation also increased from 65.9 percent in 1999 to 71.3 percent in 2001. Likewise, the percentage of male participation in labour market also rose from 66.3 percent to 72.1 percent in 1998 and 2001 respectively (ASEAN in Figures 2003).

There was significant opportunity for women to participate in the labour force and to take on paid positions outside the agriculture sector. If we compare the data of 1998 and 2001, the gender gap in unpaid family work is seen to have decreased. One possible reason for this is the increase in waged employment opportunities for women in the garment sector. "In the garment industry, women comprise up to 90 percent of the work force" (UNIFEM et al., 2004).

According to *A Fair Share for Women* (2004), on average (taking experience, age and education into account), men's wages were 33 percent higher than those of women. The wage difference across educational levels is less for men than women. With an upper-secondary and post-secondary education, men and women can earn 42 percent and 80 percent more, respectively, in comparison with men and women with no schooling. In the long run, achieving gender equity in the formal education system is clearly needed to attain greater equality in employment opportunities.

When we turn to the education field, we realise that the gap between boys and girls in Cambodia increases markedly as they progress to higher levels of education³⁹. While almost a similar number of boys and girls are enrolled in preschool and primary school, only 63 girls are enrolled for every 100 boys in lower secondary school. In upper secondary and tertiary education, less than 50 girls are enrolled for every 100 boys⁴⁰. "The gender disparity increases dramatically at the lower secondary school level. The percentage of girls in the student body falls from 50 percent at primary school to 37 percent at lower secondary and 32 percent in upper secondary school. Nationwide, enrollments in lower secondary school were 19 percent in 2001-2002 and only 16 percent for girls. In remote areas, only 1 percent of children were enrolled in lower secondary school" (UNIFEM et al., 2004).

In addition, illiteracy rates remain very high during this period: 25 percent of men and 45 percent of women are completely illiterate, and 71 percent of women and 50 percent of men are functionally illiterate⁴¹. Economic resources and distances to schools are found to be the major barriers in girls' access to education.

38 Conducted in 2001; takes into account the population aged 10 years old and over.

39 EMIS 2001/2002. Education Management Information System (EMIS) prepared yearly for all levels of schooling by MoEYS.

40 *A Fair Share for Women* (2004), p. 72.

41 *A Fair Share for Women* (2004)

On the other hand, the sums of money allotted to cover the needs of the education system seem to have been reduced; in the Cambodia Socio-Economic Survey of 2004, it is estimated that educational expenses per student per year are below 50,000 Riels (US \$10) for pre-school and primary school studies, 393,000 Riels (just below US \$100) for upper secondary,, for technical/vocational 1.1 million Riels (just above US \$250), and for university 2.1 million Riels (just above US \$500).

The Government plans to address the gender imbalance in education by building more secondary schools, thus minimising the distance children have to travel, as well as by creating a scholarship programme for poor girls. However, significantly more commitment and investment will be needed to achieve equality in education.

Moving to the health issue, this period shows inadequate access to quality health services, especially for the poorer sections. Affordability of health-care remained a major problem for the poorest, and often led families into debt, forcing them to sell their productive assets, such as land. However, a gradual improvement in health in a period of five years is also noted, in which life expectancy at birth increased from 52 to 60 years for men and from 56 to 65 years for women. The infant mortality rate declined from 93 deaths per 1,000 births in 1998 to 66 in 2003 while the child mortality rate declined from 31 deaths per 1,000 children (1-4 years old) in 1998 to 17 deaths in 2003 (CSES, 2004).

Medical utilisation rates and spending on medical matters are more or less equal for men and women, but the draft Public Expenditure Review of the Health sector (World Bank 2002) shows that men benefitted more than women from health spending⁴². One of the consequences of this was that Cambodian women faced significant reproductive health problems and high maternal and infant mortality rates. These were a result of (1) insufficient access to birth-spacing information, supplies and services; (2) poor access to and utilisation of maternal health services; and, (3) low-quality health facilities.

In addition, inadequate attention and access to contraceptive methods and maternity care services has had a direct effect on the high rate of unsafe abortion, often resulting in death and contributing to the high maternal mortality rate. Only 23 percent of women used any family-planning method (20 percent of all women used a modern method, while only 6 percent used a traditional method), only 38 percent of pregnant women received antenatal care from trained health personnel, and only 10 percent of births took place in recognised health facilities⁴³.

If we turn to HIV/AIDS, the epidemic poses a major threat to human development in the country, and its prevalence is the highest rate in Southeast Asia. According to the MoH, however, the number of men living with HIV declined remarkably from 2.1 percent in 2001 to 1.9 percent in 2003. , "HIV/AIDS awareness is very high in Cambodia. 90 percent of the population aged 15 and over have heard of the illness and almost 88 percent mention condom use as one of the methods to avoid the illness," (CSES, 2004). Despite the perceived progress, especially in addressing transmissions between sex-workers and their clients, there is a growing concern about the increase in the rate of transmissions from husbands to their wives and consequently from mothers to children.

In relation to violence, in 2004, UNIFEM reported an increase in gender-based violence cases, such as domestic violence, rape (including gang-rape), violence against sex-workers, as well as an increase in the number of women and children being trafficked into neighboring countries;

42 A Fair Share for Women (2004), p. 90.

43 Cambodia Demography and Health Survey (2000).

violence, then, comes up as a major concern⁴⁴. The Law on Prevention of Domestic Violence and Protection of the Victims had not been adopted yet and there was no legal protection for women who suffered from domestic violence. In the year 2003, ADHOC investigated 531 cases of domestic violence in 12 provinces; the number of cases increased from 13 percent in 2002 to 46 percent in 2003. Domestic violence often resulted in severe injuries, but in 5 percent of the cases it also led to death. This number of deaths increased by 1.8 percent in 2003 compared to 2002.

In the same year, ADHOC received complaints of rape in a total of 356 cases⁴⁵ (an increase of 19.86 percent compared to 2002). Rape continued to pose a real threat to Cambodians, especially to women and children. The authorities were incapable of protecting people or arresting the perpetrators. Following O'Connell (2001), of the rape and indecent assault cases investigated between January 1999 and March 2000 by LICADHO, only 51 percent had been resolved in some way (legally or otherwise) and were closed. Of the cases closed, 41 percent were settled by a payment of money. Of the cases that were still unresolved and open, 26 percent of the perpetrators had escaped, while the rest of cases were still being investigated or were awaiting trial one to two years after the offence had taken place.

Meanwhile, in 2003, there were 90 complaints related to sex trafficking, and in 83.87 percent of the reported cases girls were lured by the trafficker by being promised a job (ADHOC, 2003). The Government had made some progress in establishing a legal framework to address these issues, but law enforcement was extremely weak and compounded by a corrupt environment.

Turning to the presence of women in the public sphere, following the elections in November 1998, 2 female Ministers were appointed among the 25 Ministries and 3 female Secretaries of State in the Cabinet were appointed out of a total of 50 (Bureau of Democracy, Human Rights and Labour, U.S. Department of State, 1999). This was an improvement from the first mandate of the National Assembly of the RGC when only 4 women were political appointees and there were no female Ministers, nor Secretaries of State, nor Provincial Governors. In the election of the third mandate of the National Assembly of the RGC, 15 of the 123 people elected (12 percent) were women. In addition, although a quota of 30 percent of seats was proposed to be reserved for women prior to the 2002 election of Commune Councils, it was rejected and only 8.5 percent of the councilors elected were women (UNIFEM et al., 2004).

In public institutions, the presence of female staff remained low. Up to July 2003, there were 14 female judges and 119 male judges (i.e. 12 percent), 1 female prosecutor among 63 males (1.5 percent), and 129 female clerks and 668 male court clerks (19.25 percent) (Initial, Second, and Third report on the Implementation of the International Convention (CEDAW) in Cambodia, 2003).

44 UNIFEM et al (2004), Cambodia Gender Assessment.

45 This number does not include cases of spousal rape

4.2 Central changes in the legal field

4.2.1 Land Law

This Law was approved in full by the Senate in 2001 with the aim of replacing the previous normative of 1992, and covering further areas: private and public ownership, acquisition of ownership, regulations for private ownership, forms of ownership, immovable property used as surety, cadastre, and penalty provisions.

Article 31: Any person who had been enjoying possession before this law came into force may be authorized by the competent authority, if such person fulfils all requirements to become an owner of the property, to extend his possession until he attains the legally prescribed period of five years, after which he will obtain a definitive title of ownership. The authorization to extend for the sufficient period of time cannot be denied by the competent authority if the possession is peaceful and uncontested.

A competent authority that improperly refuses an authorization to extend the time is personally liable.

The improper recognition by competent authority of a possession that is not in accordance with the legal requirements is considered null and void. The authority that has given the abusive recognition shall be personally liable before the law.

Article 31 urges a person who has the temporary possession of a plot to get ownership; temporary possession (which created the possibility of establishing social concessions) was removed as a means of acquiring land. Only those people who were already in legal possession of a plot of unoccupied land at the time of passage of this Law were allowed to complete the 5-year period of occupation required to become the legal owner.

Article 226:

Ownership of immovable property shall be guaranteed by the State. For that purpose, the Cadastral Administration under the supervision of the Ministry of Land Management, Urban Planning and Construction shall have the competence to identify properties, establish cadastral index maps, issue ownership titles, register lands and inform all persons as to the status of a parcel of land in relation with its nature, size, owner and any relevant encumbrances over such parcel.

Article 227:

A land parcel or cadastral unit is a specified land area that is situated within a single commune or sangkat, that is not divided by a joint, indivisible boundary, [that] belongs to one person or several persons having an undivided ownership, and that is used in a single manner.

The two Articles above, 226 and 227, direct the Cadastral Administration to implement a nationwide land titling system, including a simpler land registration that can be implemented at the commune level. However, this Law shall be enforced to be implemented in a fully satisfactory manner since the land titling process is slow and only a minority of Cambodian households has formally registered their land ownership. The majority of the land titling registration has been in the husbands' names and as a result women may be forced to take loans, as well as register businesses, in their husbands' names, forgoing ultimate control of their business. This leads to women being unable to go into business independently or to formally owning and operating small enterprises or microenterprises. The National Titling Programme not only needs a strong administration to implement it fully but also requires the administration

to ensure that women are informed and educated about the procedures and benefits of the land ownership registration process.

This Law is complementary to the provision made in Article 44 of the Constitution which guarantees equal right to ownership; thus, all Khmer citizens and Khmer legal entities have the right to land ownership. This Law also follows the Law on Marriage and Family in terms of assuring equal right to the use and management of a joint property to both partners, as well as the obligation of a consensus of consent in case of sale or donation of the joint property. It needs to be said that the reformulation of the legal normative in land issues also integrates the suggestions made by CEDAW (Art. 15 and 16)⁴⁶. Law 22/1999 on matrimonial property regulations, bounties and successions recognises the right of a daughter to inherit property belonging to her family and requires the consent of both spouses for any act of donation of family property or assets and for the recognition of any right over those assets.

Further, both sexes have the right to co-sign land properties. While this is a great advancement, problems crop up if we include the variable, for example, of a relationship that ends. This point has especial consequences for women, who often lose their rights of ownership. The issue turns more complicated if we link ownership and inheritance, especially if the inheritance becomes co-titled by both partners.

Although the legal framework guarantees the equal right of Cambodian women and men to land entitlement, the traditional code of conduct known as *Chbab Srey* and persistent cultural and customary attitudes legitimise gender-based discrimination and impedes women's rights to land. Customary laws and practices sometimes take precedence over constitutional and legal provisions for equality; inheritance and property still are affected by the consequences of tradition. Despite the formal law granting equal right of women and men, family law and customary law, both based on patriarchal norms, undermine or directly contradict women's legal land rights by not granting equal right to land. When it comes to implementation, women remain inadequately able in exercising their agency and claiming equal right due to the lack of education, ignorance about their rights, the weight of culture and tradition, customary law and socio-cultural institutions, gender beliefs and so on. It is recommended that future amendments to the Land Laws address customary and other practices which prevent women's inheritance of land and property. The attainment of gender equality with regard to land rights also depends on the overcoming of social constraints. To ensure equal land rights between women and men, education on land rights and dissemination of the legal provisions for equality is required as well as a legal assistance programme with gender training for programme implementors, and the participation of women in designing, planning and implementing programmes.

4.2.2 Decree on creation of the Cambodian National Council for Women

In this period some progress was made in improving the machinery for implementing Governmental policies for improving the living conditions of women in the country, which is necessary to be able to effectively use governmental tools. To cover institutional gaps and to

⁴⁶ **Article 15**, Section 2: "States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals".

Article 16, Section 1 (h): "The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a value including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory".

respond to some requisites derived from the ratification of CEDAW Convention, the Government of Cambodia approved a royal Decree to create a specific inter-institutional body called the Cambodian National Council for Women (CNCW)⁴⁷.

However, according to its first Article, the Council was created as a consultative body; it has no real power for decision-making by itself, but it gives support to the Government in order to include women's needs in its actions. As we

Article 1: (...) **CNCW** is the mechanism for coordinating and providing opinion to the Royal Government on matters relating to promoting the status and roles of women, and the social welfare of Cambodian women, aiming to reduce and eliminate of all forms of discrimination and violence against women.

can see, the aims are general and specific at the same time, and they are developed in posterior articles of the legal document.

On the one hand, as it can be observed in the chapter on duties and functions, the CNCW would have to assume the role of advisor on all themes and stages of the development of policies and laws that affect women. But advice from this body is just that:- opinions and recommendations that are not binding at all.

On the other hand, apart from these general duties, the Decree also establishes two specific tasks to the CNWC which turns its role to a more fundamental one. One is to provide support in the implementation of laws "concerning the rights of women"- the Decree explicitly points to the laws on human trafficking and sexual exploitation and the law on domestic violence. The second task consists of the CNWC being responsible for the elaboration of national reports to address CEDAW requirements. According to the CNCW's newsletters, the activities of CNCW delegations going to provinces have been to monitor and evaluate the implementation of these laws; in May, 2009 these activities taken place in Svay Reang, Koh Kong, Kandal, and Prey Veng provinces. Moreover, in 2010, CNCW has launched the fourth and fifth National Report on the implementation of CEDAW in Cambodia.

In terms of representation, the Decree takes into account the necessity of members of both sexes within a sub-committee who will be responsible for the obligations set forth in the Decree, but there is no reference to a sex-balanced commission, nor about quotas of representation. This shows that gender perspective is partially integrated, but not fully defined.

Nevertheless, the creation of a space like the CNCW is a breakthrough in Cambodia; the integration of many governmental institutions into the Council constitutes the first steps for developing a strong working network whose central position corresponds to that of the MoWA, a network that is validated and has become a recognised authority on women's issues.

With this Decree, all governmental institutions see themselves obliged to recognise the need of working for gender equality; it could be a beginning to inter-linking efforts towards the elaboration of specific and comprehensive solutions against the historic disadvantages experienced by women.

⁴⁷ The CNCW was created on the Revision of Royal Decree No. SN/Roy.Kr./0201/036, Dated 14 February 2001 on Creation of the Cambodian National Council for Women (CNCW).

4.3 Strengthening internal structures

The two main guide-documents for this period, the Government's national plan or Triangular Strategy (1998-2003) and Socio-Economic Development Plan (1996-2000) (SEDP I), don't integrate the gender approach.

In 1999, with the experience of having the National Policy for Women elaborated, the MoWA developed a five-year strategic plan in which formulation the institution played a fundamental role notwithstanding the assistance provided by some international organisations like the UNDP/CARERE, Silaka and JICA.

While the first strategic plan focused on some specific themes, as we will see later, the National Policy for Women covered women's issues in seven areas aiming at enhancing women status overall, and the Neary Rattanak (NR) aimed mainly at strengthening the roles and capacities of Ministerial staff. The five-year strategic plan has little direct intervention or strategic plan to promote women's position in general.

Some years later, in 2001, the gender strategic plan came to be a part of the government's national plans and strategies- as can be observed in the Royal Socioeconomic Development Plan II (SEDP II) (2001-2005) and the Governance Action Plan (GAP) (2001); both illustrate the achievement of the MoWVA in advocating gender mainstreaming into national actions. These two plans were developed as the main directives for implementations in the relevant institutions to achieve gender equality, covering strategic areas different to what the NR addressed.

SEDP II (2001-2005) produced by the Ministry of Planning (MoP) presents the government's policies and strategies for economic growth and poverty reduction. Mainstreaming of gender had not yet been incorporated in all the sectors under this plan. Education and health sectors were linked to gender issues, and the plan covered certain other cross-cutting issues, including legal protection and economic empowerment. It prioritised gender mainstreaming in all national policies and in poverty alleviation and governance to increase awareness of gender concerns through capacity-building in governance. The strategies of the plan in mainstreaming gender included building commitment and capacity, influencing policies to be gender sensitive and responsive, increasing the participation of women in national and local development planning and governance, enhancing capacity for gender planning, monitoring and evaluation and increasing public awareness and support. The plan proposed advocacy, research, information dissemination and strategic action as principal strategies in achieving its goals.

