

CARE CAMBODIA

Socially Marginalised Women

Policy Analysis

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Abbreviations

ADB	Asia Development Bank
ANC	Antenatal Care
ART	Anti-retroviral Therapy
BHS	Better Health Services Project
BSIC	Beer Selling Industry Cambodia
CWCC	Cambodia Women's Crisis Center
CEDAW	Convention for Elimination of all forms of Discrimination Against Women
CARD	Council for Agriculture and Rural Development
CDHS	Cambodia Demographic and Health Survey
COP	Community of Practice
CMDG	Cambodia Millennium Development Goals
CSO	Civil Society Organisation
CWPD	Cambodian Women for Peace and Development
DV Law	Law on Prevention of Domestic Violence and Protection of Victims
ELs	Economic Land Concession
EW	Entertainment Workers
EVAW	Ending Violence Against Women
FAO	Food and Agriculture Organization of the United Nations
FHI 360	Family Health International 360
FTIRM	Fast Track Initiative Roadmap for Reducing Maternal and Newborn Mortality
FDC	Fixed Duration Contracts
G-PSF	Government Private Sector Forum
GBV	Gender based violence
HSSP2	Health Sector Strategic Plan 2
HCP	Health Coverage Plan
HDI	Human Development Scale
JPA's	Judicial Police Agents
ILO	International Labour Organization
IOM	International Office of Migration
LHTSE	Law on the Suppression of Human Trafficking and Sexual Exploitation

LMAP	Land Management and Administration Project
LMIS	Labour Migration Information System
LASSP	Land Administration Sub-sector Program
MARP	Most at-risk populations
MARYP	Most at-risk young people
MMR	Maternal Mortality Ratio
MMS	Minimum Standards of Service
MAFF	Ministry of Agriculture, Forestry and Fisheries
MOC	Ministry of Commerce
MOE	Ministry of Environment
MOH	Ministry of Health
MOI	Ministry of Interior
MOLVT	Ministry of Labour and Vocational Training
MRD	Ministry of Rural Development
MOU	Memorandum of Understanding
MOWA	Ministry of Women's Affairs
MIME	Ministry of Industry, Mine and Energy
MFAIC	Ministry of Foreign Affairs and International Cooperation
MOSVY	Ministry of Social Affairs, Veterans and Youth Rehabilitation
NGO	Non-government organisations
NGO Law	Law on Associations and Non-Government Organisations
NP-SNDD	National Program for Sub-National Democratic Development
NPA-STSLs	National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labour, and Sexual Exploitation
NSDP	National Strategic Development Plan
NSSFC	National Social Security Fund for Civil Servants
NSPS	National Social Protection Strategy for the Poor and Vulnerable
PFD	Partners for Development
PROMA	Promote the Rights of Migrants Association
OSH	Occupational Safety and Health
P4P	Partners for Prevention
PSI	Population Services International
PSK	Population Services Khmer
PMTCT	Prevention of mother to child transmission
RHAC	Reproductive Health Association of Cambodia

RGC	Royal Government of Cambodia
RMNCH	Reproductive, maternal, newborn and child health
SLC	Social Land Concessions
SMW	Socially Marginalised Women
SABC	Solidarity Association of Beer Promoters in Cambodia
SOP CPCT EWs	Standards of Practice for Continuum of Prevention to Care to Entertainment workers
SPF	Social Protection Floor Initiative
TVET	Technical and Vocational Training
TWGG	Technical Working Group on Gender
TWGG-GBV	Technical Working Group on Gender Subcommittee on Gender-based Violence
UN	United Nations
UNIAP	United Nations Interagency Project on Human Trafficking
UNDP	United Nations Development Program
UNFPA	United Nations Population Fund
UDC	Undetermined Duration Contracts
WIC	Workers Information Center
WG	Working Groups
WHO	World Health Organisation
WLHIV	Women Living with HIV

1 Introduction

CARE International in Cambodia is in the process of transitioning from a project based way of working, to an impact focused, programmatic approach. This CARE International initiative, known as the Program Approach, strategically orients work around long terms programs designed to support impacts for identified marginalised and poor population groups, with research and analysis informing program design and implementation.

Based on analysis of trends around poverty and marginalisation in Cambodia, CARE's programming niche, and other imperatives, CARE Cambodia has identified two long term programs. These are:

i) *Socially Marginalised Women experiencing multiple denial of their rights*

Two Sub-Impact Groups have been identified for this program:

- Urban women marginalised by occupation
- Rural women at risk of violence, and denied Sexual Reproductive health rights, and voice

ii) *Ethnic Minority Women, who experience social isolation, discrimination and economic exclusion*

CARE's Strategy identifies the empowerment of women as a key pathway to gender equality. In designing long term programs, CARE Cambodia has identified priority women's empowerment thematic focus areas, which have a particular influence in constraining gender equality for program impact groups. Aligned with CARE's global program goals, for SMW these are – *Gender based violence, Sexual and Reproductive Health and Rights, Women's Economic Empowerment; and Women's Voice*. Through initiatives at national and local levels, and through our work in building partner and civil society engagement in women's empowerment, CARE Cambodia focuses on positive changes at the individual, relationship and structural levels (applying CARE International's Women's Empowerment framework). This consultancy focuses on analysis of structural influences on SMW around particular themes.

CARE Cambodia has conducted an initial assessment of likely areas of focus for CARE's contribution to the SMW Program, and is seeking further analysis to inform decision making about priorities for the coming five year period.

2 Objectives

In order to have a better understanding of the policy environment influencing SMW, CARE Cambodia is seeking to analyse the policy environment related to SMW Program in priority potential areas of work; and assess opportunities for engagement and potential to progress changes. Potential priority areas of work include:

- Gender Based Violence
- Sexual Reproductive and Maternal Health rights and status
- SMW and Employment, including:
 - Decent Work
 - Labour-market ready job skills
 - Safe migration for rural women

- SMW and diverse, climate resilient livelihoods
- Voice of women – including in CC, and in formal structures at higher levels
- SMW engagement in civil society
- Services, including:
 - Access to basic services – health, education, vocational training, legal services, financial services, agricultural services
 - Access to social protections, including health equity programs, welfare programs
 - Access to specialist services, including GBV related services such as rape response and psychosocial counselling
- Governance – any overarching influences from the legal, policy, policy implementation environment

More specifically the objectives of this report are to comprehend the following main components:

1) Identification of key issues: Key concerns at the legal and policy level in a number of domains of change for the sub-impact groups were identified. Key concerns identified are those that prevent the groups from achieving the impact goal of “equitable access to safe employment and legitimate voice”. Concretely, the consultancy was designed to provide information about how the current policy: a) limit or enhance the impact groups’ abilities to a) access and have options for income, b) access services, c) enjoy protection through appropriate laws and policies and d) be socially included in society.

2) Identification of key policy changes: Changes that must take place at the legal and policy level in order to achieve lasting changes in the lives of the population groups will be defined. Similarly to the component above, the consultancy sought to explain how these policy changes would be expected to contribute to the program domains, pathways and impact goal

3) Contextual analysis: In order to facilitate CARE’s prioritization of policy changes, the consultancy was also designed to provide information about contextual elements that may support or prevent the changes needed to happen, such as the existence/lack of stakeholders engaging with the issue and opportunities for programmatic and political leverage of the issue.

3 Methodology

In order to collect, analyse and select necessary information to more fully develop the above components, the consultancy was organized in the following stages:

Desk review

During this stage, key legal and policy documents related to each of the sub impact groups in the different domains of change were identified and analysed. This include a) main official policy documents relevant to SMW in Cambodia b) academic and grey literature analysing the context and implementation of the available legislation and policies and c) and reports of consultations with SMW.

Interviews with informed stakeholders

The second stage, conducted in parallel with, and feeding into, the desk review is semi-structured interviews with key informants in relation to each of the sub-impact population groups. The interviews will serve to double-check, complement and update the information obtained in the desk review about the main policy problems and potential solutions. In addition the interviews will support the gathering of information about the contextual elements that may support or prevent the policy change needed to happen in order to achieve the long-term goal.

4 Findings

4.1 Governance - Overarching influences

Overall the Royal Government of Cambodia (RGC) has developed significant laws and policies, however there are significant funding gaps, enforcement is sometimes weak, and human resources are limited. This significantly impacts the success of policies in most settings.

The Constitution enshrines the right of all Cambodians to life, personal freedom and security (Article 32), and guarantees there shall be no physical abuse of any individual (Article 38). The country's Constitution enshrines fundamental human rights in articles 30, 36, 45, and 46, which include anti-discrimination provisions. However, many of these provisions lack definition.

4.2 Gender-based Violence

Gender-based violence (GBV) is any act of violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.¹ In Cambodia, women continue to be subjected to physical, psychological, sexual and economic violence, cutting across all divisions of income, culture and class in their daily public and private spheres. Violence against women in Cambodia takes place in the context of women's deeply entrenched cultural norms that disadvantage women.