The Governance Action Plan (GAP), published in 2001, included gender equity as one of its five cross-cutting areas after lobbying by the MoWVA, NGOS and donors. The GAP identifies four very broad objectives for gender-equity: 1) to implement and coordinate programmes to promote the rights of women and children; 2) to influence various reform programmes which can fully take into account the particular needs of women and children; 3) to recognise women's contribution as full-fledged members of society; and, 4) to invest in promoting the leadership roles of women. Two results were expected from this plan: "reduced discrimination and improved participation by women in the affairs of the State and in economic activities would further the country's socioeconomic development" and "reducing birth-related mortality rates and illiteracy would directly contribute to alleviating poverty" (MoWA, 2004b).

4.3.1 Neary Rattanak: Women are precious gems I

After the National Policy for Women in 1996, Neary Rattanak (NR) was the ministerial strategic plan addressing women's and veteran's issues. The NR was initially developed by the Ministry of Women's and Veteran's Affairs in 1999 as the Ministry's five-year strategic plan. It created a *new image of Cambodian women, in that it re-conceived them as the nation's invaluable assets rather than as a disadvantaged group*. The strategies developed in the NR required the MoWVA to develop programmes organised around human resource development, both internal and external, and to place a strong emphasis on strategic management which led the development of institutional frameworks and gender mainstreaming in the Ministry and the RGC in order to promote the status of women, veterans and their families. However, the gender mainstreaming approach was a relatively new introduction and was not widely practiced in the MoWVA agencies even as the Ministry defined itself as the institutional machinery to promote the status of women.

The NR found its main inspiration source in the principles stated in the Beijing Platform for Action for the Promotion of the Status of Women. Surprisingly, the NR has no explicit reference to the National Policy for Women as the main tool that entered women's (and gender) issues among the Government's axes of social interventions. Yet, the NR shared, or continued, some action-lines started in the Policy; capacity-building of staff, one of the fundamental aims expressed in the NR, is also strongly present in the Policy.

In order to develop the full potential of human resources, especially that of women, veterans and their families, this NR focused on: 1) skills development and job creation; 2) improvement of literacy; 3) improvement of health; 4) reduction of violence against women; 5) reduction of discrimination in the family and society; and, 6) effective promotion of legal literacy and law enforcement.

The NR consisted of eight programmes for promoting the socioeconomic status of women and veterans and to demonstrate the movement's commitment to improve the status of women, veterans and their families.

While the National Policy for Women 1993 was developed as an exclusively women-focused policy, from 2001 the government's gender policy was no longer an isolated field and the approaches in policies and strategic plans took a new turn. The first intentions to mainstream gender issues can be seen in the SEDP II and the GAP. Regarding the institutional network for gender mainstreaming, the approach in the NR was similar to that of the National Policy's achievement in establishing focal point officers for the promotion of the status of women in certain essential Ministries and agencies; it constituted the first step and a good basis towards the introduction of gender mainstreaming within each institution.

Programs of Neary Rattanak

Program 1: Strategic management

- To develop institutional framework in the Ministry and the Royal Government of Cambodia in order to promote the status of women, veteran and their families

Program 2: Policy and Planning

- To develop policies and plans for the promotion of the status of women, veterans and their families

Program 3: Reproductive and Sexual Health:

- To strengthen the capacity of MoWVA in integrating gender issues into the promotion of women's reproductive health
- To reduce violence against women and children

Program 4: Information and Communication

- To increase the awareness of gender equality issues among the general public
- To increase the positive portrayal of women by the media
- To increase the public awareness of the causes of women and veterans

Program 5: Family and Economic Development

- To enhance the capacity of women, veterans and their families for family and economic development through strengthening credit programs and capacity of women entrepreneurs

Program 6: Human Resource Development

- To increase the capacity of women, veterans and their families through non-formal education, community-based child-care and gender development training program
- To develop full potential of veterans

Program 7: Administrative and Finance

- To offer effective management and implementation of MoWVA activities

Program 8: Reintegration and Development of Veterans

- To reintegrate and achieve social and economic self-reliance of veterans in the civil society
- To develop full potential of veterans

Another positive change was the improvement in the MoWVA's capability in developing a gender strategic plan; despite assistance from a few international organisations, the MoWVA was no longer as dependent on outside help in developing its policy needs but keeps the dependence for its implementing as a consequence of the little percentage the Ministry has for its activities.

Compared to the National Policy for Women, there was shift in the NR in its attention to strengthening the institutional framework. The five-year strategic plan was one of the first significant achievements of the MoWVA and it prioritised institutional framework development and policy as an urgent need in its promotion of women's status.

Other significant points in the Policy, were its emphasis on women's reproductive health and its stated need to generate social awareness of gender equality among the general population. Further, newer ambits came to have importance: the NR introduced violence against women, the promotion of women entrepreneurs and microcredit for the economic development of the most vulnerable groups.

However, due to its focal point on developing an institutional framework, the NR is weak in its direct interventions in addressing gender issues in general, especially at the local level. The NR aimed to improve the Ministry's human resources to equip itself as the national machinery for the promotion of the status of women. The NR dealt mainly at institutional/structural level with little intervention at the bottom level; it obviously adopted a top-down approach. As listed earlier, there are eight programmes proposed in the NR, yet, as can be seen, not all the programmes integrate gender; the NR did not always reflect gender sensitivity or gender responsiveness. This implies that the implementation policies directed specifically at gender issues in general had not yet been created.

The strategies keep great concentrating on women who have been viewed as the “disadvantage group” in development as shown in the NR dealing women issues and veterans in isolation. Women are not seen in relation to men but as dichotomous group.

The lack of a logical framework was criticised as one of the weaknesses of the National Policy for Women; what was updated found in later strategic plan is existing of the logical framework including proposed activities, implementation, location, timeline, input, output and risk. Yet the logical framework did not cover other important points including indicators, budget and how achievements are monitored and evaluated. In fact no line of action or activity has an estimated expense associated, but those on veterans are valued almost all.

Program 3: Reproductive and Sexual Health

Goal: Promotion of Women’s Reproductive Health

Sub-Programs 1: Strengthening the capacity of MoWVA for integrating gender issues into the promotion of women’s reproductive health

Output:

- Capacity of MoWVA staff in the promotion of women’s reproductive and sexual health will be increased
- Women’s knowledge on the promotion of reproductive health will be increased
- Access to contraceptives will be increased through community-based distribution system in target areas
- Information on the promotion of reproductive health will be available through the distribution of ECE (expand ECE) material
- More decision-makers, opinion leaders and women’s groups will become aware of and support the promotion of reproductive health
- Relationship between MoWVA and the National Centre for Maternal and Child Health (MOH) will be strengthened

Although the goal and output of the policy were outlined, there was often a lack of conceptual consistency. For instance, in the goal to promote women reproductive health, the output mixes strengthening the institutional staff’s capacity, increasing women’s knowledge on reproductive health and increasing access to contraceptive methods this claim not back by programme 3 in the box above (see the figure above).

In addition, and as written in the strategic plan document, there are very latent fears (with their consequent risks on the incomplete implementation of actions): the Ministry is afraid of not having the required collaboration from the Government and associated institutions, and also wary of undue dependence on donor assistance and economic support.

4.4 New steps towards the promotion of the status of women

The SEDP II and the GAP were milestones in the implementation of gendered perspectives and strategies in the field of policy. Research, advocacy, information dissemination and strategic action were the principal strategies for implementation. Yet, there is a need to have more clarity and detail of in terms of its technical implementation.

Although the term mainstreaming gender is used in the SEDP II, gaps can be observed in the integration of complex gender relations within socio-economic issues. According to the MoWA (2004), *there was little coverage of gender in the action plan of the final SEDP II document. While gender was well integrated throughout the diagnostic section, the links between the gender analysis and the sectoral interventions were sometimes weak, and the gender analysis was not always used to define strategies and outline actions.*

Despite some improvement in terms of areas covered, gender has not been well mainstreamed into all sectors and all levels. Gender should have been included in other sectors including:

- *Labor standards:* to improve the condition of women workers, strengthen the gender sensitivity of the regulatory framework to protect workers' rights and develop the institutional capacity to enforce it.
- *Agriculture:* To promote agricultural training and extension services which would increase women's ability to benefit from market forces through skills-enhancement, disseminate information about relevant new laws, increase women's access to resources strengthen the legal framework to ensure women's property rights.
- *Fiscal Policy:* To integrate gender into national budgetary policy and procedures, develop and implement guidelines for gender auditing, gender assessment of public expenditure and investment, identify gender gaps in key indicators such as education, health, etc. ;assess the gender impact of inter and intra-sectoral allocation of public expenditure, promote fiscal policies which protect public expenditure on social services (primary and secondary education, child care, community health center, family planning interventions targeting increase in male responsibility), public investment such as rural infrastructure at local level (water and sanitation, rural roads, schools and health centers).
- *Financial Services:* To implement bank reform which enables women's rights to independent savings accounts and asset lending.
- *Non-Financial Services:* To strengthen the capacity of women entrepreneurs including through business management training, product diversification, access to technology, networking and access to the market.
- *Technology:* To ensure women have equal access to information regarding new technologies.

The Neary Rattanak also shows a technical lapse in the lack of clear interventional strategies and procedures for implementation. Although, monitoring and evaluation strategies can be found in the broad goals of this plan it has little to offer in focus. There are no relevant or explicit procedures or structures necessary to transform policy into practice. Also, the outcomes proposed by the strategic plan and its goals are so broad that it's difficult to monitor and evaluate true achievements. As Moser (1993) pointed out, broad goals of policy reflect popular international rhetoric on the Women's Decade with the aspiration to improve the 'overall status of women' (equity) and to 'integrate women into development'. Yet, no clear consensus existed as to the strategies by which this might be achieved.

The failure of defining clear gender specific objectives results in a lack of clarity of implementable interventions and activities. The NR does not examine the policy from a generic logical framework perspective, or through indicators and means of verification which are considered necessary tools to measure the success of the project. The NR does not consider the measurement or evaluation of the success of its strategic plan; in short, the implementation of the logical framework remains weak.

All this is especially relevant since the NR explicitly states its obligation to prepare a situational analysis, monitoring reports and assessments about women's realities; as a consequence too, the lack of tools and guidelines for implementation, monitoring and evaluation directly affects the design and development of the subsequent strategic plans.

In terms of content, the areas covered in the strategy could not respond to either strategic or practical needs. As noted, there is a lack of mainstreaming gender in other sectors and gender was not regarded as cross-cutting issue.

In addition there seems to be another conflicting aspect in the plan: it seems to be the Ministry's plan, instead of a plan to promote equality in all of society. The plan includes targets and activities regarding on one hand for women, and on the other for some specific social groups (children and veterans). To this regard, and from the understanding of "women" as a part of the society but not as a "social group", it makes no sense to mix general population and specific social groups, especially if in the definitions and the activities the gender perspective is not integrated at all. Women are among children and among veterans. In this plan the Ministry misunderstood the lines of work on gender/women's issues with all the lines of work towards promoting social improvements among vulnerable population.

During the previous period and as an achievement of the National Policy for Women, focal point officers were drafted in some institutions to promote the status of women. In the period under review, significant progress is noted in the strengthening of the institutional framework working for women's progress. The Ministry's name and the ambit of its work was changed, and, as we have already said, the Cambodia National Council for Women (CNCW) was established in 2001 to work on the advocacy, monitoring and evaluation of laws, regulations and policies from the gender perspective. The creation of this inter-agency network opened up ways to start working seriously on issues of gender mainstreaming and the development of specific and comprehensive proposals to end discrimination against women.

However, as marked in one of its Articles, the functions of the permanent General Secretariat' of this institutional body were to be set in a posterior sub-decree, one not published until year 2007⁴⁸, which left the CNCW, and its network, a bit lost in the development of their missions, duties and structures during this first stage. Thus the institutional machinery seems incomplete (and, to some extent, not useful) in this period.

It is also difficult to know exactly what the CNWC did accomplish in practice as this review has not found evaluative documentation of its activities for this first phase.

In the Millennium Development Goals' Goal 6-- Combating HIV/AIDS, Tuberculosis and Malaria-- Cambodia set the target to reduce prevalence by intensifying prevention measures and providing care and support to people living with HIV/AIDS. Meanwhile, the National Strategic plan for HIV/AIDS and Sexually Transmitted Infection Prevention and Care (2001-2005) , established by the National Centre for HIV/AIDS, Dermatology and STD Control, set a framework for: 1) identifying medium-term, coherent and cohesive, cost-effective plans ; 2) the preparation of annual operational plans for implementation; 3) identification of resource needs, and gaps in available sources, both human and financial; 4) formulating requests for assistance, that not only matched donors' priorities and mandates, but also fit with the needs and priorities of the government of Cambodia; and 5) coordination of activities, plans, strategies, and resource all kinds from all sources to reduce transmission in high-risk situations, increase health education and equip the health system to cope with increased demands.

Turning to the advances made in the production of legal documents, the Land Law provides for equal access to, and use of, property. Despite the law being written in gender-neutral language that may convey a non-discriminatory attitude it doesn't offer any special measure either to

⁴⁸Sub-Decree (Anou Kret) on Creation and Practicing of the Permanent Secretariat General of the Cambodian National Council for Women, 7th of June of 2007.

compensate for the inequality which women usually face. It is not clear that this Land Law has integrated the gender perspective correctly; the consequences of its application will have different implications for women and for men, and women will be especially affected by the absence of the clarity on measures and criteria for the Law to be translated into practice.

Since the strategic plan for the rights of women was made prior to the enactment of this Law, we cannot find the focal themes of ownership, the use and management of land as part of its key points of intervention, although land matters have an earlier origin and although women are known to play a fundamental contribution in agricultural production.

To conclude, we would like to clarify that, with information not being shared, the team has had special difficulties in obtaining policies and strategic plans produced during this period; this doesn't mean that this period was not profitable in terms of political documents for social intervention towards gender equality, but we cannot ascertain or evaluate such documents due to access barriers.

5. Expanding gender mainstreaming in the institutional networks: From 2003 to 2008.

5.1 Gender situation and trends in Cambodia between 2003 and 2008

The Civil War and the tragic incidents during the Khmer Rouge period caused a large number of the population to be lost in armed conflict and conflict-related violence. Due to the baby boom of the early 1980s that reached ages 15-24 in 2004, a large number of young people entered the job market (young adults entering the labour market increased from 1.75 million in 1994 to 3.15 million in 2004) and Cambodia needed to create 250,000 to 275,000 new jobs each year over the next several years to accommodate its growing working-age population (CSES, 2004).

According to the CSES (2004), the labour force, in Cambodian statistical definition, includes all persons 10 years and older, of which 75 percent were economically active (79 percent of all men and 71 percent of all women). The activity rate peaked at around 95 percent for men in the ages 25-49 and at 80-83 percent for women of the same ages. One third of the labour force had completed primary school (grade 6) or higher but the terrible depletion of educated people during the Pol Pot years could only be replenished slowly. As of 2004, only 4 percent of the labour force had upper secondary or postsecondary education. Despite the nearly equal number of male and female workers in the workforce, women were ill-equipped with low level of knowledge and skills which lead most of female workers to be self-employed or unpaid family workers in agriculture and the informal sector. This was a big concern for women since they could not contribute to socio-economic growth⁴⁹.

There is an urgent need for education at the primary and secondary levels and training in vocational skills, followed by employment opportunities in the labour market. Women have to equip themselves with the skills and knowledge to find their place along the professional structures and to engage with higher salaries.

Women's access to education faced a number of cultural and socio-economic constraints; there was still a gender gap obvious in education although the RGC devoted its efforts to equally provide education for all, and especially for girls and women. In general, more men than women had access to and benefitted from education, particularly in the higher levels of education. However, according to CamInfo 2006, the illiteracy rate of females aged 15 and above was 36 percent compared to 16 percent among males, and the survival rate from grade 1 to grade 9 decreased from 33 percent in 2002 to 29 percent in 2005 and continued to decrease to 27 percent in 2006; Cambodia had not yet reached the 52 percent target set by the Cambodia Millennium Development Goals. "The number of girls who dropped out of school increased from 21% in 2002 to 24% in 2005, and the number of boys increased from 17% to 21% at the same time period of time" (CSES, 2004).

Although the health status in Cambodia was improving, the prevalence and rate of the negative health indicators were still high in the region. Overall, life expectancy was increasing and extant estimates show, on average, that estimated female life expectancy was 64 and male life expectancy was 58. Men were twice as likely as women to suffer from injuries, accidents or physical impairment, but women had a very high risk of illness or death due to pregnancy and childbearing (MoWA, 2008). According to the CDHS published in 2005, maternal mortality rate

⁴⁹ Following the worldwide accepted definition of "economic contribution" that avoids taking into account women's work contributions in the private sphere.

was of 472 deaths per 1,000 live births. The maternal mortality remained unacceptably high and had not improved since 2000.

The data collected by the CDHS also showed a remarkable decline of over 30 percent in child mortality: in 2000, infant mortality was 95 and under-five mortality was 124 while in 2005 there were 66 infants death for every 1,000 live births and 83 under-five deaths for every 1,000 live births.

There has been a decline in the total fertility rate, from 4.0 births per woman in 2000 to 3.4 births per woman in 2005. Fertility continued to be lower in urban areas (2.8 births per woman) than in rural areas (3.5 births per woman). In addition, women with secondary or higher education had 1.7 children less than women with no education, while women living in the lowest wealth quintile had twice as many children as those living in the highest wealth quintile. This implies that education and wealth had an effect on fertility (CDHS, 2005).

In terms of HIV prevalence, Cambodia has had high rates in comparison to those in the region. The estimated HIV prevalence among the general adult population aged 15-49 years declined from a peak of 2 percent in 1998 to 0.9 percent in 2006 (MoH, 2007). The total number of people living with HIV (adults and children) in 2006 was 71,100 people. Females represented an increasing proportion of the number of people living with HIV: 38 percent and 52 percent of people living with HIV were female, in 1997 and 2006 respectively (National Aids Authority, 2007).

Moving to the field of domestic violence, it is found that among women aged 15 and over 22 percent of ever married women ever experienced violence, and 10 percent of women had experienced violence in the year before the survey. In 44 percent of cases, the husband has been the sole perpetrator of the violence: 14 percent of ever-married women reported that they have experienced physical or sexual violence by their husband and 19 percent of women reported that they have experienced emotional violence by their husband. Marital violence was especially high among women whose husbands were drunk very often; in addition to the many factors that comprise the violence spectrum, alcohol seems to be a strongly facilitator to the circle of domestic violence. Plus, victims and perpetrators of domestic violence were also more likely to have witnessed violence in the families when they were growing up. A significant number of respondents in a baseline survey of violence against women conducted by MoWA in 2005 reported that they had seen violent behaviour directed toward others in the families, both by their parents and their spouses: 25 percent of the men and 20 percent of women saw their father hit their mother. Furthermore, 21 percent of the men and 16percent of the women saw their spouse hit their children after a quarrel.

Among all women who reported ever experiencing physical and sexual violence, 31 percent have ever sought help. In half of these cases, women sought help from their families, which tried to push them to reconciliation with their partners and encouraged women to continue living with the perpetrators. The situation worsened when women keep the violence hidden or suffered in silence without seeking help.

In the context of women's representation in the political and decision-making sphere, in the third legislature of the National Assembly, the RGC had committed to increasing gender equality and there are resulting and progressive improvements apparent. The RGC had gradually reduced the gender gap, and enhanced women's role and empowerment in public representation and participation. However, according to the Human Development Report 2006, Cambodian Gender Development Index (GDI) is 0.578, which is among the lowest in Asia. In terms of Gender Empowerment Measure (GEM), Cambodia scored 0.373, which is also among

the lowest, because of limited representation of females in decision-making positions and professional occupations.

The International Parliamentary Union (IPU) (2007) affirms that the presence of females in the National Assembly and the Senate has increased: from 5.8 percent to 9.8 percent between 1993 and 2007 in the National Assembly, and from 13.1 percent to 14.8 percent between 1993 and 2007 in the Senate. The share of women in government positions has slowly increased: from 0 percent in 1993 to 7.4 percent for ministers in 1998 and continued to increase to 9 percent in 2007. The percentage of women in the position of Secretary of State increased too from 0 percent in 1993 to 5 percent in 1993 and to 8 percent in 2007. Further, there was a growth from 0 percent in 1993 to 3.7 percent of women's in the position of Under-Secretary of State in 1998, which has increased to 8 percent in 2007 (*Gender Statistics and Indicators in Cambodia, 2007*). Provincial Governors are the highest positions in terms of control and authority at local governance level but there were no women as Provincial Governors nor as Deputy Provincial Governors in 2007, and only 2.7 percent of Deputy District Governors were female (DOLA/MoI 2007⁵⁰). Women's voice at the Senate, the National Assembly and the Government (in central, provincial or district administrations) levels was still very low; there was the critical need to empower women through capacity-building and to give women the opportunities to reach higher positions since they have enough ability to share power.

5.2 Legal changes introduced during this period

5.2.1 Law on the Prevention of Domestic Violence and the Protection of Victims

The Law on the Prevention of Domestic Violence and the Protection of Victims was passed by the National Assembly and approved by the Senate in 2005. In accordance with Article 45 of the Constitution, this Law aims to prevent domestic violence, protect the victims and strengthen the culture of non-violence and the harmony within the households in society⁵¹.

Article 20: The protection order has the power to impose orders on the perpetrators, authorities in charge and the persons involved in this case. This protection order is the civil measures. The protection order can point at all subjects, status, activities or behaviors, as imposing to do something or prohibiting from doing something related to the requirement to protect the victims or any individuals who receive the threats of domestic violence. The protection order can be: (1) Influential for a while; (2) Temporarily influential in accordance with the provisions as stated in Article 23 of this law. The judges in charge have the rights to issue a new protection order in accordance with the concrete situation or any order in an appropriate manner.

The legal document lays out the scope of its implementation, the authorities responsible for its implementation and procedures of intervention in case domestic violence occurs, authorities in charge of prevention of domestic violence and protection of victims, authorities of the court, educating and disseminating this law to make citizens throughout the country aware of the provisions in this Law, and penalties.

⁵⁰ as cited in "A Fair Share for Women 2008.

⁵¹ **Article 45:** All forms of discrimination against women shall be abolished. The exploitation of women in employment shall be prohibited. Men and women are equal in all fields especially with respect to marriage and family matters. Marriage shall be conducted according to conditions determined by law based on the principle of mutual consent between one husband and one wife.

One positive point of this Law is that it provides clearer definitions than other policies or laws (this doesn't necessarily mean that the definitions stated in here are clear enough).

A clear definition of domestic violence⁵² would establish the continuity of the acts of violence from one individual to another; this is a point that needs to be added to the definition included in the present Law. It cannot be forgotten that domestic violence is not an isolated act of violence but a combination of aggressions that take place frequently.

Article 26: For the offences that are the mental/ psychological or economic affected violent acts and minor misdemeanors, or petty crimes, reconciliation or mediation can be conducted with the agreement from both parties. The household members can choose any way by requesting parents, relatives, Buddhist monks, elders, village chiefs, and commune councilors to act as the arbitrators to solve the problems in order to preserve the harmony within the household in line with the nation's good custom and tradition in accordance with Article 45 of the Constitution of the Kingdom of Cambodia.

Violence is also related to isolation, as this is one of the factors that perpetuate it; the perpetrator pushes the other person to break his/her intimate relations with others (family, friends, neighbors...). This issue may be of special relevance to Cambodia, as the traditional culture encourages keeping family matters within family and women

Article 31: The victims and the perpetrators have the rights to have legal representation or have the rights to choose a representative whom they have faith in at all stages of the proceedings.

and youth are socialised to not "blame" their husbands or their elders. This Law does not promote the creation of networks of support for victims; it doesn't give this factor the importance it deserves nor does it consider "social isolation" a form of violence.

In addition, following CAMBOW's analysis on laws, the issue of "marital rape" is not correctly specified in the legal measure. As the CAMBOW committee points out, rape by a partner is still not considered violence and it is not seen as rape but as sex by the general society and by the legal bodies and authorities who are in charge of supporting victims and prosecuting crimes (CAMBOW, 2007).

Furthermore, the passage of this Law indicates a change in the perception of domestic violence from a private to a public problem which means that this Law is being implemented to force the recognition of domestic violence as a public issue. Despite this, Cambodian society yet perceives it as a private matter. The Law does not set any measure to raise awareness among the general population about domestic violence, nor to spread information about what it is. Given its framework, it seems improbable for society to be sensitised to the extent of domestic violence and its consequences.

Further, this Law does not appear to give any direct rights to the victims of domestic violence. Despite victims' rights being stated in Articles 20, 26 and 31, they are unclear and provide indirect rights to the victims in order protect themselves legally from further domestic violence.

Due to the high costs of legal procedures and the long time that resolutions take, many victims avoid legal proceedings to denounce and put end to the violence. In order to give real value to

⁵² The following Articles define "domestic violence" in this law: **Article 2:** domestic violence is referred to the violence that happens and could happen towards (1) Husband or wife; (2) Dependent children; and (3) Persons living under the roof of the house and who are dependent of the households. **Article 3:** Domestic violence is required to be prevented in time effectively and efficiently and that it is required to take the most appropriate measures in order to protect the victims or the persons who could be vulnerable. Violence includes: Acts affecting life; Acts affecting physical integrity; Tortures or cruel acts; and Sexual aggression.

this matter, the law should settle an especial via for victims to access the legal system without any economic charge and with guarantees of protection of their integrity and their dignity.

Women are also disadvantaged in traditional method of solving domestic violence issues through mediation and arbitration. Victims seem to be in a higher position of vulnerability, especially women and children, since they are usually pushed by their families and the members of their community to restore "harmony", generally by reconciling with the violence or the perpetrator (CAMBOW, 2007).

In the Chapter 7, the Law states the penalties for perpetrators of domestic violence. However, it does not appear to give any direct penalties to perpetrators in accordance with the types of domestic violence stated in Articles 4, 5, 6 and 7. This makes the Law incomplete and lacking a real base for its implementation. Further, the Law establishes some temporal civil penalties (such as restraining orders) that are not effective in eradicating or preventing the problem.

Apart from this, this Law does not include real measures to protect and to support victims of domestic violence. There is no inclusion of a set of services (legal, medical, psychological or economic) that genuinely allows victims to escape the circle of violence.

Domestic violence is a difficult problem to address due to the roles of women and men in the Cambodian context and the lack of enforcement of the existing domestic violence Law. Domestic violence is a culturally sensitive issue and there is a social belief that perpetuates the view of domestic violence as a problem that must be kept as a private family matter rather than as a public social problem. This Law does give a clear definition of domestic violence. Yet, however beneficial its definition is and however clear its guidelines are, this Law will never be effective unless it is implemented and enforced by the Cambodian Government.

That said, it is necessary to qualify it by adding that, in our opinion, the present Law on domestic violence also fails by not considering the sex/gender system as a key axis in aggressions; it presents an ill-understood interpretation of the differences between "domestic violence", "gender-based violence in the domestic ambit" and "gender-based violence" in general.

5.2.2 Law on Monogamy

The Monogamy Law (2006) constitutes an enforcement of the Law on Marriage and Family (1989). The law sets the definition of terms and punishments for cases of bigamy, adultery and incest. It further defines the guilty and outlines the penalties of committing the crime.

The legal document sets the definition of terms of monogamy, adultery and incest, but incomplete definitions remain regarding the terms "accomplice" and 'adultery', as doubts can rise from the reading and analysis of the text.

Article 3: Monogamy is a marriage in which one man has only one wife and one woman has only one husband. Marriage is a solemn contract by which one man and one woman establish a union that is sanctioned by law and may not be broken only at their wishes.

The marriage shall be dissolved if:

- A spouse is dead
- A court has made a final decision for divorce
- A spouse has been missing for more than one year without any news about him/her whether he/she is still alive or dead

In addition to the definition of monogamous marriage, the legal text establishes the circumstances under which marriage can be considered as dissolved, but misses the opportunity to include the dissolution of marriage in case of violence, despite the fact that the Law on the

Prevention of Domestic Violence and the Protection of Victims was approved just one year before this one. Both fail at facilitating the end of marriage in cases of violence.

Punishments for bigamy, adultery, incest situations are also specified in this Law.

Its implementation, at least in cases of adultery, is almost nil as can be extracted from the cases of extramarital sexual intercourse that men commonly have in Cambodia, and which wives "tolerate" to different grades depending on the individual and on the kind of extra-marital relations that the husbands have. As shown in one of the reports by LICADHO, "in many instances extra-marital sex with prostitutes is accepted by wives and considered preferable to longer-term affairs that may endanger the marriage" (LICADHO, 2004).

Most Cambodian women are dependent on men, especially in terms of financial support for the family. In tandem, education and socialisation into the "naturalisation" of gender behaviours and "needs" are transmitted to women, which put them in positions of "understanding" the sexual needs of men as something natural and biological, instead of social. These, among other factors, may explain the high tolerance to the adultery of men, while social tolerance towards women may differ.

To some extent, men use their power as breadwinners in the family to discourage women from pursuing a case of adultery or to coerce them into withdrawing the charges in case of lawsuit, which provision is legally approved by the Article number 8 of the present Law.

Apart from this, there are other kinds of sexual acts/relations that can take place in circumstances difficult to avoid such as those involving violence, abuse, coercion and/or threats; there is no place in the Law for those situations which are not consented to, and in which the involved (victims) may be women, as they are in the majority of cases. The Law on Monogamy ensures that there is no gender bias in its wording; accordingly, men and women have an equal right to sue their unfaithful partners. However, this Law does not distinguish between voluntary and involuntary adultery. In the context of a patriarchal society like Cambodia, married women are also likely face the problem of forced sex with those not their legal partners. In this case, besides facing unwanted sex, married women may also face penalty for committing adultery.

Although the Law was created in an attempt to give equal rights to women and men to claim fidelity in marriage, the culture, social norms and power-based relations in the household remain limit women's agency to claim fidelity. The processes of the justice system in Cambodia also discourage women from suing their unfaithful partners.

5.2.3 Law on the Suppression of Human Trafficking and Sexual Exploitation

This Law is a revision and an extension of the previous one approved in 1996- the Law on Suppression of Kidnapping, Trafficking and Exploitation of human persons-, with the clear objective of the suppression of acts of human trafficking and sexual exploitation in order to protect the rights and dignity of human beings, and to implement the UN "Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime"⁵³. The revision also took into

53 Cambodia signed the "United Nations Convention against Transnational Organized Crime" in 2001, and ratified its adherence in 2005. The "Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime" was signed by Cambodia in 2001 and ratified in 2007. Further information can be found at <http://treaties.un.org>

account the suggestions of multinational organisations, as also the concluding comments of CEDAW, 2006⁵⁴.

Apart from the inclusion of penalties which will be commented upon later, this legal document differs from its predecessor on the reformulation of the definition of trafficking⁵⁵, taking into account multiple acts of trafficking-: unlawful removal with purpose of cross-border transfer, unlawful recruitment for exploitation, act of selling, buying or exchanging human beings, transportation, etc. It also provides definitions for confinement, prostitution and child protection, and pornography.

Article 8: Definition of Unlawful Removal. The act of unlawful removal in this law shall mean to:

1. remove a person from his/her current place of residence to a place under the actor's or a third person's control by means of force, threat, deception, abuse of power, or enticement, or
2. without legal authority or any other legal justification to do so, take a minor or a person under general custody or curatorship or legal custody away from the legal custody of the parents, care taker or guardian

In addition, and following international definitions, the age of eighteen is marked as the limit to consider differences in trafficking acts involving minors and adults.

Penalties and fines depend on the type of crime categorised within the list covered by this Law. However, despite the explicit consideration of legal punishments, it is worrying that in the first part of this legislation there is an Article that make us question the viability of the legal measures by establishing the possibility for the Court of pronouncing sentence with the final result of a fine. This measure may promote misunderstanding among the judiciary and allow perpetrators to evade imprisonment.

Article 9: Unlawful Removal, inter alia, of Minor. A person who unlawfully removes a minor or a person under general custody or curatorship or legal custody shall be punished with imprisonment for 2 to 5 years. The punishment for the offence stipulated in this article shall be remitted or mitigated when all of the following conditions are met:

1. the person taken under custody, being not less than fifteen (15) years of age, voluntarily gives genuine consent to the criminal act;
2. none of the means stipulated in subparagraph 1) of Article 8 of this law is used; and
3. the offender does not have any purpose to commit an offense.

The prosecution for the offence stipulated in this article may be commenced upon the filing of a complaint from the parent, custodian/care taker or lawful guardian concerned unless any of the means stipulated in subparagraph 1) of Article 8 of this law is used.

Gaps on the defense of other rights are also found in the text: as it can seen in Articles 9 and 10, some punishments can be remitted depending on the voluntary character of the trafficked. In case of voluntary trafficking, which the Act understands as smuggling and persons smuggled,

⁵⁴ "(...) and the revision of the 1996 Law on Suppression of Kidnapping, Trafficking/Sale and Exploitation of Human Persons to include sanctions against offenders and protection measures for victims." (CEDAW, 2006)

⁵⁵ According to article 3 (a) of the Protocol: "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (UNDOC 2000).

the migrants become vulnerable, as they can be, and generally are, victims of forced labour/acts/activities at or by the end of the process.

The law fails in determining how trafficked persons and smuggled migrants are identified according to those categories, nor does it distinguish between them. It should also include the protection of the basic rights of smuggled migrants and the prevention of the worst forms of exploitation which often accompany the smuggling process. Smuggled immigrants should have the right to be protected from violence as also those migrants who have been endangered by reason of having been smuggled. Smuggled immigrants generally also face the problem of having violated national immigration laws and here the rights of the smuggled should come under the purview of this Law, especially their rights to safety.

The Law on the suppression on human trafficking and sexual exploitation recommends greater cooperation from receiving countries of Cambodian immigrants by developing and signing the Memorandum of Understanding (MoU) and other bilateral cooperation mechanisms for the elimination of trafficking. It should be noted that Cambodia signed a MoU with Thailand in 2003. However, this Law should pay attention to supporting the returnees in their repatriation and reintegration, including by setting standards for and defining reintegration.