Cambodia Demographic and Health Survey (CDHS) 2005 (the most recent data) reported prevalence was 22.3 percent for emotional, physical or sexual violence from a spouse. The recent Partners for Prevention (P4P) study found that 35 percent of ever-partnered men aged 18-49 years, reported that they had used physical or sexual violence against an intimate partner. In the same study of 417 ever-partnered women interviewed one in ten reported having experienced sexual partner violence or rape in their lifetime.²

Gang rape often of sex workers, is widely-recognized as a recreational sex activity among youth, particularly in urban areas. The P4P Study found that out of 8.3 percent of men who raped a non-partner, 5.2 percent were gang rapes.

There are also alarmingly high rates of sexual harassment particularly for urban women marginalised by occupation. In a recent study by International Labour Organisation (ILO) 1 in 5 women garment factory workers reported sexual harassment, or harassment with sexual undertones which led to a threatening working environment. In the recent study Women in the City,³ female garment workers were also identified as being at increased risk for rape, verbal abuse and sexual harassment from men who hang around the factories due to unsafe housing situations, such as poor lighting infrastructure and not enough policing. A recent study of 50 transgender sex workers identifying as female or third gender reports that 72 percent indicate experiences of sexual harassment such as unwanted touching or fondling.

¹ UN Declaration on the Elimination of Violence against Women, Article 1, 1993

² (Fulu, et al., 2013)

³ (Taylor, 2011)

Women working as beer promoters also experience high rates of sexual harassment in the work place including unwanted sexual touching (80 percent) and coerced sex (38 percent).⁴ A more recent study comparing the experience of abuse and sexual harassment for women working in beer companies that are members of the Beer Selling Industry Cambodia (BSIC)⁵ found that 61 percent of beer promotion workers interviewed experienced some form of sexual harassment in the last 12 months compared to 79 percent of workers in non-BSIC brands.

In addition, evidence of the experiences of women most at risk from violence has begun to emerge. Cambodian women living with disabilities, for example, are particularly likely to experience violence, and international evidence indicates the same is likely to be true among other marginalised groups such as women migrant workers, women with HIV/AIDS, and women working in the entertainment industry.

Summary of Current Policy Framework

The RGC has made significant strides in setting a national policy and legal framework to address GBV. Cambodia ratified the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** in 1992 and its' **Optional Protocol** in 2010. As a signatory to CEDAW, and in compliance with the responsibilities set forth in the Beijing Platform for Action, Cambodia has demonstrated a firm commitment to enact legislations and policies that can address and respond to GBV.

Cambodia has also ratified the **United Nations Convention on the Rights of Persons with Disabilities** which includes Article 6 specifically addressing women with disabilities to respond to the multiple discriminations they face as well as Article 16 addressing freedom from exploitation, violence and abuse.

Cambodia has supported the **United Nations Declaration on the Rights of Indigenous People**. Article 22.2 expresses that measures should be taken in conjunction with indigenous people to ensure that indigenous women enjoy the full protection and guarantees against all forms of violence and discrimination.

The **Constitution** enshrines the right of all Cambodians to life, personal freedom and security (Article 32), and guarantees there shall be no physical abuse of any individual (Article 38).

The **Law on Prevention of Domestic Violence and Protection of Victims (2005) (DV Law)** establishes the responsibility of local authorities to intervene in cases of domestic violence and provides for protection orders to be issued by the courts to protect the victim from any further violence.

The **Law on the Suppression of Human Trafficking and Sexual Exploitation (2008)** establishes the law against kidnapping persons for labour or sexual exploitation and **Article 31** makes managing an establishment for prostitution illegal.

⁴ (CARE 2005)

⁵ In October 2006, major businesses in the Cambodian beer market came together to found a professional industry organization called "Beer Selling Industry Cambodia" (BSIC).

The **Safe Village/Commune/Sangkat Policy** (2010) issued by the Ministry of Interior (MoI) designates rape, domestic violence and anti-trafficking as priority areas for commune, municipal, district, and provincial councils to address. This policy urges collaboration between the local authorities and all sectors including political parties, NGOs, private sectors, and citizens to build collective forces, actions and measures to implement the policy (NC for the Management of D&D Reform, 2008).

The **Law on Monogamy (2006)** establishes the law against polygamy, adultery and incest. The **Civil Code** (2007) and the **Civil Procedure Code** (2006) and the **Criminal Code** (2010); **Criminal Procedure Code** (2010) further define civil and criminal actions on gender based violence.

Article 172 of the Cambodian Labour Law⁶ (1997) and the **Criminal Code (2010)** both prohibits sexual harassment and indecent behaviour in the workplace.

Additionally, mechanisms have been set up by the RGC to increase coordination. The **Technical Working Group on Gender (TWGG)** led by Ministry of Women's Affairs (MOWA) established a subcommittee on **GBV (TWGG-GBV)**. The TWGG-GBV subcommittee led a consultative process in 2012 and 2013 for the development of the **2nd National Action Plan to Prevent Violence Against Women (2nd NAPVAW)**. This action plan provides a comprehensive action strategy for prevention, protection, response and a framework for monitoring VAW/G.

Another such mechanism is the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labour, and Sexual Exploitation led by MOI developed the **National Action Plan on Suppression of Human Trafficking, Smuggling, Labour, and Sexual Exploitation for 2011-13 (NPA-S.T.S.L.S)** and is in the process of developing the next action plan. Joint efforts by MoWA and the National Committee led to the protection of women and children being prioritized in three Inter-Country MoUs and Action Plans on anti-human trafficking (Thailand, Vietnam and Malaysia).

The **National Strategic Development Plan (NSDP) 2009-2013** has indicators on GBV. Also **Cambodia's Millennium Development Goals (CMDGs)** address GBV.

Key policy issues and their impact on SMW

While Cambodia has made significant progress in its efforts to develop a legal and policy framework to prevent and respond to VAW/G, some gaps remain. The review and evaluation processes for the development of the 2nd NAPVAW and the 2nd NPA-S.T.S.L.S both have found that some laws and policies are still inadequate, unclear, lacking in detailed guidelines, or are inconsistently or inadequately implemented.

The Sub-Decree on Administrative Decisions by Local Authorities in Cases of Domestic Violence, foreseen by the DV Law of 2005, has yet to be issued. The DV Law does not contain specific crimes or penalty provisions – it cannot punish perpetrators (Article 35) unless the penal code is invoked for cases classed as 'felonies and severe misdemeanours'. There is confusion about the relationship

⁶ Article 172: All employers and managers of establishments in which child laborers or apprentices less than eighteen years of age or women work, must watch over their good behavior and maintain their decency before the public. All form of sexual violation (harassment) is strictly forbidden.

between DV Law, the Penal and Civil Code. These gaps result in unclear guidance on determining criminal cases.

As a result of no enabling sub-decree, local authorities, including the police are in ambiguity if and when an incident has to be classified as criminal or not. The DV Law provides that when both parties agree, reconciliation or mediation can be pursued in cases of minor misdemeanours or petty crimes, as well as violent acts causing mental or economic harm. There is, however, no definition for minor misdemeanours and petty crimes in the DV Law. In the absence of any protocols, sub-decrees, local authorities interpreting and applying the law do so within prevailing social norms and cultural practices. The practice of mediation, “Somroh Somruei”, is carried out without clear guidelines and likely prevents women from seeking redress in the formal legal system.

While the vast majority of victims of domestic violence report they do not seek help, local authorities (including police) are the most common place for help outside of family particularly in rural areas with few NGO services. The local authorities often maintain traditional attitudes and lack skill and training to respond effectively to GBV resulting in re-victimisation. According 2009 Follow-up survey 35 to 45 percent of local authorities felt a husband was justified in engaging in extreme types of violence if wives argued with husbands, did not obey him or did not show respect.⁷

The DV Law lacks clarity as to who is covered by the law, and in the provision of protection orders. Women that are not married to their abuser are not covered unless they are dependent, intimate partners not living together and very few protection orders are provided.

The Criminal Code (Art 36) provides that ‘All acts of sexual penetration, of any kind whatsoever, or an act of penetrating any object into sexual organs of a person of either the same sex or different sexes by violence, coercion, threat or surprise constitutes a rape.’⁸ However, this definition fails to adequately define the offence of rape, most significantly by not referring in any way to the issue of consent. It is also common for negotiated financial settlements in cases of rape instead of pursuing a criminal investigation or as court settlement. Settlements are rarely paid, and with this type of consequence the perpetrator is free to commit rape again.

Women who are injured might also seek help through the health system. While the victim would receive treatment for injuries, currently in Cambodia, there is no protocol to specifically screen for and respond GBV, resulting in missed opportunities to identify and refer VAW survivors to potential protection and support services. Additionally, the forensic examination for rape survivors (that choose to prosecute) is available only at Provincial/Municipal level causing delays and high costs in obtaining the examination. Good practices would also require that the medical exam and treatment be combined with a post-exposure prophylaxis against HIV, emergency contraceptive and sexually transmitted infection screenings and other reproductive health services as needed if preferred.⁹

⁷ (MoWA, 2009)

⁸ Amnesty International. 2010. *Breaking the Silence- sexual violence in Cambodia*. Retrieved from http://www.amnesty.org.au/images/uploads/svaw/Breaking_the_silence_-_Sexual_violence_in_Cambodia.pdf p. 43

⁹ (MoWA, 2013)

Article 172 of the Cambodian Labour Law¹⁰ and the Criminal Code both prohibits sexual harassment and indecent behaviour in the workplace, but there is not a clear definition of sexual harassment. For example, under the current definition, use of sexualized or abusive language may not constitute sexual harassment. There are no guidelines for prevention and response to sexual harassment at the work place by employers including garment companies or entertainment facilities. Sexual harassment is particularly high for urban women marginalised by occupation.

Additionally in the review of the 2nd NPA- S.T.S.L.S identified that the a) the policy on extradition and differing legal frameworks of countries make cross-border prosecution a big challenge; b) undercover surveillance / investigation is not very explicit in the law limiting the ability of the police to run after perpetrators; c) definition of guardianship is not clear; d) employment law allows employment of 18 year-olds in various KTV places; and e) the Victims Protection Act is yet to be developed and implemented while the law on protection has not been enacted yet.¹¹

Key Stakeholders

The key stakeholders for GBV at the United Nations (UN) level include UN Women, United Nations Development Program (UNDP), UN Inter-agency Project on Human Trafficking (UNIAP), UN Population Fund (UNFPA), and P4P. UN Women is leading with its program Ending Violence Against Women (EVAW), and is working in partnership with MOWA to strengthen the RGC's ability to implement the 2nd NAPVAW particularly in prevention, coordination and capacity building. UNDP is supporting MOWA through the Program for Gender Equity which supported the One Stop Service Centre Feasibility Study, and is leading the Cambodia Gender Assessment which includes GBV. Until recently UNDP was also supporting prevention efforts at the local level through its' Community Conversations on GBV in two provinces. UNIAP is working on strengthening interventions and policies around anti-trafficking. UNFPA is working closely with the Ministry of Health (MOH) to develop a Protocol for Responding to GBV in the health system, and has supported a coordinated community of practice in one province through a local NGO.

MOWA is a key actor and leads the TWGG-GBV and the 2nd NAPVAW in cooperation with UN Women and GIZ. Additionally, Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSVY) is responsible for reintegration of trafficking victims into the community. Ministry of Interior (MOI) coordinates anti-trafficking services and the Commune Safe Policy.

GIZ is supporting model MOWA to develop a data collection and monitoring system, an NGO fund to model a community of practice and standards of practice for domestic violence, and expansion of MOWA's Judicial Police. CARE has prioritized sexual harassment of urban women marginalised by occupation particularly with beer promotion workers and garment workers. Action Aid focuses on GBV of women in public spaces and rural to urban migration of women. ACTED prioritises work to reduce GBV on entertainment workers (EW). The objective of the program is to create an enabling environment for the assertion of Entertainment Workers rights, including the right to form associations/unions, by increasing the awareness and the implementation of labour laws by their employers. Oxfam GB promotes gender justice and is prioritising rape services.

¹⁰ Article 172: All employers and managers of establishments in which child laborers or apprentices less than eighteen years of age or women work, must watch over their good behavior and maintain their decency before the public. All form of sexual violation (harassment) is strictly forbidden.

¹¹ (Autencio, Banez-ockelford, & Sophea, 2013)

A key funder in GBV is the Australian Government, who is supporting GIZ, UN Women and Asia Foundation and others in GBV prevention and response.

Key local NGOs working on GBV include Cambodia Women's Crisis Centre, Banteay Srei, Legal Services for Children and Women, Legal Aid of Cambodia, Social Services of Cambodia, AFESIP, SISHA, Hagar, TPO, Transitions International and a number of other smaller local NGOs.

4.3 SMW Sexual and Reproductive Health

Access to maternal health care has improved substantially over the past five years. Among pregnant women in 2011, 86 percent received Antenatal Care (ANC) at least twice, an increase from 80 percent in 2010. The Maternal Mortality Ratio (MMR) has more than halved, to 206 per 100,000 in 2010, from 472 per 100,000 in 2005, a remarkable reduction in a short time period.¹² This meets the CMDG 2015 target of 250 per 100,000 MMR. However reports are now that this rate is stagnant and not further improving.

More than half of all babies are now delivered in health facilities. This is more than double, from 22 percent in 2005 to 54 percent in 2010. The percentage of deliveries by a skilled provider, usually a MOH trained midwife, has also more than doubled over the decade and was recorded at 71 percent in 2010, up from 32 percent in 2000 and 54 percent in 2005¹³.

These positive trends are set to continue due to the expansion of health service centres, especially in rural areas, continued outreach and education by village health workers in rural areas on the importance of and affordable cost of birth in a health care facility, and investment by the MOH in training additional midwives.

While access to reproductive health care has improved across all wealth quintiles, there are still disparities, with higher use of health services among the wealthiest than the poorest Cambodian women.¹⁴ Between CDHS 2005 and 2010 the difference in urban and rural delivery rates remains high, with 85 percent of urban women delivering in health facilities compared to 47 percent of women in rural areas.

Summary of Current Policy Framework

Cambodia Millennium Development Goal 5 is to improve maternal health with key indicators on maternal mortality ratio; total fertility rate; births attended by a skilled health personnel; married women using birth spacing methods; pregnant with two ANC with skilled health professional; pregnant women delivering with Caesarean Section.

The **National Strategic Development Plan Update 2008-13 (NSDP)** continues to prioritize improving the health status of people is a top priority for the country. Reproductive, maternal health, child health, HIV/AIDS, communicable disease control and water and sanitation are prioritized through the Health Sector Strategic Plan.¹⁵

¹² (CDHS, 2010).

¹³ (MOWA, 2014)

¹⁴ (Wang, 2013)

¹⁵ (RGC, 2010)

The MOH **Health Sector Strategic Plan 2008-2015 (HSSP2)** prioritises: reducing maternal, newborn and child mortality/morbidity and improving reproductive health; Specific outcomes include to reduce maternal mortality, increase contraceptive prevalence, increase delivery by skilled birth attendants An integral component of HSP2 is the **Community Participation Policy for Health** which emphasizes a client focused approach to health service delivery.¹⁶

The second **National Strategy for Reproductive and Sexual Health 2013-2016** is guided by gender-responsive and equitable access to health services for all Cambodians. Its three objectives are: increase reproductive and sexual health services; improve reproductive and sexual health services through strengthened delivery and governance processes; and improve reproductive and sexual health information management as part of a strengthened health information system.¹⁷

MoH's Fast Track Initiative Roadmap for Reducing Maternal and Newborn Mortality (FTIRM) (2010-2015) is designed to coordinate the four core components of service provision: skilled attendance at delivery, emergency obstetric and newborn care; family planning; and safe abortion, behaviour change communication; removing financial barriers; and maternal death surveillance and response.

Neary Rattanak III (2009-2013) Strategic Area 4 is to ensure that women and girls exercise their rights to access primary health care, use HIV prevention methods, and improve their well-being especially in regard to reproductive health and their nutritional status and the draft of Neary Rattanak IV prioritises promoting the Gender Mainstreaming Action Plan in the Ministry of Health to remove barriers to women's improved health, particularly sexual and reproductive health.

The **National Strategic Plan for Comprehensive and Multi-Sectoral Response to HIV/AIDS III** (2011-2015) among other priorities aims to increase coverage, quality and effectiveness of prevention interventions among entertainment workers and other most at risk young people (MARP).

National Strategic Plan to Prevent and Control HIV transmission among EWs, their clients and partners 2009 – 2010 aims to reduce HIV transmission among EWs, their clients and partners. The 2009 Standards of Practice for Continuum of Prevention to Care to Entertainment workers (SOP CPCT EWs) is currently being updated to a Boosted SOP CPCT EWs.¹⁸

Key policy issues and their impact on SMW

National Reproductive and Maternal and Child Health policies are considered advanced and stand as role models for gender-responsive policy.¹⁹ Adequate policies are in place however, challenges are in implementation particularly with access to quality services for rural women and urban women marginalised by occupation.