There have been a lot of improvements of this Law from 1996 to 2008. In particular, the Law now includes social remedy for contract for the act of selling, buying and exchanging of human beings, for sexual exploitation, for restitution of unjust enrichment and preference to confiscated property.

Despite all this, the Law remains incomplete due to the absence of measures to address victims' needs in terms of psychological, medical and financial support that can lead to their wellness and social reintegration. The importance of developing a system for social support stems from the vulnerability of victims who often find

themselves re-involved in networks and situations of trafficking and/or exploitation on repeated occasions. If poverty and the lack of other survival options are factors that increase vulnerability, victims of these circumstances may find themselves having to experience them more than once.

Further, the Law does not provide any support to those families that have contracted debts because of the migration processes, especially to those who were cheated, whether by individuals or networks.

Repatriation may put women (and men) who had lived under conditions of sexual exploitation (including in or through arranged marriages) at risk of social rejection, including rejection from

Article 10: Unlawful Removal with Purpose. A person who unlawfully removes another for the purpose of profit-making, sexual aggression, production of pornography, marriage against will of the victim, adoption or any form of exploitation shall be punished with imprisonment for 7 years to 15 years. The offence stipulated in this article shall be punished with imprisonment for 15 to 20 years when:

- the victim is a minor
- the offence is committed by a public official who abuses his/her authority over the victim,
- the offence is committed by an organized group.

The terms "any form of exploitation" in this Article and Article 12, 15, 17, and 19 of this law shall include the exploitation of the prostitution of others, pornography, commercial sex act, forced labor or services, slavery or practices similar to slavery, debt bondage, involuntary servitude, child labor or the removal of organs. The consent of the victim to any of the intended purpose set forth in paragraph 1 of this article shall be irrelevant where any of the means set forth in subparagraph 1) of Article 8 of this law is used. This shall apply to the offences stipulated in Article 15, 17, and 19 of this law as well.

their families. In fact, the law doesn't pay attention to circumstances which have particular impact and incidence due to the gendered nature of society.

5.3 Changes in the institutional machinery, policies and strategies

During this period the globally recognised policies seem to have contributed in aiding the government of Cambodia to begin to integrate gender principles among their various agendas and developmental plans.

The National Poverty Reduction Strategy (NPRS) (2003-2005) was established in 2002 and it is a product of a participatory process, through consultation and discussion, with all relevant stake holders including governmental institutions, executive and judiciary bodies, donors, NGOs, CSOs, academia/researchers, private sector, trade unions, the media and the poor. NSDP charted the framework with the aim of reducing poverty and inequality for a better quality of life and to engender greater equitability and participation in the benefits of economic growth.

Eight priority reduction actions are addressed in the NPRS including (1) maintaining macroeconomic stability, (2) improving rural livelihoods, (3) expanding job opportunities, (4) improving capabilities, (5) strengthening institutions and improving governance, (6) reducing vulnerability and strengthening social inclusion, (7) promoting gender equity, and, (8) priority focus on population. In the priority reduction action 7, that is, promoting gender equity, 4 strategic objectives were set out: actionable measures, estimated cost (source and period), indicators of progress/ targets, and responsible agencies.

In response to international standards and in keeping with Cambodia's adherence to the Millennium Development Goals (MDGs), in 2003 the RGC adapted and localised the eight universal aims of the MDGs to better suit the realities of the country, and included de-mining, elimination of explosive remnants of war (ERW) and assistance to victims. The Cambodian Millennium Development Goals (CMDGs) thus framed cover nine developmental goals⁵⁶.

Additionally, specific indicators have been identified for each CMDG including benchmarks and the short, medium and long term targets to be achieved by 2005, 2010, and 2015.

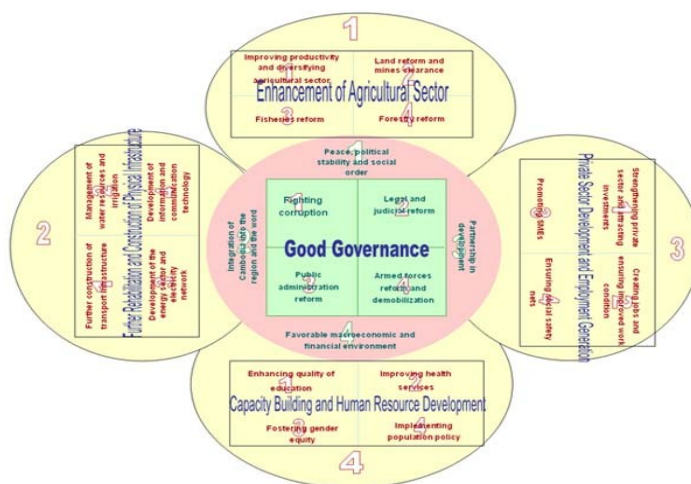
However, in the goal to promote gender equality and empowerment of women, the major challenges fall under social, economic and political/legal categories. The RGC, being fully committed to achieving the CMDGs, has proposed a number of activities to tackle the challenges to gender equality. These activities and policies have as their overall focus the reduction and elimination of gender disparities in upper secondary education and tertiary education, in wage employment in all economic sectors, in government and political representation, and, the prevention of domestic violence against women and children; besides, other gender aspects have been integrated in the rest of the CMDGs.

⁵⁶ In total, CMDGs covers 9 development goals, 25 overall targets, and 106 specific targets: (1) eradicate extreme poverty and hunger, (2) achieve universal nine-year basic education, (3) promote gender equality and empower women, (4) reduce child mortality, (5) improve maternal health, (6) combat HIV/AIDs, malaria and other diseases, (7) ensure environmental sustainability, (8) forge a global partnership for development, and (9) de-mining, UXO and victim assistance.

To conclude this introduction to the fundamental national policies for this period, we need to mention that, to achieve the political agenda⁵⁷, the RGC set out the “Rectangular Strategy for Growth, Employment, Equity and Efficiency”⁵⁸ (based on the achievements resulting from the Triangular Strategy conducted during the second legislature) in 2004 as a supporting tool to attain poverty reduction, development, progress, prosperity, national harmony and happiness of the Cambodian people.

The four rectangles of the Strategy are the: Enhancement of Agricultural Sector, Further Rehabilitation and Construction of Physical Infrastructure, Private Sector Growth and Employment, and, Capacity Building and Human Resource Development. However, in spite of including the need of mainstreaming gender as a basic route to progress, gender components are included only in Rectangle 4 (Capacity Building and Human Resource Development) which is composed of: (1) strengthening the quality of education, (2) ensuring enhanced health services, (3) implementation of gender policy, and (4) implementation of population management policy.

The inclusion of “gender mainstreaming” in the general policy shows the Government’s good intentions for strengthening the inclusion of gender precepts among the tools for governance; nevertheless, its limiting the mainstreaming of the gender perspective to Neary Rattanak (I) makes us reflect upon its real implementation and understanding of gender policies. There is a lack of other references, extensions or guidelines and strategies to mainstream gender. From one point of view this is a weakness, as it can be interpreted as absence of interest or knowledge about gender issues by the Government, but on the other it can be considered a step forward in this field, as it points to the national strategic plan (NR) as the center of reference for any law, policy and strategic plan.



From our point of view, the way in which the issue of gender has been included in this Strategy doesn’t follow the “rules” of mainstreaming. In Nakagawa Kasumi’s opinion, the Rectangular Strategy has some positive aspects: it recognises the need (and right) of promoting equal access to health care for women, it presents some measures to enhance female presence in all levels of the educational system and promotes the increased presence of women in decision-making positions. It also recognises in an explicit way the importance of gender mainstreaming. (Kasumi, 2010)

Turning to the institutional framework during this stage, in 2004, thanks to the implementation of policies which promoted the inclusion of gender issues within all the governmental structures,

57 The political agenda of the Royal Government in the third legislature of the National Assembly are the: (a) promotion of economic growth; (b) generation of employment for all Cambodian workers; (c) implementation of the Governance Action Plan and thereby ensuring equity, social justice and enhanced efficiency and affectivity of the Royal Government; and, (d) accelerated implementation of broad reforms in all sectors to reduce poverty and achieve sustainable development.

58 The Rectangular Strategy selects key elements from Cambodia’s Millennium Development Goals, Cambodia’s Socio-Economic Development Plan 2001-2005 (SEDP2), the National Poverty Reduction Strategy 2003-2005 (NPRS), and various policies, strategies, plans and other important reform programmes.

an inter-institutional Technical Working Group on Gender (TWG-G) was established with the aim of promoting a more streamlined approach to sector-level planning and implementation (Urashima, 2007). One year later, this technical group would play a fundamental role in supporting the MoWVA on its proposition to all ministries of creating their own internal working groups on gender issues. The creation of this institutional framework meant the replacement of the previous system (the gender focal points) for these new intra-institutional groups.

As a result of the Government's multi-pronged thrusts towards gender equity and the sustained promotion of policies to mainstream gender⁵⁹, this period saw the creation of other types of frameworks for gender equity: Gender Mainstreaming Action Groups (GMAGs) and Gender Mainstreaming Action Plans (GMAGPs). These tools are considered crucial in Cambodian national gender mainstreaming mechanisms⁶⁰; they were established to promote and support the integration of gender into mainstream policies and programmes to achieve gender equality in Line Ministries.

5.3.1 Neary Rattanak II

The Neary Rattanak II (2005-2009) constitutes the continuation of the first national gender plan and showed considerable technical improvements in comparison to the previous edition.

Programmes and goals, Neary Rattanak II

Program 1: Strategic management

- To contribute to good governance and administrative reform by rationalizing the institutional structure to meet the emerging priorities of the Ministry and the RGC and ensure efficient and effective management of human and financial resources and administrative responsibilities.

Program 2: Gender Mainstreaming and Decision Making

- To work with line ministries, provincial departments, commune councilors, Village Development Committees and NGOs to mainstream gender into national and local policies and programmes to increase the numbers of women in decision and policy making and support the coordination of all gender work of the RGC and donors.

Program 3: Economic Empowerment for Women

- To contribute to poverty reduction through the economic empowerment of women, especially poor and disabled women and young women who are unemployed.

Program 4: Legal protection of Women and Girls

- To ensure that women and girls gain equal access to legal protection, women's rights are taken into consideration in the preparation, and implementation of laws and legal training, public awareness is developed and provision of care and rehabilitation is made for victims.

Program 5: Health of Women, Youth and Children

- To ensure that women and girls exercise their rights to access primary health care, use HIV/AIDS prevention methods, and improve their well being especially reproductive health and their nutritional status.

Program 6: Education of Women and Girls

- To promote and in some cases make provision on for increased participation of girls in formal education and women in literacy and skills development programmes.

⁵⁹ The process of gender-mainstreaming in the national policy-making process was outlined in several documents such as the Neary Rattanak (I, II, and III), Socio Economic Development Plan (SEDP) 2001-2005, the Government Action Plan (GAP) 2001, the National Poverty Reduction Strategy (NPRS) 2002, Cambodia Millennium Development Goals (CMDGs) 2003, the Rectangular Strategy 2004, the National Population Policy 2004, the Medium Term Expenditure Framework (MTEF) 2004, and the National Strategic Development Plan (NSDP) 2006-2010.

⁶⁰ among others such as the Ministry of Women's Affairs (MoWA), the Cambodian National Council for Women (CNCW), Technical Working Groups on Gender (TWG-G), the Women's and Children's Consultative Committees (WCCC) and the Commune Women and Children's Committees (CWCC).

The overall objective of the plan, as well as the main principle, was that *women and girls enjoy equal access to services and control of resources, with equal opportunity to take part fully in national life and enjoy protection against all forms of discrimination.*, and, according to this it focused its attention on the next priority areas: poverty reduction and income generation; the education of women and girls; gender issues in health, nutrition and HIV/AIDS; violence against women and gender-responsive legal reform; women's role in decision-making; and, mainstreaming gender in policy-making.

The difference between this plan and the previous one (NR1) lay in its global character: the NRII was to be the general gender strategy but it was centered on some specific themes to avoid the doubling of interventions by different agencies. Thus, the national strategic plan on gender moved from being the main reference to become a complementary plan to cover those areas unattended to by other agencies. Its measures were qualified by Rectangular Strategy.

Some aspects to be highlighted in the elaboration and implementation of the Neary Rattanak II are those regarding educational issues, as it sought to cover equal access to education and to promote the continuation of girls within the educational system. These measures were supported by the promotion of "Education for All" under the Rectangular Strategy. Regrettably, the budget assigned to the NRII by the Government for achieving its goals was insufficient.

The strategy developed by MoWA for this period leaves some fields uncovered and unprotected; according to the reading of Rectangular Strategy and Neary Rattanak II, which are complementary to each other, the gender national strategy doesn't pay attention to land and ownership matters. This is especially problematic due to high percentage of population living off agriculture in Cambodia. The absence of a reference or measure in the NRII leaves women without protection and vulnerable, especially as a consequence of inadequacies in the Land Law and the reality of expropriation and buying of lands by companies all over the country.

Land is related to two rights: ownership/property and employment. The absence of programmes or activities in this area in the Neary Rattanak II points to its lack of analysis of the link between gender and the economy and employment. This lack of attention in itself constitutes a barrier for women in the contexts of equal access to natural and economical resources, all of which, in turn, directly affects women's status.

The Plan does focus part of its contents on the economic development of women. It prioritises and intensifies the promotion of medium and small companies/businesses, through the promotion of networks and the proposed development of better services for accessing financial support.

Apart from this, the Plan includes measures for women under different situations/realities; this "new" conception of women is as a non-homogeneous "group". This newer understanding is a great advancement, allowing for greater attention to be paid to different situations and to design and implement measures adapted enough to suit localised contexts. In spite of this recognition of diversity, we can find a gap in the attention paid to the economic empowerment of ethnic minority women; there is no measure/activity for their development in the economic field, as remarked by the CEDAW's Shadow report of 2005.

A positive change is made in the health sector as NRII considers the importance of contraceptive methods for the population and integrates men as a target group. Access to, and use of, contraceptives is basic in the reduction/elimination of sexually transmitted diseases, and the increase and prevalence HIV/AIDS cases is alarming in Cambodia, as it remains one of the major causes of mortality.

Through this text, MoWA constitutes itself as an active part of the lobby to promote gender-equity through change in the legal field. However, if we turn our eyes to the past, we realise that this same duty has been included in the Ministry's remit since its inception. The approbation of some laws that we have already analysed in the sections above is a clear achievement of the plans specified in the NRII (f.e. the Law on domestic violence and Law on trafficking and sexual exploitation, among other legal texts that were proposed to be developed along the strategic plan^{61 62}).

5.3.2 National Population Policy of Cambodia

This Policy was designed in 2003 based on the Programme of Action of the International Conference on Population and Development of 1994, and taking other initiatives such as the SEDP II (2001-2005), the NPRS (2003-2005) and the MDGs as its general framework. The overall goal pursued is to align demographic challenges towards poverty alleviation and socio-economic wellness standard levels.

Objectives

- I. To support couples and individuals to decide freely and responsibly on the number and spacing of their children, and to have access to the information, education, services and means to do so.
- II. To reduce infant, child and maternal morbidity and mortality rates.
- III. To reduce the potential negative impact of rural-urban migration.
- IV. To promote gender equality and equity and enhance human resource development.
- V. To alleviate the impact of population pressure on the environment and natural resources.
- VI. To further strengthen the reversal of the spread of HIV/AIDS.
- VII. To integrate population variables into social and economic policies, plans and programmes at all levels.

From a general point of view, the Policy seems to be well-structured and touches on the main axis of action regarding the population issue: health, birth control, migration, social exclusion and human and natural resources. Even though claiming to bring all these topics to the political agenda, the Policy fails at in-depth detailing of what is needed to be done in each of them; this way, the lines of action are reduced to their explanation, and depend upon future or parallel action plans.

Where the Policy gains is in its perceiving population issues as a cross theme, and consequently, the Policy directs the inclusion of this perspective in almost all the institutions and agencies composing the Government; it also includes civil society and the international community as valid and necessary actors for development.

Here, it is pertinent to mention that the MoWVA is among the essential institutions to develop and implement the present policy. In this respect, if we turn back to the contents of the NRII, we realise that some of the objectives of the Population Policy are present in the gender national plan too⁶³; for example, MoWVA is in charge of dissemination of information on family-planning and male responsibility in/towards it, and, as a support to MOEYS, on working towards

⁶¹ And they can be found on the Rectangular Strategy and the CMDG too.

⁶² Other goals achieved by the plan are the design and agreement of an MOU with Thailand and the ratification of the UN Anti-trafficking protocol by Cambodia.

⁶³Objective 5 of NRII and Objective 1 of NPP

the inclusion of the gender perspective in formal curriculum (within the Objective 6 of NRII and Objective 4 of NPP).

It can be observed that some sub-objectives are not so well-defined and are so broad - in the mixing of several topics- that they are unattainable in their current form. Besides these technical and conceptual faults, we can find in the text that to some extent "women" are approached as a social group - this misconception of the gender approach is present in other analysed documents.