Key issues are the shortage of qualified care providers (particularly midwives) in remote areas, lack of drugs and poor equipment at facilities.²⁰ While some 73 percent of all health centres now have

¹⁶ (MoH, 2008)

¹⁷ (Frieson, 2011)

¹⁸ (MoEYS, 2012)

¹⁹ (Frieson, 2011)

²⁰ (Frieson, 2011)

secondary midwives, the main challenges are recruitment and retention to most remote rural health centres and providing adequate supervision to maintain quality of care.²¹ According to the MOH health centers are chronically understaffed and under-funded, with only 43 per cent meeting minimum operational guidelines.²²

Poverty also prevents pregnant women from continuum of care and follow-up visits. Health Equity Fund and cash transfer schemes cover transport and food costs of women needing reproductive health services, but the costs associated with family care, livelihoods and security needs for property are sometimes prohibitive.²³

Provincial-level health directors have reported that women still do not feel they are entitled to go health centres because they lack confidence in their rights and feel looked down upon or too low to show their faces and bodies to medical professionals.²⁴ Lack of privacy and confidentiality caused by the lack of private waiting rooms and facilities women have been identified as gaps.²⁵

A recent review of the youth situation in Cambodia revealed that the rural-to-urban migration of young people (18-24) for employment and education contributes to their exposure to sexual and reproductive health risks including risk-taking behaviour associated with HIV infection. Conditions of migration also lead to other health development risks, including drug and alcohol abuse and gender based violence.²⁶

Availability and cost of reproductive health services for Beer Promoters is also a challenge. In a recent study beer promote often reported being sexually active, and a significant proportion of those surveyed rely on sex work to supplement their income. Beer Promoters work demands were reported to prevent them from accessing health care. Other factors such as cost, location, waiting times, cleanliness and confidentiality along with staff attitudes, clinic hours and available of medications were factors. Additionally other factors affecting access were shyness and fear, lack of knowledge, and support from family and friends.²⁷

As sexual transmission has emerged as the primary mode of transmission for HIV among women in Cambodia, increasing sexual and reproductive awareness including promoting the use of condoms and prevention of mother to child transmission (PMTCT) plays a key role in enabling women to lead full reproductive lives and in containing the spread of HIV. Women in general have been identified as less likely than men to have knowledge of condoms for HIV prevention. Women also use condoms less than men.²⁸

Condom use by sex workers has likely decreased in recent years. With the closure of brothels in 2008 as a result of the Law on Suppression of Human Trafficking and Sexual Exploitation, Cambodia's direct sex trade has gone underground and commercial sex is most easily available through indirect sex work or "entertainment workers". The percentage of female entertainment workers having less

²¹ (MoH, NRHS2:12).

²² MOWA CGA Unpublished 2014

²³ (Frieson, 2011)

²⁴ (Frieson, 2011)

²⁵ (Frieson, 2011)

²⁶ (MoEYS, 2012)

²⁷ (Webber, Spitzer, Samrongthong, Dat, & Kounnavongsa, 2012)

²⁸ (Mauney, 2013)

than 14 partners per week that reported they used a condom at last sex was reported at 88.7 percent. This is a decrease when compared to brothel based direct sex work in 2007 which was reported at 94 percent condom use.²⁹ Additionally sex workers report that anti-trafficking police seize condoms as evidence during raids to crack down on sex workers. Sex workers report sometimes they have to swallow condoms to avoid arrest. This has resulted in sex workers fearing to possess condoms. This goes against HIV-prevention strategies.³⁰

Condom use and HIV prevention information is also low for sexually active young females. In a survey conducted amongst most-at-risk young people (MARYPs) aged between 10-24 years, almost 32% of the sexually active females surveyed had never received a condom and 37% had not received HIV/AIDS information in the preceding three months.³¹

Women living with HIV (WLHIV) also face challenges with the decision to have children. In a study conducted among 757 women in 6 Asian countries including Cambodia 55% of WLHIV had difficulty finding a gynaecologist to care for them due to their HIV positive status. WLHIV in Cambodia said they are often made to wait to see a doctor for any procedure, even an ultrasound, regardless of how early they arrive at the centre. Only 42% of women reported that they could access HIV, reproductive, maternal, and child care services at the same government facility. Some women complained that for a single antenatal visit they were required to travel to different locations with referral slips for ultrasound and laboratory testing, often consuming an entire day and adding to transport costs making more expensive.³² Despite the fact that delivery is offered at “linked” health centres, “satellites,” and the “hub” as part of the Linked Response in an Operational District, in most cases PLHIV described being advised by medical staff to deliver at the district referral hospital.³³

In the study in Cambodia of 397 PLHIV in 5 provinces, 72.8 percent of respondents had received counselling on their reproductive options. Of those 77.5 percent of WLHIV were advised not to have a child. A significant percentage of respondents (79.4) reported that because of their HIV status they had been advised by health staff to undergo permanent sterilization and 18.2 percent report being coerced into being sterilized. 14.3 percent of WLHIV that were pregnant in the previous 12 months were reported to have been strongly advised by health staff to terminate their pregnancy because of their HIV status and 6 percent were able to obtain Anti-retroviral Therapy (ART) conditional on the use of certain forms of sterilization.³⁴

National health surveys suggest that nearly a quarter of Cambodian women have had one or more abortions. Over 50 percent of these women do not use a reliable method of post abortion family planning, and around 25 percent will have a repeat abortion within five years. With over 25 percent of all maternal deaths in Cambodia being the result of unsafe abortions, access to safe abortion services and an emphasis on post abortion family planning is essential to reduce these statistics. Misconceptions on illegality of abortion (up to 80 percent of women in a PSI study believe abortion is illegal) 40 percent of government workers believe MOH does not permit elective abortion.

²⁹ (MoEYS, 2012)

³⁰ Need to site website)

³¹ (MoEYS, 2012)

³² (UNAIDS, 2011)

³³ (Joanna White, 2012)

³⁴ (UNDP Asia Pacific Regional Centre, 2011)

Results in Health providers providing abortion services to women who still think abortion is illegal in private clinics or doctors own home – suggesting at least half of all abortions occur away from a health facility in potentially unsafe conditions. Young, unmarried women are put at particularly high risk for unsafe abortions services due to fear of lack of confidentiality, delay in abortion seeking, due to fear of negative attitudes³⁵

A newspaper reports that many women try using a Chinese Pill to abort and when unsuccessful seek help at the Referral Hospital- about 100 per month – 80 percent of those are garment factory workers. Garment factory workers have low literacy rates, work long hours, have limited free time and cannot afford transport to registered health services, making the option of taking a “quick fix”, cheaper pill more alluring.³⁶

Key Stakeholders

Key actors at the UN level include UNFPA, UNDP and UNAIDS, all with priorities on Sexual Reproductive and Maternal Health and rights. UNFPA identified priority areas of focus are access to Reproductive Health Care Migrant /Factory Workers, Youth Young People, Ethnic Minorities, Entertainment workers.

For the RGC, key stakeholders are the MOH, MOWA, and MOI through the Commune Committees for Women and Children promoting access to health care.

Reproductive Health Association of Cambodia (RHAC) is providing family planning and sexual and reproductive health services in Cambodia. Their reported priority is to address the high unmet needs in the areas of family planning, reproductive tract infections among women and men, safe delivery and capacity to manage emergency obstetric care situations, child health, including child nutrition; tuberculosis, HIV/AIDS, and water and sanitation.

Marie Stopes also provides safe and affordable family planning option, including short and long term methods including contraceptive implants, IUD, contraceptive injection, condoms, contraceptive pills and voluntary surgical contraception including abortion.

Population Services International (PSI) promotes access to family planning and contraceptives, sterilization, fertility awareness methods, through social marketing, maternal health products. Its local partner is Population Services Khmer (PSK).

Family Health International 360 (FHI 360) operates the Smart Girl peer education program with Entertainment Workers and is supported by USAID.

ACTED promotes Peer Education on Sexual and Reproductive Health and education for at-risk populations.

Sugar Palm Foundation is a small organization that promotes safe abortion in one small targeted area.

³⁵ (SIGI, 2014)

³⁶ (Knox, 2013)

CARE project is Partnering to Save Lives is a project aiming to save the lives of women and newborns in Cambodia through improved quality, access and utilisation of reproductive, maternal and neonatal health services through a partnership approach.

Partnership for Development is a UNFPA funded project in Kratie Province providing Youth Friendly Sexual and Reproductive Health Program.

Better Health Services Project (BHS) of URC University Research Centre promotes health strengthening maternal and newborn health, addressing indicators lagging behind.

4.4 SMW Engagement in civil society

Currently, civil society organisations (CSOs) are able to operate openly in Cambodia with little interference from government. International NGOs are required to register with the Ministry of Foreign Affairs and International Cooperation (MoFAIC) while local NGOs are required to register with the Ministry of Interior (MoI). Approximately 3,492 registered NGOs and associations (it is estimated that approximately 1,350 organizations remain active).³⁷

Summary of Current Policy Context

In September 2008 the RGC announced a proposed **Law on Associations and Non-Governmental Organizations (NGO Law)**. The stated intent of the law was to set basic parameters for the operation of NGO's and associations in Cambodia and included, amongst other things, mandatory registration of NGOs and associations (including meeting some technical registration criteria) and the requirement for periodic activity/financial reports to the government. The NGO community immediately and near universally objected to the proposed law.

Key policy issues and their impact on SMW

There is deep suspicion of the intent of the NGO Law. The primary fear being that it will be used to stifle NGO critical of the government (especially NGOs working in human rights, land grabbing issues and the like,) limit/control activities of NGOs in general and further restrict the rights of freedom of assembly and speech.

Key Stakeholders

The key RGC stakeholders are the Ministry of Foreign Affairs, and the Ministry of Interior.

4.5 SMW and Diverse Climate Resilient Livelihoods

Agro-climatic conditions largely influence income diversification of the households. Rural households in Cambodia depend on multiple sources of income for their livelihoods, but they differ according to the agro-climatic conditions. The majority of rural residents still live in traditional ways, primarily cultivating rice and collecting natural resources from water bodies and forests. Agriculture - defined here as including crop and livestock production, forestry and fishing - remains the primary occupation for 72 percent of households, yet accounts for only 31 percent of GDP. The importance

³⁷ (ICNL, 2014)

of off-farm income is growing rapidly, like remittances, wage labour and non-agricultural self-employment.³⁸

Despite achievements in poverty reduction, many Cambodians are still poor or live in precarious livelihood conditions, particularly in rural areas. The Cambodian agriculture sector is characterized by rural households' ownership of small parcels of land. In 2009, almost half of households had agriculture plots of less than 1 hectare, and some had none.³⁹

Cambodia is also considered among the top 10 countries that are highly vulnerable to climate change effects due largely to its limited capacity to adapt. Most vulnerable are the people in the countryside, who make up some 80 percent of the total population and depend mostly on work in the primary sector (agriculture, forestry and fisheries) to support livelihoods.⁴⁰ Sixty-three percent of women in rural areas compared to 50 percent nationwide work in the primary sector.⁴¹ The current gender mainstreaming action plan notes that although women provide 74% of the labour in the agriculture sector and 80% of food production, they only receive 10% of extension services.⁴²

Natural disasters such as drought and flood are main threats that could push many into crisis and below the poverty line. Climate change is contributing to increased risk of natural disasters, floods and droughts, with particularly negative impacts on agricultural production and rural livelihoods. This can result in increased migration, increased borrowing to meet consumption needs, higher rates of child labour and increased unpaid time burden for women.

Female-headed households may be particularly affected by natural disasters as they tend to have less access to information about the natural disaster, fewer connections to community consultations, are less able to draw on credit, have less free time, and may be less able to migrate. Women also experience more limited access to the resources necessary for agricultural production. Women own smaller amounts of land than men and are less able to purchase land due to cultural norms and lower incomes.

Summary of Current Policy Framework

The Government of Cambodia has ratified conventions and has a number of policies that impact diverse and climate resilient livelihoods. These relate to subsectors such as agriculture, fisheries, forestry, and climate change.

Cambodia also ratified the **UN Framework Convention on Climate Change in 1995** and acceded to the **Kyoto Protocol in 2002**.

Chapter III of the Constitution provides for a full range of fundamental rights and freedoms, including the right to private ownership and to ownership of land. Their direct applicability in Cambodian courts was confirmed by the Constitutional Council in a landmark decision (no.

³⁸ (World food program, 2014)

³⁹ (National Institute of Statistics and Ministry of Planning 2009)

⁴⁰ (UNDP, 2014)

⁴¹ (CSES, 2012, 15-64 years of age).

⁴² (Ministry of Agriculture, Forestry, and Fisheries 2006).

092/003/2007 of 10 July 2007). Pursuant to article 44 of the Constitution, “[t]he right to confiscate properties from any person shall be exercised only in the public interest as provided for under the law and shall require fair and just compensation [paid] in advance.”⁴³

2001 Land Law identifies forms of ownership as well as two categories of state land—state public land and state private land—and a procedure for re-classification. It also establishes a framework for land titling, land use and land management. The law authorizes the granting of Economic (ELCs) and Social Land Concessions (SLCs), setting out conditions and procedures that have been developed in specific sub-decrees, namely the **2005 Sub-Decree on Economic Land Concessions** and the **2003 Sub-Decree on Social Land Concessions**. ELCs are to be used for agro-industrial exploitation; they are limited to a maximum of 10,000 hectares per person (however there are exceptions); their maximum duration is 99 years; and they may be revoked or cancelled by the government if the concessionaires do not comply with legal and contractual requirements.⁴⁴

The Sub-Decree on Social Land Concessions prioritized land titling and registration of common ownership between husband and wife. Additionally, **Law on Marriage and Family of 1989** provides for joint property acquired during marriage and separate property for both spouses prior to marriage.

The **Civil Code** provides women with equal rights to bank loans and equal inheritance rights.

Policy Document on Promotion of Paddy Rice Production and Export of Milled Rice (2010) is designed to promote increased quality of rice, increased rice production to promote increased rice sales and exports. The government also aims to ensure that Cambodian rice is internationally recognized, a strategy that depends on appropriate investment to improve rural infrastructure and irrigation. These targets, together with the additional targets for products identified in the trade policy, have the potential to increase women’s employment, though the policy makes no reference to gender

The **Sub-Decree on Contract Farming (2011)** promotes improved farming techniques, and organizing farmers to improve quality production and guarantee pricing.

The **NSDP Update 2014-2018** is the overall strategy of the RGC to reduce poverty and to implement the government’s **Rectangular Strategy Phase III**. The first of priority NSDP is agriculture, which also includes water and irrigation systems, transport infrastructure, electricity, labor-intensive industries, and food processing for export. The NSDP identifies four focus areas for agricultural development: improving agricultural productivity and diversification, land reform and mine clearance, fisheries reform, and forestry reform. These areas are then developed through specific strategies.

The Council for Agriculture and Rural Development (CARD) is leading on implementation of the **National Social Protection Strategy for the Poor and Vulnerable (2011-2015)** (see social protection section).

⁴³ (ADHOC, 2012)

⁴⁴ (ADHOC, 2012)

The Strategic Framework for Food Security and Nutrition in Cambodia 2008-2012 was developed by CARD and identifies women specifically as a target group and targeted mainstreaming Food and Nutrition issues into sector planning.

The Ministry of Agriculture, Forestry, and Fisheries has formulated the **Agricultural Sector Strategic Development Plan 2006–2010**, which outlines seven priority goals and articulates the constraints and actions to be taken with regard to those goals. These include food security, productivity, and diversification; improvement and strengthening of agriculture research and extension systems; market access for agriculture products; creation of an institutional and legislative development framework; land reform, land tenure, and pro-poor land access policies; fisheries reform; and forestry reform.

The **National Strategy for Agriculture and Water 2010-2013** aims to improve food security and economic growth. It has 6 priority areas Policy and Regulation to enable development of Agriculture and Water Sectors: Institutional Capacity Building and Human Resource Development; Research and Education; Food Security; Agricultural systems and community arrangements that enable poor and food insecure Cambodians to have substantially improved physical and economic access to sufficient, safe and nutritious food at all times to meet their dietary needs and food preferences for an active and healthy life; Water Resource Management and Agricultural Land Management; and Agricultural Business and Marketing.

Most of these overarching policies do not address the specific situation of women, but **Cambodia's Policy and Strategy for Gender Mainstreaming in the Agricultural Sector (2006–2010)** is particularly important for women. It recognizes the significant contribution of women to labour and food production, identifies specific constraints, and has some sector specific-targets to address such constraints.

Most recently the **National Climate Change Strategic Plan 2014 to 2018** has been completed.

Key policy issues and their impact on SMW

The Gender Mainstreaming Policy and Strategy in Agriculture is due for evaluation and updating, which could provide an excellent opportunity to further targeting the needs of women with respect to training, financial management, marketing, and information strategies to improve agricultural production. Gender mainstreaming in rural and agricultural development programmes will ensure that rural women engaged in on-farm and off-farm activities, poorest and vulnerable women in particular, are able to diversify their economic activities, increase their productivity, and expand livelihood opportunities. This will also require support for the transition from informal to formal work, mainly in self-employment in agriculture, manufacturing, services (e.g. restaurants, bars, hairdressers, etc.), and trade (e.g. retail shops).⁴⁵

Land ownership is important not only to women's ability to earn income but also as a source of empowerment and autonomy within the household. Their lack of land also affects their ability to gain access to credit facilities. Land Management and Administration Project (LMAP), and Land Administration Sub-sector Program (LASSP), under which systematic land registration continues has

⁴⁵ Unpublished Policy Brief MOW

benefited women. LMAP and LASSP have had considerable success in issuing a high number of titles at a low cost, and up to August 2012, almost 2 million land titles were issued. During this formal registration process women have been able to register land in their own names in significant numbers⁴⁶.

However, despite gender-aware land laws, it is sometimes difficult for women to register land in their names because they tend to lack information, time, documentation, and the necessary levels of literacy. In some cases women face difficulties obtaining the appropriate documentation to prove their land ownership. Several assessments of the land registration system have identified this problem, with female respondents stating that they did not fully understand which documents they are required to submit during the adjudication process, or where they can obtain them. This is particularly complex in cases of divorce, separation or abandonment, and is complicated by the low levels of official registration of marriage.⁴⁷

The Land Titling programs have also failed to address the needs of the people who are most in need of land tenure security, i.e., people who live in informal settlements and disputed areas, as well as indigenous people.⁴⁸

Also in practice many women choose to leave their husbands in charge of most matters related to property ownership, meaning they effectively lose their rights over joint property, placing them at a distinct disadvantage in the event of divorce. A 2006 USAID study reports that limited awareness of their rights – coupled with poor access to legal aid and advice – makes women more vulnerable in contractual affairs, including when others make claims on their land.⁴⁹ Children are theoretically equal in inheritance rights, but the oldest son in practice is likely to inherit more.⁵⁰ Increasing landlessness is a major cause of vulnerability for women.