5.3.3 National Policy and Strategies for prevention and care on sexually transmitted and reproductive tract infections

The basis of this initiative covering the years from 2006 to 2010 can be found in the "National policy and strategies of sexually transmitted infection (STIs) prevention and control in Cambodia" which was elaborated in 1999; in fact, the current policy and strategies are designed following the results aimed at by the preceding political document.

Policies
1. Multi-sectoral responses to sexual transmitted and reproductive tract infections (STI/RTIs)
2. Integration (or linked response) of STI/RTI prevention and care into reproductive health services, birth spacing/family planning and maternal newborn health
3. Human, material and financial resources
4. Promotion on health education
5. STI/RTI prevention and care services
6. STI/RTI prevention and care services of non-governmental organizations (NGOs) and the private sector
7. STI/RTI monitoring and research
8. STI/RTI prevention and care for vulnerable population that are considered as main priorities

The overall goal of this Policy is to attain universal access to HIV prevention, care and treatment for all the population in 2010. Taking this into account and according to the measures developed earlier by the MoH, this Policy fundamentally aims: to promote active participation of other entities, to mobilise economic resources, to generate non-stigmatising, non-discriminatory and gender-sensitive policies and initiatives, and, to strengthen the capabilities of partners and networks involved in combating sexually transmitted and reproductive tract infections (STI/RTIs).

The National Policy and Strategies for STI/RTIs (2006-2010) conceives the gender aspect as a necessary inclusion in all policies and measures with reference to sexual health; however, the perspective does include with some discrepancies, as will be seen later.

Focusing our attention on the lines for action designed for each policy in the document, it is remarkable in that it instigated the integration of reproductive health, birth-spacing/family-planning and maternal and newborn health into the curriculum for degrees on medicine and nursing. In this same field, the Policy proposes to work on increasing the capabilities of professionals in health services, and also on providing medicines, equipment, etc to health centers.

In the Policy's activities and strategies, one point apparently left uncovered is education on sexuality; even as the Policy takes into account the spread of information and education on illness as linked to risky sexual behaviour, the education on sexuality and sexuality-informed behaviour is neither addressed nor named. Sexually transmitted diseases cannot be taken out of the general framework of sexuality/sex education and gendered power relations. Further, no line of action focuses on empowering specific risk groups on the use of anti-STIs methods in

their sexual encounters. It is a reality that some people (especially those who recognise themselves as inferiors in the framework of unequal power relationships) do know the effects on their health in the contexts of risky sexual acts, but they don't feel strong enough to, for example, demand or negotiate from their sexual partner the use of condoms.

Yet further, the political document only refers to those considered risk groups and only towards the end of the Policy. Even as it remains unclear whether the Policy includes lesbians in the term 'homosexual', transsexual and transgender persons are left out from groups targeted for interventions.

5.3.4 Gender Mainstreaming Programme in Line Ministries

Gender Mainstreaming Actions Groups (GMAGs) that have been created since 2005 have gradually become mechanisms to institutionalise gender mainstreaming in the Ministries, and helped develop optimum ways to design and monitor strategies and plans for the integration of gender-sensitive measures into each sector. The creation of GMAGs responds to NRII'S aim of the implementation of mainstreaming gender issues. In this respect, GMAGs are constituted as the mechanisms in charge of designing specific plans called "Gender Mainstreaming Actions Plans" (GMAPs) which have the function of integrating gender issues within the structures and the work undertaken by every Ministry.

To prepare the GMAPs, the GMAGs also need to collaborate with the MoWA, the RGC, and other national and international development partners, especially on matters of technical and financial support. The MoWA has actively engaged with senior policy-makers and cultivated high-level support to raise the profile of gender equality as a national priority, making it the responsibility of Line Ministries to promote gender equality and empower women. In particular, the MoWA's role is to provide technical support to every Ministry in the preparation of the GMAPs.

Prior to the creation of the GMAGs, advocacy for gender-responsive action within Line Ministries had been limited to designing two gender focal points in each of the ten Ministries. By March 2007, the GMAGs had been established in 21 of 26 Line Ministries and in the Council of Ministers and the State Secretariat for Civil Service; Gender Mainstreaming Action Plans (GMAPs) had been prepared and adopted by 9 Ministries (Urashima, 2007). By mid-2008, 25 ministries and institutions had established their Gender Mainstreaming Action Groups, twelve Ministries⁶⁴, had developed their GMAP, and four Ministries had started the implementation of their plans (MLVT, 2008). By the mid-2011, GMAGs had been established in all Line Ministries but only 19 GMAPs had been prepared in those Ministries. Moreover, 12 GMAPs were to have been implemented at the end of 2010. Yet, the monitoring and evaluation reports had not been prepared and disseminated publicly. Consequently, evaluating the implementation, effectiveness and impact of the GMAPs has not been possible; there is no real data on the actions and activities have taken place. There has been no reason offered on why those monitoring and evaluation reports have not yet been done.

⁶⁴ Ministries of Agriculture Forestry and Fisheries (MAFF), Education, Youth and Sports (MoYES), Health (MoH), Information (MoI), Rural Development (MRD), Industry, Mines and Energy (MIME), Commerce (MoC), State Secretariat for Civil Services (SSCS), Water Resource and Meteorology (MoWRM), Department of Local Administration (DoLA) of Ministry of Interior (MoI), Ministry of Land Management, Urbanisation and Construction (MLMUC), and Ministry of Tourism (MoT).

Guidelines for Gender Mainstreaming Action Groups (GMAG) in Line Ministries

1. ToR of GMAGs:

- Conduct a review of sectoral activities and analyze their differential impacts on men and women.
- Review the current situation of female staff in their Ministry and make recommendations to promote women into decision-making positions.
- Draft policies/strategies/action plan on gender mainstreaming for their ministry.
- Send a representative to sectoral TWGs to advocate for a gender perspective and to be a member of the TWG-G.
- Promote awareness and advocate for gender responsive activities in their Ministry.
- Mobilize resources for gender mainstreaming, including financial support.

2. Membership of GMAGs:

Leader: Secretary of State (ideally the official assigned as a member of CNCW)

Deputy: Director General/Deputy Director General

Member: One person each from every department with technical expertise in their area of responsibility

As a group, the GMAG should have:

- A balance of male and female members
- Knowledge, capacity and expertise in the technical aspects of the public services provided by the Ministry (should focus on core functions and services within the mandate of the Ministry which are particularly important to women)
- Commitment to increasing gender equity in the Ministry's policies, programs, operations and management
- Understanding of basic gender concepts
- In a position to influence and advocate for gender mainstreaming
- Program development and planning skills
- Capacity as an advocate for gender mainstreaming in the Ministry's policies, programs and practices
- Inclusion of current gender focal points and staff who are currently involved in gender mainstreaming activities is desirable

Note: It is not necessary for each member to have all these characteristics. However, all of these skills and characteristics are needed within the group.

Among the number of GMAGs in Line Ministries, we have selected those in education, health and agriculture sectors to be analysed in the present report, because they respond to the priority lines marked by the RGC, i.e. to introduce changes in these essential areas to promote women empowerment and the elimination of gender-based inequalities.

5.3.4.1 GMAG in Education

In 2006, the MoEYS evaluated their activities and their achievements in increasing girls' presence in education and in the promotion of gender equality in schools. The MoEYS had facilitated the enrollment of females in primary schools as well as created the basic long-term strategy to retain females in the education system. With collaboration between UNICEF and the GMAG of the MoEYS, the gender mainstreaming strategic plan in education sector (2006-2010) was prepared in 2007.

The plan was to be integrated systematically and cover all areas of the Education Strategic Plan and Education Support Program; thus, its major objective was to ensure equality and full

enrollment of girls in order to achieve basic education with good quality as stated in the Goal 5 of Education for All⁶⁵, and to, as stated in its next two sub-objectives:

- Increase women's participation in the management and delivery of education services at every level.
- Facilitate the establishment of positive behaviour toward women in society, enhance the value of girls' education and promote equality between women and men in Cambodian society, particularly among the leaders in community.

The strategic plan was prepared in accordance with the Convention on the Rights of the Child, Dakar Framework for Action, Education For All, the Beijing Platform for Action (BfPA) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The plan supported the Education Strategic Plan in reaching the goals of Education for All and to help the Cambodian Millennium Development Goals as well as Millennium Development Goals fulfill their goals by 2015⁶⁶, including ensuring that all children are able to complete a full course of basic schooling and eliminating gender disparities in social, political and economic spheres of life. It is a challenge to ensure equality in school enrollment and retention, and the plan seems quite balanced and with no gender discrimination as it pays equal attention to females and males and strategies to eliminate the gender gap in the educational sphere.

There are two specific strategies included in this strategic plan. The first strategy clearly outlines women education staff, women students, and public people as the target groups. It encourages women to attain management positions and to become the policy and decision-makers, while helping increase the number of women teachers, particularly in the rural areas. This strategy helps improve social perception and attitude toward girls' education and help achieve gender equality in this sector.

The second strategy encourages the presence of parents and community leaders and promotes their involvement in the enhancing of gender equality in the education sector. However, it is a challenge to implement the activities designed to change the perception of people in the community on girls' education. Activities in the action plan and indicators need to be improved and be made more concrete since a survey to analyse the change in people's behaviour in a community is difficult to conduct and find the reality and validity.

The matrix of its action plan covers several elements including outputs, indicators, the starting points 2005, targets 2010, means of verification and activities. However, an important component missed is the estimated budget⁶⁷ to implement each activity. All the resources and needs (and budget is one of them) have to be estimated and prepared before designing the action plan. Without a budget, the activities cannot be implemented.

65 Goal 5 of Education for All: Eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality.

66 - Goal 2 of Millennium Development Goals (MDGs): Achieve universal primary education. By 2015, all children can complete a full course of primary schooling, girls and boys
- Goal 2 of Cambodian Millennium Development Goals (CMDGs): Achieve universal nine-year basic education. It aims at making sure that all children are able to complete a full course of basic schooling.

67 A budget is a document that translates plans into money - money that will need to be spent to get your planned activities done (expenditure) and money that will need to be generated to cover the costs of getting the work done (income). It is an estimate, or informed guess, about what you will need in monetary terms to do your work (*Janet Shapiro, CIVICUS*).

To make this gender mainstreaming strategic plan more effective and concrete, the strategies produced in this gender mainstreaming should be reviewed and improved. Further, the wording of the strategies is similar to those of the objectives. This strategic plan has not designed approaches to improve capacity-building of the education staff (particularly for women), to change people's attitudes on gender discrimination, or to monitor and evaluate the project's implementation; however, some activities related to these have been included in the key activities of the matrix of this action plan.

In the action plan, the activity indicators are very important tools to gauge the achievement of activities and objectives. According to the matrix of this plan, the number of indicators to measure the result of activities implemented, the starting point of each indicator in 2005, the target 2010 of each indicator and the means of verification have not been constructed in order to understand which one is correspond and match to each other; it is complicated and should be re-developed to be well organised.

The most important challenges that the Gender Mainstreaming Strategic Plan in Education Sector (2006-2010) faces are linked to the possible changes in policy priorities as a consequence of current legislature nearing its term's end, and, the strong dependence on external sources of funding.

5.3.4.2 GMAP in Agriculture

The Ministry of Agriculture, Forestry and Fisheries (MAFF) created a Gender Unit in 2003 pushed by the general mandate of gender mainstreaming in all its ambits; -with this action the Ministry recognised the importance of integrating gender issues in its sectors.

A point to note in the creation of the Gender Unit by the MAFF, especially in comparison to initiatives taken by other Governmental institutions towards gender quality, is that it established and managed the Gender Unit using its own budget (Oxfam, 2010).

Statement of Policy: *“Enhancement of gender equality in the agriculture sector through active cooperation of both women and men for the opportunity to contribute and benefit equally from the activities of all sub-sectors in the agriculture sector (with reference to the Rectangular Strategy of RGC)” (MAFF, 2006)*

With a strong commitment to implementing the National Poverty Reduction Strategies (NPRS) (2003-2005), the SEDP I and II, the CMDGs and the Rectangular Strategy (2004), the MAFF prepared the Policy and Strategy on Gender Mainstreaming in Agriculture in 2006, in close cooperation with the MoWA and with extensive consultations with stakeholders at national and provincial levels.

The Policy and Strategy on Gender Mainstreaming in Agriculture is guided by its four objectives, which were designed to be achieved by 2010 in order to address poverty reduction and gender equality:

- a. Increase the gender awareness of Ministry staff in the MAFF at every level of the agriculture sector.
- b. Integration of gender analysis and sex-disaggregated targets and data into the planning of the agriculture sector.
- c. Increase the authoritative possibilities and number of women that have the adequate attributes necessary for leadership positions in the MAFF.

- d. Increase the ability of rural women to access and manage resources and agricultural services.

According to the four specific objectives above, the activities focussed on awareness-raising on gender for the MAFF's staff, encouraged women to achieve leadership positions, and increasing women's ability to access agricultural services and resources.

Objective 1 aims to raise gender awareness through trainings and workshops with the MAFF's officials, which is the main target group. In addition, gender knowledge is a subject included in the curriculum among the Institutions and Universities that provide agricultural education.

Regarding Objective 2, sex-disaggregated data is very important for policy makers and planners to implement

gender analysis, to create sex-disaggregated targets and to utilise such data into planning, projects and programmes; such data is the basis upon which gender-sensitised planners respond to gender needs in reality. The activities implemented to achieve the objective 2 are reachable: to gather sex-disaggregated data, monitor and evaluate their projects and plans, and put those data into the project and plans; however, it is found that some activities are repeated.

Objective 3 urges the MAFF to consider and reform the procedures for the recruitment of women staff, increase the number of women staff, develop the capacity for women staff to compete on equal ground with men and hold leadership positions. This specific objective is in relation to Strategic Area 5 of Neary Rattanak III on women in public decision-making and politics⁶⁸.

The main target group of the Objective 4 is the people in the community, particularly women. The activities implemented focus on improving the opportunities for women to access resources and other extension services (such as social land concession, and credit services). Beside this, the MAFF aims to increase the awareness of poor/female-headed household of various

Objective 3: Increase in the authoritative possibilities and number of women who have adequate attributes necessary for leadership positions in the MAFF.

Outputs

1. Facilitating and advocating the recruitment of more women in MAFF.
2. Provision of at least equal opportunities between women and men in promotion.
3. Facilitating the preparation of job description /Terms of Reference (ToR) reflecting a gender concern.
4. Facilitating the increased participation of women in management training.
5. Facilitating the increased participation of women in technical training.

Indicators

- Percentage of recruited women increased in MAFF year by year.
- At least gender balance representation in the promotion process by 2007).
- Percentage of women promoted into management increased in MAFF year by year.
- Job description of MAFF staff in-line with gender policy by 2008.
- Percentage of women participating in management increased by 2006.
- 38 women in advanced studies (20 in B.Sc., 15 in M.Sc. and 3 in Ph.D.) by 2010.

⁶⁸ The objective of strategic area 5 is to develop and implement measures for equal representation of women in politics and public decision-making, and to develop the skills and confidence of women to take on decision-making at all levels of governance.

programmes concerning food security, and, to enhance the capacity of women to participate in private sectors and village/community groups.

However, we can see that some indicators produced to evaluate the achievement of activities are not reliable, reachable or well-defined. Apart from this, the matrix of the action plan seems to be quite complete by including elements of description (including goal, objectives, outputs and activities), objectively verifiable indicators (including schedule of activities), means of verification, and assumptions/risks. Yet, resources, including implementors (human resource), and estimated budget (for implementing each activity) are unmentioned in it; these are elements that play an essential role in making an action plan implementable.

Although the matrix of this action plan is not perfect, it helps build gender equality step by step in the agriculture sector as its implementation is practical and achievable. However, of concern is the point that the monitoring and evaluation report on this policy and strategy on gender mainstreaming in agriculture has not been produced. So, there is method needed to measure the level of effectiveness and achievement of the implementation.

5.3.4.3 GMAP in Health

The GMAG of the Ministry of Health was established in 2005 to improve the gender equality within the institution. However, its membership body was renewed and re-structured in 2006 to make it more effective and to push activities that mainstream gender in the health sector.

In the first stage, and with technical support from the MoWA and the UNDP, the MoH prepared the Gender Mainstreaming Action Plan in Health sector (2005) aiming to reduce the gender gap between men and women, and to enhance human rights as well as to reduce poverty in Cambodia.

Gender mainstreaming in the health sector is fundamental to improving the gender status in Cambodia through increasing women's opportunities of equal access to health services. To achieve this, the Ministry has set up five specific strategies:

1. Increase the gender awareness in health sector at every level.
2. Ensure that the Annual Operation Plan of the MoH and all health programmes at every level and the NSDP 2006-2010 respond to gender.
3. Improve the knowledge, skills, capacity and confidence of women staff through providing them with more opportunities to participate in training activities in the country and overseas.
4. Provide opportunities, encouragement and good conditions to women staff to achieve and hold decision-making positions; aim to reduce the gaps between women and men staff of the MoH in decision-making capacities.
5. Monitor and evaluate all programmes and activities of the MoH in order to ensure that its programmes and activities respond to gender needs.