While the Civil Code provides women with equal rights to bank loans; equal inheritance rights, however, according to the 2013 CEDAW report, traditional norms again result in many women leaving decisions regarding financial matters to their husbands or fathers. This coupled with limited access to information makes it difficult for women to benefit from existing micro-credit programs, extension programs and other resources and services.⁵¹

Key Stakeholders

UN Agencies as stakeholders in livelihoods include UNDP and Food and Agriculture Organisation of the United Nations (FAO). Key stakeholders at the national level include the Technical Working Group for Agriculture and Water, the Council on Agriculture and Rural Development, the Ministry of Agriculture, Forestry and Fisheries, Ministry of Environment, National Climate Change Committee

⁴⁶ Unpublished UN Women Desk Review on Gender and Land Tenure

⁴⁷ Surya P. Subedi (2012).

⁴⁸ (ADHOC, 2012)

⁴⁹ (SIGI, 2014)

⁵⁰ (Aoyagi, Suda, & Shinada, 2011)

⁵¹ (SIGI, 2014)

and Ministry of Rural Development. In 2006, the RGC established the National Climate Change Committee, which comprises representatives of 19 ministries and government agencies.

Significant numbers of both national and international organisations work in the area of livelihoods. Oxfam works on land rights, along with Adhoc and the Cambodian Human Rights Committee.

4.6 Decent Work

Decent work includes a number of dimensions, such as rights at work, security of work, working conditions, representation and voice, and patterns of equality. One major indicator of decent work is the level of remuneration. In Cambodia a decent work gender gap exists partly because women have less access than men to wage employment.

The Cambodian economy is narrowly based and driven by four main sectors: garment manufacturing, tourism, construction and agriculture. Eighty point four (80.4%) percent of Cambodian women aged 15 years and over participate in the Cambodian workforce; 90 percent of workers in the low paying jobs in the garment industry are women, 75 percent of female employment is in agriculture; and women constitute only 27 percent of wage employment in the formal sector.⁵² Among all wage workers (employees), on average women earn 81 percent of men's earnings.⁵³

Many female workers are confined to the informal economy because of limited educational opportunities and rudimentary work skills. Women's labour market participation is also constrained by time-consuming domestic and care responsibilities. Women often face a triple burden of caring for family, attending to domestic chores, and bearing and rearing children. These constraints begin during childhood and continue throughout the life cycle. They are also constrained by the time spent on repetitive, tedious domestic work. This is often linked to inadequate public infrastructure for potable water, electricity, fuel, and roads as well as the availability of quality, affordable, and convenient child care services.⁵⁴

In Cambodia, female participation is high the accommodation and food industry and informal sector are characterised by a high level of female labour participation in such capacities as waitresses, beer promoters, cleaners, receptionists, managers and chefs. The occupations which have less control over work processes and contents in the former industry can expose the workers to a variety of harassment, coercion for commercial sex transactions and associated civil and criminal offences by the restaurant owners and patrons who frequent the sites.⁵⁵

Women exiting the informal sector and entering wage employment or those looking for the creation of better businesses in the informal sector are hampered not only by their poor negotiation skills, their heavier reproductive burden and limited access to market information; in addition, the lack of

⁵² (UNDP, 2013)

⁵³ (Unpublished MOWA Women's Economic Empowerment Brief)

⁵⁴ (ADB, 2013)

⁵⁵ (Unpublished MOWA Policy Brief 2014)

gender-responsive policies capable of adequately improving women's skills and networking capacities present key constraints.⁵⁶

ASEAN economic integration in 2015 is expected to further increase employment opportunities across the country, but concerns remain about the current low educational attainment and the lack of technical skills of Cambodian workers compared to other countries in the region. This integration is expected to draw more young girls away from educational opportunities as they may seek to participate in the increased employment opportunities which will in turn help them to support their families.

Summary of Current Policy Framework

Cambodia has ratified **CEDAW** and anti-discrimination provisions are included in the Constitution.

Cambodia has ratified **eight core ILO Conventions**:

- the **Freedom of Association and Protection of the Right to Organise Convention**, 1948 (No. 87);
- **Right to Organise and Collective Bargaining Convention**, 1949 (No. 98);
- **Forced Labour Convention**, 1930 (No. 29);
- **Abolition of Forced Labour Convention**, 1957 (No. 105);
- **Equal Remuneration Convention**, 1951 (No. 100);
- **Discrimination (Employment and Occupation) Convention**, 1958 (No. 111);
- **Minimum Age Convention**, 1973 (No. 138);
- **Worst Forms of Child Labour Convention**, 1999 (No. 182).⁵⁷

The ILO Convention, 2011, (No. 189) on **Decent Work for Domestic Workers** has not been ratified (see Migration Section below).

The **Cambodian Constitution** states that every Khmer citizen shall be equal before the law and enjoy the same rights and freedom and fulfil the same obligations regardless of race, colour, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status.

The 1997 **Cambodian Labour Law** covers the most important aspects of employment: it defines the types of employment (permanent and non-permanent), the workers' minimum age, type of contracts, parties' obligations, and freedom of association and representation by unions. It also addresses women's rights concerning pregnancy and maternity leave.

Chapter VIII of the Labour Law concerns **Occupational Safety and Health (OSH)** of Workers and provides for MOLVT to develop prakas and other regulations in view of monitoring the working conditions. The MOLVT have issued 11 prakas related to OHS. The various Prakas address the working conditions in different settings. **Prakas 86** is an important one as it authorises the creation of HIV/AIDS Committees in Enterprises and Establishments and Managing HIV/AIDS in the workplace.

⁵⁶ (UNDP, 2013)

⁵⁷ (Maltoni, 2011)

A draft Prakas is now in process to address the **OSH of Entertainment Workers**. The Draft Prakas will address a better protection mechanism for EWs as well as address clear role and responsibility of employer related to sexual harassment and GBV at the workplace. The Draft Prakas includes a clear definition of entertainment/enterprise (karaoke, casino, disco, message, breweries, retailer, hotel, guesthouse, restaurant, clubs, etc.) that are covered in the parkas. Also the Prakas clearly identifies who is an employer -he/she has at least one employee in their workplace whether she/he is direct or indirect employed it is under their responsibilities.

Minimum wages are set by the Ministry of Labour and Vocational Training (MOLVT) based on recommendations from the Labour Advisory Committee, which is composed of 14 government officials, 7 members from employers' federations, and 7 members from labour unions. Article 104 of the Law on Labour provides that wages "must be at least equal to the guaranteed minimum wage; that is, it must ensure every worker of a decent standard of living compatible with human dignity." In addition, the MOLVT uses Prakas 86 to set the daily base wage rates for a labourer (presently about \$2), but this wage rate is set only for the purpose of determining penalties under the Law on Labour, *not to establish minimum wages*.

The **NSDP** calls for expansion of opportunities and employment creation for women, including in the informal sector, by supporting needs assessments; facilitating partnerships to set up support mechanisms for women entrepreneurs; developing programmes on capacity and skills development and advocate for scholarships for women; advocating for and monitor mechanisms for providing decent jobs to women including vulnerable, disabled and indigenous women; and establishing a consultation and information centre for women. In addition, NDSP aims to strengthen business development services and develop micro, small and medium enterprises and livelihood skills development for women; design pilot projects in communities to increase employment opportunities for women; and set up women's associations and entrepreneur networks and support access to information on microfinance services for women entrepreneurs.

Neary Rattanak III MOWAs Five Year Strategic Plan has economic empowerment of women as one of its' six strategic priorities. Women's economic empowerment is also a strategy in the draft **Neary Rattanak IV**. MOWA is also developing a **Policy on Women's Economic Empowerment**. This policy is in the draft stage.

Occupational Health and Safety Master Plan 2009-2013 prioritises strengthening national OSH systems; improving safety and health inspections and compliance; promoting OSH activities by employers' and workers' organisations; implementing special programmes for hazardous occupations; extending OSH protection to small enterprises and informal and rural workplaces; and promoting collaborative actions with hazardous child labour and HIV/AIDS projects and activities.

Key policy issues and their impact on SMW

The main barriers to women's participation in and benefit from wage work include: low levels of education and literacy,⁵⁸ a low minimum wage; and discrimination in employment practices such as multiple short-term contracts. Women are also disadvantaged by weaknesses in the labour legislation such as the inadequate specification of equal pay for work of equal value, and a lack of clarity in the definition of and mechanisms for addressing sexual harassment.⁵⁹

Neither Cambodia's Constitution nor its Law on Labour provide for equal remuneration for work of equal value. Thus, there is a need to bring the legislation into conformity with CEDAW and with ILO Convention 100. The Labour Law does not provide for special measures to be taken in circumstances where it is necessary to assist women to obtain substantive equality, as provided in ILO Convention 111, Article 5, and CEDAW Article 4.⁶⁰

Cambodian labour law does not meet the requirements of ILO Convention No. 183: Cambodian labour law requires that employers must give employees who give birth 90 calendar days (three months) of maternity leave and must pay employees who have at least one year of seniority 50 per cent of their wages and benefits during maternity leave.