Broadly speaking, all the strategies composing the plan are well-connected to each other. They all show a willingness to improve the status of women Ministerial staff: firstly, female staff is encouraged and afforded the opportunity to hold decision-making positions, and, through this, MoH clearly intends to build gender-parity by helping women achieve the criteria for accessing high-level positions within the institutional structure of the Ministry.

Activities in Strategy 1 are very important to raise the gender awareness of both MoH staff and university students who study in the health field. Meanwhile, Strategy 2 will persuade them to conduct extensive research in health sector and gather data, particularly sex-disaggregated data.

Furthermore, in this GMAP the MoH shows its commitment to monitor and evaluate all health programmes in their response to gender needs and recognise the significance of gender by producing appropriate targets and indicators; regrettably there's no mention of a method to monitor and evaluate the activities implemented.

Undoubtedly, this GMAP has good objectives with clear strategies, activities and indicators, but these should be revised as more strategies and activities have to be included for the implementation to be effective in achieving the main objective. The matrix of the action plan was created by incorporating four basic elements: activities, implementors, indicators and the target 2010; to achieve the action plan as a whole, there should be added outputs, means of verification, risks, resources (including the materials and estimated budget), and schedule of activities (or time-frame by activity). This will help the implementor to translate design into practice.

5.4 A global perspective of the evolution met until 2008

In the third legislature of the National Assembly, the RGC has continued with its commitment and effort to build gender equality in Cambodian society. All national policies, actions and strategic plans have continued to integrate a gender perspective and these initiatives are being developed through specific legislative norms.

As we have seen, and despite the need for improvement, the main general national strategic policies recognise the importance of promoting equal access to (some) resources, goods and services for all the population; it's appreciable how the vision has gradually gone from "women's issues" to "gender issues".

Beside this, the issue of gender equality is taken into account in Line Ministries and the MWVA/MoWA alone is not struggling to implement gender equality. Rather, the entire governmental structure is adapting itself to it. The gender mainstreaming action groups and gender mainstreaming action plans constitute basic frameworks for the correct understanding and application of the requirements to deal with problematic themes in each field. The next challenge for the institutions of the Government is to integrate knowledge into the structures in order to introduce gender dimension as a common line for all actions and to distinguish the specific needs of women and men in order to provide better adapted measures to meet the population's needs.

This is a result of the efforts to implement gender mainstreaming among and within the governmental institutions by the MoWA and its national strategic plan, through which the goal of mainstreaming gender perspective gained central importance.

Furthermore, as the RGC is firmly committed to bridging the gap between global commitments and national progress, the eight MDGs were adapted and localised in Cambodia to be turned into the Cambodia Millennium Development Goals (CMDGs). It provides a diagnosis of Cambodia's major policies and programmes contributing to each goal, and identifies major challenges to reach them.

We cannot overlook the fundamental importance of the efforts made by the Government to establish networks, partnerships and spaces for the participation of different socio-economic actors, including the presence of international agents, for decision-making and consulting in designing plans.

As it can be appreciated in the policies and strategic plans texts, formal improvements in technical terms have been met; in comparison to the previous period, documents seem to be more complete and initial evaluations of the situations have been made. This is essential for the correct design, development, monitoring and implementation of the measures. Despite all, considerable improvements are yet needed in order to set out concrete actions to implement policies, resources needed, and budget breakdown.

In addition, all policies related to the monitoring and evaluation of implementations is still weak. For example, in comparison with the Neary Rattanak I, the Neary Rattanak II improved its logical framework by including indicators for the activities implemented. However, the outputs, targets and indicators of NR II are blurred in remit and activity. Furthermore, the areas in which to improve the gender equality were expanded in NRI while the programmes of Neary Rattanak II cover new areas such as gender mainstreaming and decision-making, legal protection of women and girls, and education of women and girls.

The NSDP (2003-2005) set out the logical framework of its strategies within objectives, actionable measures, estimated costs (source and period), indicators of progress/ targets, and responsible agencies. *However, in its current form the strategy is essentially a comprehensive list of development objectives and activities, with little prioritisation* (AusAid, 2003). Additionally, it establishes a sound framework for promoting growth and reducing poverty and inequality but there has been an inadequate scheduling of resources to address key constraints.

Other basic tools generated during this period are the Rectangular Strategy (2004) and the National Poverty Reduction Strategy (2003-2005) The Rectangular Strategy and the CMDGs are very well-connected and linked with each other. The Rectangular Strategy limits NR II (2005-2009) to work on the implementation on the gender policy and women's empowerment in the socio-economic field.

Regarding the institutional machinery, the MoWA has encouraged each Line Ministry to establish its own GMAG to work on gender issues in each specific sector with the Ministry's and other development or partner agencies' support. In this manner, the GMAGs began to be established in 2005 in the Line Ministries and were established in 25 Ministries and institutions with GMAPs, by the end of the period under review. Cambodia is on its way to a correct understanding of the importance of raising gender awareness among public officials and decision-makers.

Regarding the planning and implementation of strategic plans during this legislative period, Cambodia still faces the challenge of depending upon external financial sources, through aid and donors. In the development of its initial plans and strategies beginning 1993, the RGC, due to its lack of gender experts, needed technical assistance and economic support from international donors to design and implement its initiatives for gender parity. In addition, in the matrices of the action plans within the national strategic plans, the budget to implement the activities was not accessible to public. Of course, there was an improvement in the development of policies and strategic plan but it would not make much difference in women's lives if the government was not going to commit enough resources to its implementation.

As we can see in the matrices of the action plans to mainstream gender and improve gender equality in the both the NR II and the NPRS (2003-2005), the source of the budgets allocated is international donorship. Further, the NR II doesn't estimate the budget needed to implement each activity. This can cause trouble if international aid is reduced and the RGC cannot ensure the full resource allocation for implementation.

Apart from this, and in a close relation to the process in which policies are involved, some legal advances can be noted for this period of 2003-2008. For one, the Government produced a Law on the Prevention of Domestic Violence and the Protection of Victims in 2005 but this Law lacks certain points and falls short of providing concrete rights for victims of domestic violence or of offering the victims real measures of protection. Moreover, domestic violence is but a part of gender-based violence and Cambodia has not yet addressed, or offered protection to women from, the various kinds of gender-based violence.

Further, the Law on Monogamy was adopted in 2006 and was to constitute an enforcement of the Law on Marriage and Family. However, this Law is deficient in not providing any facilities to women in cases where violence causes the relationship to end.

Lastly, the Law on the Suppression of Human Trafficking and Sexual Exploitation (2008) responds to Cambodian social needs and to international pressure to fight against trans-national organised crime. But this Law does not clearly distinguish between the terms "trafficked persons" and "smuggled migrants", and it can cause confusion and misunderstandings detrimental to the rights of migrants. Smuggled migrants are also often subject to violence and this Law should stipulate an Article to protect those trafficked from violence.

In short, these three laws enacted in this period deal with problems strongly embedded in the gender relations of Cambodian society and should offer and define the punishments for perpetrators, along with genuine measures to protect victims and clarity on the rights of victims.

6. The last years' production and current trends. The 2008-2011 period.

6.1 Gender situation and trends in Cambodia between 2008 and 2011

In 2009, the female population was higher than that of males (7,155,000 women to 6,811,000 men). The country had a very young population: 32 percent of the population was below 15 years and the working age population within the age group 15-64 years was 8,864,000, of which 7,480,000 entered the labour force (CSES, 2009).

Data shows that, between 2004 and 2009, the labour force participation has increased for both sexes⁶⁹. The working age is however, linked to the level of education, and, since the majority of women dropped out of school in the secondary level, women face special difficulties in accessing well-paid jobs and high positions. However, the presence of women with high levels of education in the labour force has increased.

According to the CSES (2009), the total employed population of working age has increased by around 17 percent (approximately 1,298,000 persons) in five years; and the share of employed women as well as men has increased equally. Among the total employed population (7,466,000 persons), employed women were 3,713,000 persons (22.8 percent were paid employees, 0.3 percent were employers, 52.4 percent were own-account workers/self-employed, and 24.5 percent were unpaid family workers). Although the number of women who were unpaid family workers is still high, it has decreased to this figure from 49 percent in 2004. 47.8 percent of employed women were working in agriculture, forestry and fishery. It is apparent that there is little room for women's economic empowerment without their full access to education and vocational training.

Although the efforts of the RGC - and especially of the MoEYS - have been committed to bring a good quality *education for all* during its three mandates, the improvements have been incremental. According to the Education and Statistic Indicators (2010-2011), the rate of female enrollment experienced a brief increase between the academic years of 2007-2008 and 2010-2011; in the first period, a little higher than 467 of each 1,000 enrolled students were women, while in the second period, women represented 475 of each 1,000 enrolled students (in 2007-2008 there were 3,289,286 persons enrolled in the education system of which 1,538,279 were female; in 2010-2011, there were 3,190,109 of which 1,515,946 were female).

Socio-economic surveys show an increase of adult literacy rate from 69.4 percent in 2004 (59.9 percent women and 80.3 percent men) to 73.9 percent (65.9 percent women and 82.7 percent men) in 2009.⁷⁰ Further, up to age of 12, girls and boys have almost the same enrolment rates; but for older ages, girls' enrolment rates drop and are lower than those of boys. Educational expense is one of the causes of school drop-outs: it is estimated to be about 332.788 Riels per school year; the poorer the family the greater the chances of a son's education being given precedence over that of a daughter.

In addition and as a consequence of all this, women's representation among teaching staff in the education sector is still lower than that of men, in both provinces and district offices (40.37

⁶⁹ Labour force participation rate of men increased from 77.5 percent in 2004 to 80.4 percent in 2009, and the mean increased from 87.4 percent in 2004 to 88.8 percent in 2009 (CSES, 2009).

⁷⁰ CSES (2006) and CSES (2009).

percent of the staff are women of which 65.85 percent work in rural areas and 34.14 percent in urban ones)⁷¹.

Moving to health aspects, the maternal mortality ratio for Cambodia is 206 per 100,000 live births (CDHS, 2010); this is markedly lower than the maternal mortality ratio reported in 2005. Not only has the maternal mortality rate decreased, but the child mortality rates are decreasing too. The infant mortality rate in 2010 was 45 deaths per 1,000 live births for the five-year period before the survey, with 66 deaths reported in the 2005 (CDHS). Moreover, under-five mortality rates have also decreased from 83 deaths per 1,000 live births in 2005 to 54 deaths per 1,000 live births in 2010. This is the result of increasing women's awareness on the importance of antenatal care and of good and safe facilities during the delivery. Nine in ten Cambodian women receive some antenatal care from a skilled provider, most commonly from a midwife (79 percent) or doctor (9 percent) (CDHS, 2010). This marks the continued improvement since 2005 when only 69 percent of women had any antenatal care.

Further, some social changes derived from family-planning campaigns and programmes can be seen: fertility in Cambodia has declined over the past ten years; in 2010, women in Cambodia have an average of 3.0 children, a decrease of one child since 2000.

After the detection of HIV/AIDS in Cambodia in 1991, the prevalence of the infection had increased steadily for years but it seems to have declined recently. This may be a consequence of the actions and campaigns implemented by the MoH, Donor Agencies, NGOs, and other private sectors to combat the epidemic. HIV-prevalence among the general population continues to decline from 0.9 percent in 2006 to 0.8 percent in 2007 and 0.7 percent in 2010; and the number of people living with HIV (PLHA) is 56,200 in 2010 (29,500 women and 26,700 men) and, in 2012, it is expected to be 51,200 (26,800 women and 24,400 men)⁷².

Violence against women is a serious issue in Cambodian society, the reduction of which is considered a priority by the RGC. In the last period, the RGC focused on addressing the Cambodian Millennium Development Goal (CMDG) 3⁷³ and on the overall target 8 within this goal, which aims to reduce significantly all forms of violence against women and children. The main achievement regarding this objective was the approval of the Law on the Prevention of Domestic Violence and the Protection of Victims in 2005, which, although not on violence against women as a whole, is to prevent domestic violence, as its title says.

According to the Asia Pacific News⁷⁴, the number of families nationwide reporting a case of domestic violence dropped from 42,436 to 35,408 from 2006 to 2009. According to the 2005 Baseline Survey, 64 percent of the respondents knew a husband who physically abuses his wife; in 2009, this figure decreased to 53 percent. The campaign to disseminate the domestic violence Law and to combat domestic violence has been implemented. Consequently, 95 percent of men and 91 percent of women knew that Cambodia has a law against domestic violence and 80 percent of the general population indicated knowing that physical violence is illegal (MoWA, 2009b). However, the follow-up survey on domestic violence in 2009 reported

71 The female teaching staff in the education sector in all provinces and district offices and schools in 2010-2011 was 42,675 among 105,686 persons. The number of women staff in rural areas (28,104) was higher than that in urban areas (14,571).

72 Ministry of Health, National Center for HIV/AIDS, Dermatology and STD, Annual Report 2010, published in 2011.

73 Goal 3: Promote Gender Equality and Empower Women.

74 Asia Pacific News: Article 1662875 "Domestic Violence in Cambodia Down Sharply, research say" issued on September 14, 2011.

that women were most likely to go to communal authorities or village elders if they speak out about their abuse (14 percent), followed by telling friends or relatives (11 percent). Only 4 percent of women reported going to the courts or police. Women preferring to keep quiet and do nothing constituted 81 percent of women in 2009, compared to only 62 percent in 2005 (MoWA, 2009b).

Culture, tradition, the perception of inequality, lack of law-enforcement, economic dependency and illiteracy are probably the factors which compel women to continue in a violent domestic relationship. Women continue to suffer trauma, physical injury and psychological problems and loss of pay from their inability to attend to income-generating work. There is much to be done by the RGC in eliminating violence against women and the government must find the strategies and plans to permanently change the social perception and tolerance of gender-based violence. The RGC must disseminate and enforce the domestic violence law for its effective implementation, encourage local authorities to be agents of social change and to urge people to seek ways to stop living in violent environments.

With the reference to the political/public sphere, the representation of women in the National Assembly of Cambodia in 2008 was 22 percent. This means that Cambodia is on the way to reaching the target of the national MDG of parliamentarians, the figure being 30 percent women representatives by 2015. In the commune councils, it is slow progress toward the target of 25 percent by 2015 since in 2008 it was just 15 percent. Likewise, the process to increase the presence of females in the Senate is also slow; there was a 15 percent representation of women in this body and it needs to be doubled by 2015 (UNDP, 2010).

In the Ministries, female ministers only represent 8 percent among the total number of ministers and 8 percent of the Secretaries of State are women; this representation may not be on track to reach the target of the CMDG (18 percent women's representation by 2015). The presence of women in the Under-Secretary of State positions was 15 percent which is closer to the 20 percent target of the CMDG (UNDP, 2010).

In local body governance there is a limited progress: no woman holds the position of Provincial Governor (the target of the national MDG is 10 percent of Provincial Governors being women) but 17 percent Deputy Provincial Governors are women (in this, the target of 15 percent marked for 2015 has been achieved)⁷⁵.

6.2 Progress in legislation

6.2.1 Law on the Protection and the Promotion of the Rights of Persons with Disabilities

The draft of this law was initiated in 2001 but approved only in 2009, despite the number of conventions and international treaties signed by the Cambodian Government with direct and indirect repercussions on the population with disabilities⁷⁶.

⁷⁵ In this Section, most of the data are extracted from the draft of "Current Status of Cambodia Millennium Development Goals (CMDG)", UNDP (2010).

⁷⁶ The RGC ratified its adherence to the UN Convention on the Rights of Persons with Disabilities (CRPD) in 2007, but there are other agreements: CEDAW, the United Nations Convention on the Rights of the Child ratified by Cambodia in 1992, the United Nations Economic Social Commission in Asia and the Pacific (UN-ESCAP) Decade of Disabled Persons (1993-2002) signed by Cambodia in 1994, and the UNESCO World Declaration on Education for All, 1990.

There are also other initiatives towards the inclusion and promotion of persons with disability/ies in Cambodia before the approval of the 2009 Law. In 1997, the Disability Action Council (DAC) was created as the national instrument to advise the Government and other agencies on disability issues; some rehabilitation centers were opened and some sub-decrees were approved to correct social inequalities.⁷⁷

The 2009 Law sets the basis to drive a holistic drawn of the legal hedge to promote the status of persons with disabilities and reiterates the equal rights of all citizens in Cambodia (following Article 31⁷⁸ of the Constitution, among other articles which grant equality to all citizens).

As the title says, the main objective pursued by this Law is to ensure the rights of the population with one or multiple disability/ies by promoting a framework in which persons with disability/ies can take part in society with the same rules and opportunities as persons with no disability. This law is obliged to introduce a clear definition of what is considered disability and of the kinds of disabilities in order to generate lines of action, promotion of rights and support and protection in accordance with each situation. As can be seen in Article 4 there is some clear definition of

Article 4: (...) *Persons with disabilities*: refers to 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 toward the insurmountable end of the scale.

these, despite not including organic disabilities; they need to be complemented with a description of all the types of disabilities. Regrettably, with the inclusion of Article 20⁷⁹, this comprehensive description is left for a posterior phase, ignoring the urgency and importance of providing definitions and describing all affected groups.