While non-discrimination in employment is provided for in the Labour Law, the law does not define discrimination, distinguish between direct and indirect discrimination, or clearly outline the meaning of sexual harassment. Enforcement of the Labour Law is limited by the lack of trained inspectors and the complaint mechanism is inappropriate.

The MOLVT has set minimum wages only for the garment, textile, and shoe industries. Employers and enterprises outside those subsectors are free to set wages and minimum rates of pay as long as the rate is not below the base wage for a laborer. There also is no process that permits the Labour Advisory Committee or the courts to enact wage increases, and the committee has not set wages for other important sectors that particularly affect women, such as domestic work, plantation work, or tourism and related services.

The burden of child care affects women's employment, and Cambodia has some relevant legislation. For example, enterprises and agriculture plantations employing more than 100 women are required to set up child care facilities within their establishments or nearby, or they may offer payments in lieu of the service.

Furthermore, these constitutional and labour law rights are confined to Khmer citizens; other citizens living or working in the country do not enjoy these fundamental legislative protections. Compliance with international standards and good practice require that these matters be addressed.⁶¹

⁵⁸ This issue is further addressed in Access to basic services, but only in relation to TVET. This analysis does not address access to education at the primary, secondary levels.

⁵⁹ Unpublished MOWA Policy Brief 2014

⁶⁰ (ADB, 2013) (UN, 2014)

⁶¹ (ADB, 2013)

In garment industry Undetermined Duration Contracts (UDC) have been changed to Fixed Duration Contracts (FDC) which are short-term (3-6 months). The Cambodia Labour Law is being interpreted in different ways. The Arbitration Council states after two years a worker should be granted UDC. Others read law to say FDC can be unlimited as long as no one single one is under two years.⁶²

There is growing awareness of the importance of employment and decent work for inclusive growth at the national level. The Government of Cambodia, in conjunction with the ILO, is developing a National Employment Policy, defined as “an explicit and strategically placed policy framework to expand and ensure access to productive employment opportunities in a non-discriminatory manner.” The National Employment Policy will provide a mechanism to coordinate employment strategies across sectors. It will be important to include women in the planning process and mechanisms to ensure that the policy meets the needs of women.⁶³ The extension of minimum wage, formal employment contracts, parental leaves, and safety and health standards to include informal and vulnerable work must be explored.

While the Draft Prakas on OSH for EWs is a positive step, it has not yet been implemented. It is expected to be completed however in 2014.

Key Stakeholders

The main UN agency promoting decent work is ILO with its’ Decent Work Country which Program which addresses a wide range of labor concerns including training and skills development, employment generation (policy and practice), entrepreneurship, enterprise development, social protection, local economic development, industrial relations and labour market governance. ILO also supports the Better Factories targeted to improving working conditions in the garment industry. UN Women focuses on inclusive growth and economic empowerment of women through its’ Women’s Economic Empowerment Program. IOM focuses on decent work for migrant workers including migrant health and improving working conditions. UNDP focuses on structures and practices that create an environment conducive for full employment and decent work.

The primary ministry responsible for Decent Work is the MOLVT. Other key ministries include the Ministry of Industry, Mine and Energy (MIME); Ministry of Agriculture, Forestry and Fishery (MAFF); Ministry of Commerce (MOC); MOH; Ministry of Land Management Urbanisation and Construction; and Ministry of Environment (MOE).

Key civil society actors include trade unions and associations. These include the Cambodian Federation of Employers and Business Associations, Cambodian Prostitutes Union supported by Union Aid, Women’s Network for Unity, National Network for Entertainment Workers, Better Factories Cambodia, Solidarity Association of Beer Promoters in Cambodia (SABC), Cambodian Food and Service Worker Federation and Beer Selling Industry Cambodia (BSIC).

Workers Information Center (WIC) project of International Women’s Development Agency 6 drop in centers build confidence to speak out about working conditions (including harassment, discrimination, short term contracts).

⁶² (ILO, 2012)

⁶³ (ILO, 2013)

4.7 Safe Migration

Women are increasingly migrating for work, both internally and across borders. In 2013, 29 percent of the Cambodian population (about 4.2 million people) were migrants, defined as living in a place other than one's birthplace. Women account for 50 percent of migrants nationally.⁶⁴ There were more than 350,000 documented migrants working internationally in 2010, with the percentage of women migrants increasing.⁶⁵

Migration has positive and negative consequences and impacts for individual migrants and their families. On the positive side, studies have shown that remittances have lifted whole families from poverty while migrants themselves benefitted from increased skills, knowledge and confidence.⁶⁶ On the negative side, usual reported costs of migration have included labour shortages in family farms; separation anxiety among loved ones; children being left without adequate care resulting in poorer health and poorer performance in school; and neglect of elderly relatives.⁶⁷ Additionally some workers face low wages, poor work conditions, underage recruitment, illegal and exploitative recruitment practices and risks of trafficking and abuse. Despite garment employment being poorly paid relative to other industries, two-thirds of female migrant workers in the garment industry remit money to their parents and families, on average about one-quarter of their earnings⁶⁸.

Summary of Current Policy Framework

Cambodia is also a signatory to the **UN Convention on the Protection of All Migrant Workers and Members of Their Families**.

Memorandums of Understandings with receiving countries on migration are important to establish protections for workers. **Memorandum of Understanding (MOU) between Royal Government of Cambodia and the Royal Government of Thailand Anti-Human Trafficking, 2003; Memorandum of Understanding between Royal Government of Cambodia and the Royal Government of Thailand on Cooperation in the Use of Labor 2003** The MOU called for the legal and organized deployment of Cambodian workers to Thailand. Specifically, it aimed to establish (i) a bilateral administrative process that provides for a well-structured employment procedure; (ii) a mechanism for return or repatriation of migrant workers; (iii) guidelines for labour protection; and (iv) a mechanism for prevention of and intervention against irregular migration.

Cambodia has a successful **Government-to-Government recruitment modality with South Korea**, and is negotiating with Japan and Singapore to establish a similar bilateral agreement for sending Cambodian workers to these countries. Japan has strict requirements for migrant workers. To be accepted as trainee, the worker must complete lower-secondary education, be currently employed and sign the agreement to return back to the same company after completion of the training. Recently the Cambodian Embassy in Singapore notified the MoLVT that Singapore had granted some quota for Cambodian workers. It has been reported that Singapore does not require an MOU for admission of Cambodian workers. Cambodia has suspended sending workers to Malaysia after

⁶⁴ Cambodia Inter-Censal Population Survey 2013

⁶⁵ MOWA Unpublished Policy Brief Women's Economic Empowerment 2014

⁶⁶ IOM 2010, p. 21.

⁶⁷ Hak et al 2011

⁶⁸ Unpublished policy brief MOWA

reported abuses and is in the process of negotiating a new agreement.

Sub-decree on Sending Migrant Workers Overseas, 1995 The Royal Government of Cambodia issued Sub-decree No. 57 Anukret on the sending of Cambodian migrant workers overseas.

Sub-decree on the Management of the Sending of Cambodian Workers Abroad 2011. The Royal Government of Cambodia issued Anukret 190 on Management of Sending of Cambodian Migrant Workers abroad through private recruitment agencies. Sub-decree No. 190 ANKr.BK is aimed at regulating the sending of Cambodian workers overseas, finding labour market and providing employment opportunities to Cambodians overseas, promoting their livelihood, ensuring their safety, promoting human resource development and implementing poverty reduction policy of the Royal Government covering migrant workers and all recruiting agencies in the Kingdom of Cambodia.

Sub-decree 68/2009 on the cost of passports for migrant workers.

Policy on Labour Migration in 2010: The Labour Migration Policy has three main goals: (1) to develop a sound labour migration policy, legal framework and effective management based on international instruments and social dialogue; (2) to adopt a rights based approach to the prevention of and protection against abusive migration practices and the application and enforcement of national law and regulation; and (3) to mainstream migration into the development agenda so that skills gained from migration are recognised and remittances are effectively used for community development.

Law on Suppression of Human Trafficking and Sexual Exploitation 2008 forbids the recruitment, inducement, employment of persons for “any form of exploitation”. This is defined to include the exploitation of the prostitution of others, pornography, commercial sex act, forced labour or services, slavery or practices similar to slavery, debt bondage, involuntary servitude, child labour or the removal of organs.

Key policy issues and their impact on SMW

In recent weeks the implementing Prakas have been issued for Sub-decree on the Management of the Sending of Cambodian Workers Abroad 2011. Immediate analysis identifies the abuse-reporting structure, which gives Labour Ministry officials 10 days to act on written complaints as a strong point. Others report the law is not an improvement, particularly as it continues to put responsibility on private recruitment agencies to oversee the welfare of migrant workers⁶⁹. Other concerns raised are the lack of specificity about monitoring and enforcement measures. There is no clear indication for the penalties in cases of violations.