Article 33: Persons with disabilities who have the required qualifications and competence to carry out the duties, role and responsibilities of a particular position have the right to be employed without discrimination, including employment as civil servants, workers, employees, apprentices or interns.

In general, this Law seems to have some good initiatives and includes references to essential sectors such as health, education and training, employment, physical barriers and social awareness. In addition, a fund to financially support the measures to promote the inclusion of persons with disability has been created. Although it is envisioned as a self-sustaining, self-managed project, its principal funding will depend on external donations and contributions (see Articles 46-48).

The other significant point to be noted is regarding incentives provided to increase the inclusion of persons with disability/ies in the labour market. This Law recognises the equal right of persons with disability/ies to access employment with equal opportunities, and it includes a positive discriminatory measure to compensate the traditional discrimination historically faced by the collective. Following the same dynamics as other Articles, the Articles referring to

⁷⁷ For further information about projects and actions undertaken until 2002, see JICA (2002): *Country Profile on Disability*.

⁷⁸ **Article 31:** "(...) Every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status. (...)"

⁷⁹ **Article 20:** "The criteria for the types and gravity of disabilities shall be determined by an inter-ministerial Prakas by the Ministers in charge of Social Affairs and Health. The determination of criteria for types and gravity of disabilities for military veterans shall have the participation of the Ministry in charge of National Defense".

economic incentives and quotas of participation remain incomplete and depend of further (sub)-decrees to establish their categories and proportions.

There some provisions with reference to the limitation of the right to vote, the abandon, the removal of care-services, the physical adaptation of public infrastructures, the acquisition of a special driving license and the fault at the support of the Persons with Disabilities Fund. Penalties for non-compliance can have a monetary character or/and punishment by imprisonment (see Chapter 12 of the Law). However, those rights supposedly guaranteed by this Law in terms of access to education and training, health services, education and employment, i.e., those that make genuine provisions on basic services and the general social well-being of persons with disabilities, are not included among the penalisable actions in case of non-compliance with this Law.

Even though the Disability Law is written in neutral language, i.e there is no reference to sex or gender, it does not include any especial measure to "correct" or compensate the special difficulties faced by either sex. In this case too, the institutions are failing at including the gender perspective. We only can hope that the linked action-plans take into mind the different impacts that measures taken can have for women and for men.

6.3 Policy actions towards gender equality

The period that comprises from 2008 to the present (elections are due in 2012) is ruled by two main strategies towards gender equality; both are based on previous experiences and revised and completed according to the results achieved.

Firstly, in 2008, the RGC elaborated a second phase of the Rectangular Strategy for Growth, Employment, Equity and Efficiency, retaining the recognition of female participation as an essential part for development. Extant policies around gender mainstreaming will affect sectoral policies and strategies for appropriate, need-based measures in correcting gender-based inequalities. Access to primary and reproductive health services, promotion of gender parity within the education sector and the vocational training fields, access to economic resources and access to decision-making spheres continue to be the main axes regulated by this plan.

Secondly, there was a revision and an update of the National Strategic Development Plan, 2006 to 2010, with its extension until 2013 and re-naming as the NSDP Update, 2009-2013. This update has a framework that enables the implementation of the Rectangular Strategy in coordination with the CMDGs.

In comparison to the previous edition, in this NSDP extension gender issues seem to be mainstreamed to a greater extent. Most of the sectors named in the strategic plan make reference to gender issues and it looks as though, finally, "gender" appears as a cross-cutting aspect. Despite it, the concept seems empty of content in certain aspects as the lines of action remain too broad to clarify what is meant by the inclusion of "gender issues"

6.3.1 Neary Rattanak III

The Neary Rattanak III (2009-2013) is the third edition of the five-year strategic plan for gender equality and the empowerment of women in Cambodia. Much like the original document, this third edition is developed in accordance with the extant situation in the country and derived from the results achieved from the previous strategic plan (which was based on the evaluative

Cambodia Gender Assessment. A fair share for women, 2008) and the results of the Rectangular Strategy as part of the Government's efforts towards gender equality.

The strategies of NR III aim: to ensure gender-responsive national policies, to enact legislation and develop reform programmes to support the economic empowerment of women; to ensure legal protection from violence and sexual and labour exploitation; to

Mission: Women and girls enjoy equal access to services and control of resources, with equal opportunity to take part fully in national life and enjoy protection against all forms of discrimination and violations of their human rights.

promote change in attitude and behaviour that discriminate against women; to develop the capacity of women; and, to address barriers that prevent women from fully accessing and claiming their rights towards equal participation and benefit in economic and social development as both decision-makers and contributors. The NR III focuses on 5 strategic areas under the umbrella action-plan of a gender mainstreaming programme for national policies, reform programmes and sectors. The 5 strategic areas are: (1) economic empowerment of women; (2) education for women and girls, attitudes and behaviour change; (3) legal protection of women and girls; (4) health and nutrition of women and girls, and HIV/AIDS; and (5) women in public decision-making and politics.

A) Strategic areas:

1. Economic Empowerment of Women
2. Education of Women and Girls, Attitudes and Behavior change
3. Legal Protection of Women and Girls
4. Health and Nutrition of Women and Girls, and HIV/AIDS
5. Women in Public Decision-making and Politics

B) Gender mainstreaming program

C) Cross-cutting area: Strategic Management, Capacity Development and Aid Effectiveness.

The innovative aspect of the third strategic plan, NR III, is the separation among action lines in such a way that a focus on gender mainstreaming interventions is generated, with reference to the integration of gender equality precepts within the national and sectoral policies and reforms.

Regarding the rest of the themes or main topic blocks, the NR III seems to, like its predecessors, retain emphasis on "attitudes and behavioural change". Despite the general lines of action being similar to those proposed in the National Policy for Women of 1996, in NR III too there is no reference to the origin of the inclusion of women's issues within Cambodian political initiatives.

In addition, NR III does not address new problematic social aspects that have differential and gendered impacts, for example land and ownership, environment and climate change, and some others.

There is a significant change in NR III compared to the earlier editions in that all its activities and interventions to achieve the gender equality and women's empowerment focus on the local levels. The action plan urges the local authorities and community to participate in public awareness programmes related to gender discrimination, health care education, the value and benefit of girls' education, and in awareness and implementations of laws and other legislations. Conceptually, strategic areas are integrated with gender and the elements of the action plan have been improved.

An example of this can be seen in the implementation of parenting education programme which can derive good results since the impact may change the traditional preference of prioritising

male to female schooling. And it can be observed too in the activities of awareness-raising on reproductive health to communities. Involving partners, families and communities in activities and making them part of the change is likely to produce satisfactory progress.

6.3.2 National Action Plan to Prevent Violence on Women

The National Action Plan to prevent violence against women was introduced in 2009 and its application extends until 2012; its elaboration responds to the necessity of addressing the problem of violence and it reiterates the obligation assumed by the Government of Cambodia upon its ratification of the CEDAW.

The basic objectives that the document pursues are to increase social awareness on the issue of violence against women and the dissemination of the existing laws on it, including on the establishment and improvement of services and the production of new policies and laws to combat the spectrum of violence against women.

We can find references to the Cambodian laws combating violence in the Plan: it recognises the Law on

Domestic Violence and the Law on Trafficking and Sexual Exploitation as the two basic legal instruments to combat violence against women. However, there are some misunderstandings in the definition of violence; for example, "economic violence" is not referred to at any point of the Plan. Further, existing laws, to which the Plan refers, do not provide a holistic protection from the many kinds of gender-based violence.

Moving to practical actions, there're some positive aspects found in the Plan. For example, the proposal to elaborate a code of conduct on sexual harassment in the workplace and the production of a draft law to regulate this type of violence will have positive implications on women's active and equal participation in the labour economy, along with the enforcement of the Labour Law. Further, this plan also considers ending mediation within the community on criminal offenses against women, including in cases of domestic violence. This line of action breaks the basis established in the Law on Domestic Violence and recognises the problem as a crime to be prosecuted and as a public matter.

In addition, the National Plan includes the need for work on sexual health education -instead of education on sexuality. This new, and essential, line of action has not thus far been contemplated in any plan or policy reviewed to date. Yet a drawback in this proposed plan of action is that rather than planning direct action, sexual health education is proposed to be included in the educational curricula, thus leaving the older and out-of-school population out if the Plan's radius.

It is also important to note the importance this Plan gives to the collection of national statistical data to follow up on laws, plans and measures taken towards the elimination of violence against women.

Overall Objectives

- To create a society in which any form of violence is not acceptable, especially violence on women
- To promote gender equality-equity, role models for men and women, for young persons in Cambodian society and to promote social morality, family values in Cambodian society by eliminating gender imbalances and gender-based violence
- To assist victims of violence, to punish or to educate the perpetrator in order to break the cycle of violence which can be inherited from one generation to the next.

Nevertheless and similar to other plans and policies, a review of the planning and economic resources outline in this Plan shows that most of its activities are unresolved in budget terms: they depend on funding allocation through external sources, which is a high risk to the completion and implementation of the plan.

6.3.3 Strategic Plan for HIV/AIDs and STI prevention and care in the Health Sector in Cambodia

The strategy that plans the actions on prevention and care between 2008 and 2010 has its roots in the National Strategic Plan for STD/HIV/AIDs prevention and care for PLHA (1998-2000), and the later editions of the same for the periods of 2001-2005 and 2004-2007, in the National Policy and Priority Strategies for HIV/AIDs prevention and control in the Kingdom of Cambodia (1998-2003), and in the National Policy and Strategies for prevention and care STI/RTIs (2006-2010), but surprisingly without mention to this fundamental last document.

The general objective of this Strategic Plan is to *reduce mortality and morbidity of communicable diseases* through developing strategies to improve health service delivery, founding, human resources capabilities, data collection and coordination of all the agencies involved.

The Plan pays special attention to risk groups, including people living with HIV/AIDs (who are explicitly named as a target group for care and prevention) and men who have sex with men, drug users and injectable drug users. However, in terms of care services it doesn't include victims of rape as a target population for follow-up and health-testing for sexually transmitted diseases.

There are significant improvements in the workings of the PLHA, since the inclusion of primary and pediatric health services, ANC and abortion in the Plan's line of action. The Plan takes into account same-sex sexual intercourse but only among men; although the degree of risk of transmission of infectious diseases may be higher in sex between men, lesbian relationships should be covered too.

Among its action-lines, research is a need; a possible criticism on the approach is that, this Plan is to be implemented from the medical perspective but some views hold that medical perspectives and social issues cannot or should not be separated. Along these lines research is needed on the social implications and consequences of STIs in the frameworks of family and community. Such investigation will have positive impact on the design and development of measures to combat social stigmatisation and discrimination.

6.3.4 Workplace Policy on HIV and AIDS

In the line with the section above, in 2008 the MoEYS publishes the Work Policy on HIV and AIDS with the clear objective of providing guidelines in raising awareness and youth training by the MoEYS personnel. The policy has two defined action-lines: one designed to train the education staff (those in charge of formal and non- formal education) and the other addressing the implementation of the information and training actions for youth.

Compared to other documents that have been revised throughout this analysis, the expression used by the MoEYS in this Work Policy has a clearly didactic character. Significant is the definition of concepts and the consequences that the acquisition of the HIV/AIDS can have on the social environment and, specifically, in the workplace.

As one of the most interesting elements, in the beginning of the document, the Ministry makes a declaration of intent by establishing the necessary link between HIV mainstreaming and gender mainstreaming. This makes clear its commitment to gender-responsible policies. In addition, there is explicit recognition of the differences of impact that HIV/AIDS can generate depending on gender.

There is one aspect that is not clear enough- the contents selected to be entered within training and educational

curricula. It is clear that students would extend their knowledge in biology related to reproduction, but it remains unclear whether education on sexuality would be integrated too. The axis of gender responsibility that these formations are subject to compels us to address issues relating to education on sexuality and emotional as well as to provide explicit explanations about the existence of power relations and their consequences in connection to sexual intercourse and sexual partnership; it is necessary to include a holistic perspective in the aim of pursuing long-term changes in sexual behaviour.

6.3.5 Gender Mainstreaming Programme in Line Ministries

By mid-2011, most Line Ministries had established their own Gender Mainstreaming Action Group (GMAG) and seven ministries more⁸⁰ had produced a Gender Mainstreaming Action Plan (GMAP). Beside these, fourteen GMAGs were to be completed by the end of 2010, with only some ministries updating their internal plans during in this period: the Ministry of Agriculture Forestry and Fisheries (MAFF), the Ministry of Labour and Vocational Training (MLVT), and the Ministry of Planning (MoP).

In fact, the MoP has updated its gender mainstreaming strategic plan for 2009-2013 in 2010 to reflect its alignment to the RGC's agenda in its policies, strategies and plans and to that of the

80 They are the Ministry of Justice (MoJ), the Ministry of Economic and Finance (MEF), the Ministry of Environment (MoE), the Ministry Foreign Affairs and International Cooperation (MFAIC), the Ministry of Post and Telecommunications (MPTC), the Ministry of Social Affairs Veterans and Youth Rehabilitation (MoSVY), and the Ministry of Public Works and Transport (MPWT).

Key principles

4. *Gender equality*: Gender norms and practices are important factors in the dynamics of the HIV epidemic. Women and girls are more vulnerable to HIV infection because of their lower status in society. MoEYS will address gender inequalities through education, youth and sports policies and programmes as well as through education on HIV. Gender mainstreaming will be linked to HIV mainstreaming.

2.9. Gender differences and equality

Recognizing that males and females have different biology and women are more easily infected than men; that women may need support in asserting their rights to safer sex and that women frequently carry a greater burden of stigma, loss of reputation and family responsibilities than men, the Ministry will:

1. Ensure that training for staff includes gender awareness, promotes and supports the equal rights of women and establishes procedures for addressing sexual harassment in and outside workplace.
2. Ensure that female teachers and other staff are trained in reproductive health (RH) and deployed to provide sexuality and RH education to girls who are both in and out of school, in situations where girls may prefer to be taught by female staff.

general political agenda. The MLVT has produced its Action Plan to Implement the Rectangular Strategy - Phase II (2009-2013) in which Plan the updated GMAP has been integrated. Since the MAFF's and the MLMUPC's GMAPs were planned till 2010, the texts have been revised and titled the same but classified as "second phase" (2011-2013).

In this section, the GMAPs of three ministries have been selected for analysis. The GMAP in Agriculture - Pphase II (2009-2013) and the Action Plan to Implement the Rectangular Strategy - Phase II (2009-2013) have been selected according to the policy of highlighting any significant change in or evolution from previous editions. Due to the short time gap between the first and the second editions of the GMAPs, the absence of monitoring and assessments - at least the team hasn't had access to them- and the lack of achievement of objectives set in the first stages, the second GMAPs elaborated by both the MAFF and the MLVT's GMAPs are very similar to the first in design and share objectives, strategies and planning.

The GMAP in Justice is reviewed because of the relevance of the MoJ as the Governmental institution in charge of developing laws, regulations, and normatives to implement justice –until now we have seen that laws present gaps in terms of gender- approach application.

6.3.5.1 GMAP in Agriculture

After the GMAP in Agriculture (2006-2010), the MAFF evaluated their implementation of activities, particularly for the trainings and workshops. The results have been classified by the 4 specific objectives:

1. Increase the gender awareness of the Ministry's staff at every level. This means that 7552 MAFF's officials (female: 1260, this is the 16,68 percent) from 22 departments, institutions, and 24 provincial agricultural departments were to be trained on gender knowledge. Towards this target, the MAFF has implemented and achieved the 76, 80 percent of the plan.
2. Integration of gender analysis and sex-disaggregated targets and data into the planning of the agriculture sector. All programmes and projects of the MAFF (or those in collaboration with national and international NGOs) shall integrate the sex-disaggregated data in the reports and findings.⁸¹ At the end of its implementation, 80 percent of all projects integrated gender analysis and sex-disaggregated data. Yet, these gender mainstreaming activities and sustainability are linked to the lifespan of the projects. So, these can be affected when the projects end or are out of financial support. There is the problem with the internal budget allocation of the MAFF to work on Gender Mainstreaming and Empower Women in Agricultural sector. Additionally, regarding the use of MAFF gender mainstreaming guidelines, the project did not seem clear on whether these projects followed the guidelines. According to Oxfam 2010, the programme/project can be refused if it does not include the guidelines of MAFF's gender mainstreaming.
3. Increase the authoritative possibilities and number of females with enough capabilities in leadership positions in the ministry. During this period some officials from the

81 The projects that successfully integrated the sex disaggregated data were: Cambodia Agriculture Market Information Project (CAMIP), Agricultural Quality Improvement Project (AQIP), Agricultural Productivity Improvement Project (APIP), Cambodia-Australia Agricultural Extension Project (CAAEP), Women in Irrigation, Nutrition, and Health Project (WIN-FAO), Economic and Social Relaunch of Northwest Provinces in Cambodia (ECOSORN), and Agriculture Sector Development Program (ASDP).

provincial departments received training to enhance their capabilities, and two female officials were promoted as Deputy Director-General of Fisheries Administration and five female officials were promoted as Deputy Director of Capital,-Provincial Department.

4. Increase the ability of rural women to access and manage resources and agricultural services. According to the results from the specific objective 2, many projects have integrated sex-disaggregated data in their reports.

According to these results, the actual degree of achievement has not reached the targets set up in the first plan; hence, the MAFF keeps on working on those four objectives.

Additionally, since the MAFF has not yet drafted a monitoring and evaluation report which assesses the achievements, implementation and impacts, and there is not enough data to analyse and evaluate the plan's effectiveness. However, some issues and challenge identified by Oxfam (2010) indicate that there are big gaps in using the gender analytical and planning frameworks in programmes/projects in the agriculture sub-sectors.

6.3.5.2 Action Plan to Implement the Rectangular Strategy, Phase II

The Ministry of Labour and Vocational Training (MLVT) established the Five-Year Action Plan - phase II (2009-2013) to address a number of challenges such as the lack of principle means to perform jobs, the insufficiency of legal instruments, and the impacts of the global financial and economic crisis which led to the close-down of

Priorities

- Priority 1: Creating jobs
- Priority 2: Ensuring better working conditions
- Priority 3: Promoting the enforcement of the Law on Social Security scheme
- Priority 4: Developing capacity building on the technical and vocational skills for people
- Priority 5: Expanding and strengthening gender mainstreaming in labour and vocational training sectors
- Priority 6: Strengthening institutions, partnerships, work efficiency, and accountability

enterprises and factories despite the MLVT having achieved remarkable results in the past mandate. The Ministry states 6 priorities in this Five- Year Action Plan (see the figure). The GMAP in labour and vocational training sectors has been added in priority 5 of the Five-Year Action Plan to implement the Rectangular Strategy - Phase II (2009-2013)⁸² with no separate publication of the Plan.

Looking at the updated matrix Action Plan, a few changes have been made, of which the most relevant aspect is the designation of a new mechanism for implementing the Plan, i.e. the Secretariat of the Committee for Gender Work. The working groups of the Plan involves: the GMAP Committee in the MLVT, the General Directorate of Labour and Vocational Training, the national organisational partner, country partners and development partners.

⁸²**Priority 5:** Expanding and Strengthening Gender Mainstreaming in Labour and Vocational Training Sectors:

The promotion of gender equity in labour and vocational training sectors aims at creating job opportunities for formal and informal sectors, creating technical and vocational education and training for the labour forces for both sexes, developing the system of statistical data on labour forces classified by sex, promoting better working conditions for workers of both sexes, in particular women working in the country and abroad, addressing the problems of the salary gap between men and women, and strengthening the enforcement of labour and social security laws. 1) Increase gender equity in the Ministry of Labour and Vocational Training; 2) Promote gender equity in the labour field; and 3) Promote gender equity in vocational training sectors.

6.3.5.3 GMAP in Justice

The MoJ's Gender Mainstreaming Action Group was first established in 2002 and composed of seven members; after two revisions of membership, the group is currently formed exclusively by female officials.

The MoJ has observed that the number of women candidates for political participation is limited and therefore doesn't meet the required standards; the explanation could be found in the women's low level of knowledge and understanding in the areas of rights, laws, gender terminology and perception of discrimination against women. The CEDAW has not been disseminated widely through the country, especially as related to officers in charge of implementing law.

Objectives

1. Strengthening the capacity of the GMAG to lead and coordinate the development and implementation of MoJ's GMAP.
2. Strengthening the capacity of officials of the MoJ and provincial and municipal courts; integrate gender initiatives into activities of all departments and establish contact officers in all provincial and municipal courts.
3. Increasing gender mainstreaming and understanding of relevant laws at local levels.
4. Setting up appropriate mechanisms and allocating adequate resources to mainstream gender into policy formulation, organizational planning, drafting of new legislations, regulations and capacity development.
5. Increasing women's representation at all levels, in particular in senior positions, and the equal participation of women in all other activities.

Faced with these challenges, the GMAG elaborated the GMAP as a key measure to implement and provide solutions aimed at achieving equity between men and women within the justice sector, in the recruitment and selection of candidates for the MoJ, and in all areas. The Plan also seeks to reduce violence against women.

There are not many differences between this Plan and those produced by other Ministries in the previous period; it focuses on the Ministerial staff as the target group, as the others did, addressing the strengthening of women's capabilities at every level, increasing women's representation at all levels, and providing gender training and relevant legal training to officials at local levels.

However, in Objective 3, the MoJ sets out the activities to monitor the participation of law enforcement officers and others in the implementation of the CEDAW, and to monitor the implementation of the Law on the Prevention of Domestic Violence and Victim Protection and other relevant laws in provincial courts and other relevant institutions.

Objective 4 has special relevance since this Ministry is an entity to promote interventions for people's protection, ensuring justice for all according to the law and developing draft laws. The activities planned in Objective 4 are to mainstream gender into policy formulation and in the drafting of new legislation. As long as the new legislations drafted integrate gender issues, it will contribute to the making of a more just society.

6.4 Improvements in recent times

The Royal Government of Cambodia has shown its commitment to the development of the country since the last national election to today. Despite this effort, Cambodia continues to have strong linkages to and dependence on international aid and donors in terms of economic and technical support. In the fourth mandate of the National Assembly of the RGC, the economic,

educational and health situation are on the way to achieving the goals marked by the NSDP (Update) and the CMDGs; all these sectors are being improved gradually. However, women and men are still unequal in contributing to and benefitting from the development of the country.

The introduction of the Law on Disability/ies is a great advance in terms of equal rights and opportunities. In Cambodia it is believed that a large proportion of the population has one disability or more than one; regrettably, data doesn't clarify disability rates to population. There is a low incidence of research on disability, inadequate availability of sex-disaggregated data and differences in data published by different sources. However, and as has been shown in many countries and contexts around the globe, disability and gender together can give rise to increased vulnerability and multiple-discrimination; in this sense, women with disabilities in Cambodia would probably face more barriers than men in the same conditions.

Further, the efforts shown by the Government to address social inequalities associated with disabilities through this Law fall short in a gender-based analysis. The fact is that this Law is written in a gender-neutral language but that does not necessarily mean that the vulnerabilities of both sexes/genders are taken into account; this lack is compounded by the absence of specific measures to address the structural differences generated by the patriarchal system.

Penalties are absent in this Law for: a) the violation of rights by gender, and b) the violations of rights in terms of disability. Besides this, the Law does not provide any guarantee of equal access to justice for people with disabilities upon violation of their rights.

There have been major changes in policies that promote gender parity. The National Strategic Plan prepared by the MoWA to encourage improvements in the condition of women introduces new lines of action; most strategies are, however, focused on addressing the same ambits as in previous stages. This leaves out many key aspects that should be addressed for understanding the effects and consequences of sex or gender-based inequalities.

Of concern is the link between the NR III and the National Programme on the Promotion of Social Morality and Women's Value. Although we haven't been able to access this latter document, it should be analysed in depth to know to the extent to which the ideals and moral values promoted by that programme are according to philosophy of gendered equal rights and opportunities, or not.

In terms of laws, the NR III focuses its efforts largely on the Law on Domestic Violence and the Anti-Trafficking Law which were produced in the period from 2003 to 2008. There is gap in asserting the elaboration of a legal text that can combat violence against women with a holistic approach.

However, it is fundamental to recognise the evolution of the MoWA through its inclusion of the axis of monitoring and evaluation within the strategic plan to measure, and improve upon, its achievements. As direct result of this effort, the MoWA published, in 2008, a Cambodia Gender Assessment called *A Fair share for Women*, to evaluate and show the effectiveness of the initiatives developed under the NR II.

Further, an Action Plan to combat violence against women highlights the need to change the perspective on violence. Recommendations of international policies pushed the Government towards an amendment of the locally accepted definition of violence as within the domestic and family ambits and as a matter of public and social concern. This has been captured by the Law on Domestic Violence; however, misunderstandings and misconceptions round the definitions of violence are yet present.

Nevertheless of the step forward that this strategic plan signifies, in fact still around terminology issues.

Linked to this Plan, was the creation of a working group on Human Trafficking, Labour and Sexual Exploitation, in 2007, in which the MoWA holds the position of General Secretariat. This group is to enlarge and enforce the national machinery mandated to study in depth gender-based violence in relation to trafficking and sexual exploitation.

Following up on institutional machinery, CNCW's five-year strategic plan (2010-2014) outlines and defines its tasks and roles. Since this agency was created, this is the first measure taken to plan for and organise the duties it should be in charge of according to its creational decree. The main risks that the CNCW faces are the possible misunderstandings on its structures and roles at sub-national levels, the lack of budget to implement its action-lines and the gaps in technical knowledge of its human resources.

On the other hand, the work being undertaken in the fight against HIV / AIDs and the STI / RTIs has been specialised. As we have seen, barriers exist from the medical standpoint to the inclusion of the gender perspective as a cross-cutting theme. Further, this medical perspective disregards its responsibility of developing a programme based on human relations; it is important to understand the individual in connection with society. However, it seems that there are initiatives that mitigate this lack to some extent, as in the example of the practical implementation of prevention in the workplace published by the MoEYS.

This policy gives us clues about the importance of carrying out measures within the field of education and also the commitment and awareness to be expected from the entities (organisations, employers) which take part in the effort to end discrimination and stigmatisation in the areas of HIV / AIDs and other sexually transmitted diseases. As mentioned above, it is fundamental to begin addressing sexuality without taboos and power relations around sexuality to achieve a positive change in reducing sexual risk practices, and to increase degrees of de facto equality between women and men.

During this period there were still big efforts from various government institutions to integrate gender knowledge in their internal structures, as well as in the programmes, plans and policies that each of them generated. Moreover, in this fourth mandate, more Ministries established GMAGs and GMAPs in order to work on gender issues in their own specific sectors. Most Line Ministries produced GMAPs and are now implementing them. However, the GMAPs planned to end in 2010 have not yet shown formal monitoring and evaluation reports on their implementation and achievements, challenges and recommendations. Moreover, although these GMAPs ended in 2010, only a few ministries have updated for the current period.

7. Going forward

In 1993, Cambodia had just emerged from the civil conflict and conducted its first national election, supported by UNTAC. In its first mandate of the national assembly (1993-1998), gender issues were considered as one among other social challenges for the government to address. Consequently, the legal and political framework and the institutional structure were established in accordance with the Constitution of the Kingdom of Cambodia with guarantees civil liberties and fundamental rights, including equality between men and women, equal employment opportunities for women, maternity benefits and the equal right to vote.

Since the year 1993, Cambodia has subscribed to a large number of international agreements, treaties and conventions, and with it, demonstrated commitment to the global effort towards social change and development.

Focusing on the aspects important to our analysis, Cambodia's subscription to the CEDAW Convention and to the Beijing Platform for Action, among others, obliges the Government to be responsible in improving the status of women, that is, to work for gender equality in the framework of the general measures aiming to better the population's well-being. The two international policies were the starting point for the specific working lines in gender issues, as well as the guidelines to mainstreaming them.

The analysis of the, changes and improvements in Cambodia have been seen in terms of institutional machinery to implement gender equality, and also in terms of the tools- policies, action plans and laws- that have been created with the same objective.

One of the most remarkable aspects about the work done by the MoWA (under its different names) along the different periods is the gradual evolution to the equal approach adopted. It is also essential to recognise the Ministry's determination to create networks and working groups to tackle each ambit in the most technical and holistic way possible, in which each initiative has been supported by the government and by NGOs and donors.

We have seen how focal point officers, the TWG-G, the CNCW and other fora have been created and mandated. Nevertheless, it is necessary to question the effectiveness of having so many different structures. The tasks and duties assigned to each of the existing commissions, councils and working groups makes it difficult to evaluate their true impact when there is a notable absence of assessments to measure and present achievements. To a large extent, all this work is invisible to the general population.

What it is clear is that the creation of inter-ministerial (and inter-institutional) fora is an arduous task, and their optimum operation takes a long time to achieve. In addition, sustaining these organisations' duties and working plans on external funding limits their capabilities and effectiveness. It would be necessary to reflect and to promote the design of plans and strategies adapted to the economic and human resources of the Government; only in this way would plans and strategies be realistic. This would also help the institutions to grow in terms of independence and autonomy.

Going back to legal issues with an historic perspective, Cambodia has experienced a large production of norms in these past nineteen years; some of these have integrated gender issues in a more pertinent way than others. In general it can be said that training for judicial professionals and decision-makers is essential to mainstream equality in legal documents. Concepts must be clarified and recognised - almost all the laws reviewed in this analysis either

lack complete and clear definitions or the relevant specifications are left to further documents to elaborate.

Specific steps to minimise historical inequalities and ensure social equality haven't been integrated; it's true that gender equality is guaranteed *de jure* but it's not assured *de facto*. There are practices to compensate for and punish the violation of rights by gender. This is a thorny and serious issue because the unchecked violation of rights guaranteed by the law promotes impunity, corruption, unequal access to justice and a general distrust in the capabilities and impartiality of judicial authorities. Without measures for prosecution, punishment and condemnation of acts against human rights, equality and social justice become intangible; above all such dynamics perpetuate the lack of references for the population.

That said, it should be added that it would be necessary to analyse in depth all the sub-decrees associated with each law to determine the extent to which they have finalised their key points.

Regarding access to justice, this analysis shows that no document guarantees access to legal services equally to all people. There has been no understanding or effort to create free-of-charge services, which it is very important when considering the context: legal proceedings can drag on for years and the costs are too high for a population that cannot meet them financially.

It is also necessary to better the mechanisms of access to justice, and their effectiveness, and to solve problems inherent in traditional systems of mediation in the community and family which are not suitable or valid in some ambits; this needs to be kept in mind especially in cases of violence, sexual assault and sexual exploitation. In this respect, the Government seems to have taken steps in the right direction: whereas the Law on Prevention of Domestic Violence and the Protection of the Victims validated mediation by community representatives in cases of violence, the National Action Plan to Prevent Violence against Women -seen in the last chapter- removed the validity of mediation in cases of abuse; however, the definition of "abuse" needs review and revision.

To conclude, it is necessary for the laws to contemplate the imperative of providing support services for the population whose rights are affected (legal, medical, psychological services, etc) in order to achieve social (re)integration without stigma and with equal opportunities for people who have been victims of trafficking networks, violence or those who have voluntarily decided to abort, for example.

Turning to the review of policies and strategies that have been designed in successive electoral periods, it can be concluded that significant progress has been made. Yet, from a technical standpoint, the initial policies seem unfinished and incomplete and they lack conceptual clarity; policies and strategic plans need adequate structuring techniques.

We see how the National Policy for Women brands diffusely the key lines of action needed to improve the status of Cambodian women. Definitions, indicators, target groups, resources and specific actions cannot be found therein. While it is true that policies and strategies adopted at the current stage also have shortcomings, comparing them to the firsts initiatives show that the improvements are substantial.

Surprisingly, in spite of the clear links between the National Policy for Women and the five-year strategic plans that the MoWA has implemented, the policy matrix has no recognition among any of the plans; the 1996 policy is not recognised at all as the root that facilitated and guided the origination of the action plans. This could explain why this policy has not been revised since the date of approval.

With respect to content, as seen from the second mandate, part of the actions focus on technical capacity-building, institutional strengthening and the building of networks with allies by the Ministry. A very positive aspect of this process is that since the early years, all policies and strategies have involved many agents, not only in the plans designed by the MoWA, but also in those created by every Ministry; all government agencies have been involved in the effort towards equality.

In relation to other axes of content covered in the plans made by the MoWA, the truth is that no major changes in the issues have been addressed. While the desired results in areas such as education and health have not yet been achieved, there are lines for action which need more attention.

It is quite possible to expect the GMAPS to bear fruit so that gender issues are appropriately integrated and comprehensively addressed in each of the sectors, but that doesn't mean that there are not other basic issues that need urgent attention. Issues such as the revision of the traditional codes of behaviour/conduct, power relations, sexuality, sexual identities and sexual orientations are topics that cannot be neglected any longer; these can no longer be considered taboo.

If these issues are not addressed, efforts in transforming the social spectrum sector by sector will not have the required impact nor will they generate greater equality and social justice.

Analysing the evolution of the work done on gender, we see that the approach has gradually been moving from a framework in which only women were conceived as subjects to be taken into account mind (at some points as "objects" rather than "subjects") to another which deals with the gendering of society. Despite the latter approach gaining ground, actions aimed at equality with men are still very small in number. There is a long way ahead and, as mentioned above, training is still a major need in order to be clear on concepts and about the contents set by decision-makers as well as by all people involved in development and implementation of policies and strategies, whether at national or local levels. This need for training is not something that we just detected; the MoWA has expressed the same in most of its documents.

We applaud the effort and work being done by the various institutional machineries of the Cambodian government; the endeavor to embrace the precepts of equality in every action taken is very responsible. However, we must insist that the road ahead is still long if you want long-term results. In this sense, it is necessary to carry out continuous monitoring and evaluation of all political actions from the viewpoint of the impact of gender. It is also important to continue investing in situational analysis and research in order to develop appropriate practices according to the many realities of all Cambodians.

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