Another gap is the lack of enough systematic pre-departure training for migrant workers. Pre-departure training may be used as a tool for monitoring and regulating labour migration and the training curriculum should be made suitable to the educational background of the audience. It is important to prepare workers to avoid cultural shocks and to familiarize them with the laws and

⁶⁹ United Nations Inter Agency Project (UNIAP) 2011; HRW 2012; Chenda 2012

norms in the receiving countries.

Lack of standardised work contracts between government and the labour receiving is another challenge. As part of protection of migrant workers, it is essential to have a standard work contract so as to prevent inconsistency and controversy in interpretation of duties and responsibilities of the workers and employers with respect to working conditions and treatments. There are a number of cases when the employment contract of the migrant workers has been unduly replaced with one of inferior terms and conditions when they arrive at the country of employment. The common recruitment practice in Cambodia, migrant workers have to sign three contracts arranged by the agency: first the recruitment service contract delivered by the agency to migrant workers; second the loan contract for the cost of recruitment; and third the employment contract between the worker and the employer in the receiving country.

Another challenge for migrating legally is the cost of migration. In Cambodia, the passport costs about \$150 per person (compared with less than \$50 for neighbouring countries). Additionally a visa can cost an additional \$60 resulting in high costs for legal migration. Overall to migrate legally to Thailand for example it costs about \$600 which typically is paid by recruiter and paid back by migrant. If the workers choose to work in Thailand through smuggling network, they have to pay the carrier only about US\$100 per person. Above all, they do not have to wait long to journey to the destination country. Given the wide gap between the costs of legal and illegal recruitment, it is not surprising that many workers choose to migrate illegally. While they may come at the risk of arrest and deportation, the experienced migrants can re-enter Thailand through the porous border and pay only about US\$ 50 for transportation costs.⁷⁰

Cambodia has not acceded to the International Labour Organization Domestic Workers Convention (Convention No. 189) of 2011 and to the Convention on the Protection of All Migrant Workers and Members of Their Families (CEDAW 35 C). The country has not ratified the Convention, mainly due to the fact that the majority of the provisions focus on the receiving country, with very few outlining the obligations of the sending country. Considering that two of the main receiving countries for Cambodian migrants (Malaysia and Thailand) have also yet to ratify this Convention, its impact on the protection of Cambodian migrant workers is limited.

The “Labour Migration Information System” (LMIS) is a computerized information system/database for labour migration management within the MoLVT, Lack of data on migrants working abroad results in inability to monitor migrants, resulting in increased opportunity for abuse

Key Stakeholders

Several international and non-government organisations work on migration: IOM, ILO, UN Women, UNIAP, Coordinated Action Research on AIDS and Migration Cambodia and Legal Support for Children and Women. ILO migration programmes focus on labour governance and rights and access to productive employment and decent work; the IOM pays more attention to protection and support services to migrants and their families; UNIAP specifically deals with human trafficking in the Greater Mekong Sub-region.

⁷⁰ (Migration Working Group, 2012)

Most international organisations working on migration do so in partnership with the MOLVT through financial and technical support of policy formulation, regulatory reform and capacity building. Local NGOs work more directly and closely with migrants and their communities on advocacy, awareness raising, support and care to migrants and cooperation and networking, rather than on policy and regulation.

The management of labour migration (particularly overseas) is primarily the responsibility of the MOLVY in cooperation with the MFAIC, the MOI and the Council of Ministries.

MOLVT, through the Department of Employment and Manpower, is responsible for managing Cambodia's labour export; selecting and regulating employment agencies; providing medical check-ups for migrant workers; resolving labour disputes between workers, recruitment agencies and employers; and preventing illegal recruitment.

MOI issues passports to migrant workers; prevents illegal recruitment; and, combats labour trafficking in Cambodia. Within the MOI, the Department of Anti-Human Trafficking is responsible for managing labour migration and prevention of human trafficking.

In 2009, the Royal Government of Cambodia established the National in Women and Children (NC/STSL) by connecting all relevant government institutions, private sector, civil society and other relevant stakeholders in the society at national and sub-national levels to pursue a joint effort, in terms of resources and approaches, to prevent, suppress and eliminate trafficking in Cambodia. This committee has subcommittee on Labour Migration established in 2013. This

4.8 Voice of SMW

Female representation in the Senate remains unchanged at under 15 percent since its inception in 1999. In the National Assembly, female representation has more than tripled in two decades, but following the July 2013 elections, 25 female Members of Parliament remain- a decrease from the previous legislature.⁷¹

As of 2013, there are: 1 deputy prime minister (among 9 in office), 2 ministers (Minister of Women's Affairs; and Minister of National Assembly, Senate Relation and Inspection), 14 secretaries of state and 29 undersecretaries of state. Approximately 20% of civil servants are female.⁷²

While progress has been made in the past five years, overall, men continue to hold the vast majority of positions in the Judiciary. In 2013, women comprised 10.3 percent of high court judges and 13.5 percent of judges in provincial courts, representing an almost 2 percent increase since 2007. Ten percent of prosecutors are female representing an increase of almost 8 percent since 2009.

Men continue to hold the majority of decision-making positions at Provincial/Capital and District levels. Currently, men hold all Governor positions at the provincial/capital levels. At deputy levels

⁷¹ MOWA

⁷² MOWA

however, progress has been made, with females comprising 16.78 percent of Deputy Governors at provincial/capital level and almost 25 percent of Deputy Governors of municipalities, district and khans. This is a result of the RGC policy to have at least one deputy governor at all levels.

Men hold the 90 percent of council seats in capital and provincial councils. In municipal, district and khan councils, female seats comprise 12.68 percent of council seats.

The percentage of female Commune Councillors increased from 14.64 percent in 2007 to 17.79 percent in 2012. But Men continue to hold the majority of decision-making positions at the commune level. Women are well represented at commune member level, where representation has remained consistently above 78 percent for the past three elections. Women remain under-represented in key decision-making positions including as Commune Chiefs, where female representation has remained under five percent since the first commune election in 2002, and in First Deputy (9.27 percent) and Second Deputy (8.05 percent) positions.

Summary of Current Policy Framework

While the RGC has expressed commitment to achieving gender equity targets, women in Cambodia remain under-represented across all branches of government and across most sectors. Although women have legal status with men, they still face both direct and indirect discrimination, often due to gender stereotypes that are deeply rooted in society. Men continue to hold the vast majority of decision-making positions in the Executive, Legislative and Judicial Branches.

The RGC has taken steps to accelerate women's equality in government, including setting various targets of female candidates.

The Royal Government of Cambodia (RGC) ratified the **CEDAW** in 1992 without reservation. CEDAW ensures civil rights and legal status of women and in their political participation among other rights.

In relation to the participation of women and men in other spheres of life, Art. 35 of the **Constitution** states that "Cambodian citizens of either sex have the right to engage actively in political, economic, social and cultural spheres of the nation."

Rectangular Strategy for Growth, Employment, Equity and Efficiency (2008-2013) III notes that "the Royal Government considers women as the backbone of the society and economy".

Cambodia Millennium Development Goal 3: Promote Gender Equity and Empower Women identifies women in politics and public services as a key priority area.

Neary Rattanak III, MoWA's five-year strategic plan and the new draft **Neary Rattanak 4** (2014-2018), a national gender mainstreaming policy to promote of women's economic empowerment is a priority action.

Cambodian National Council for Women Five-Year Strategic Plan 2010-2014 promotes women's political participation as a key priority.

National Program for Sub-National Democratic Development 2010-2019 (NP-SNDD) through the first three years implementation plan (2011-2013) of NPSNDD set a statutory **Women's and Children committee** is to be formed in each Council. This provides a forum for women's voices and a means of ensuring women's interest are considered, more generally, during council deliberations. These - committees will engage directly with women and address issues of concern to women. However, the committees have no executive responsibility. Additionally as part of NP-SDD at each level – Provincial, District and Commune, it is required to appoint at least one female. Deputy Governor.

Key policy issues and their impact on SMW

The RCG's stated goal is 50% of women in civil services, but claims it is difficult to achieve due to the lack of sufficiently educated women, underscoring the need for the RGC to prioritize higher education for women. The policy of the Ministry of Interior in the to appoint at least 1 female Deputy Governor in each province and district has achieved considerable success as this area has experience the most gains by women.

While the RGC promotes women's equal participation there are no operational mechanisms of affirmative action. One example is to support political parties to develop, publish, implement and monitor their own Party Action Plans specifying clear gender equality performance targets and specific time-bound goals for the achievement of gender parity, and to adopt a code of conduct that includes requirements for participation of women and principles of gender equality within the party.⁷³

Neary Rattanak IV an effective and comprehensive strategy aimed at addressing patriarchal attitudes and stereotypes that discriminate against women in political and public life. A clear strategy to promote women's participation in line with 2013 CEDAW committee recommendation 18 (b) should be included.

Cambodia's Government-Private Sector Forum is very useful, but the number of women representatives in the ten working groups is very low. Currently, there are 5 women out of 84 and only 4 working groups have women representatives.

Key Stakeholders

UNDP promotes participation through Cambodia Millennium Development Goal 3. UNDP also promotes Public Administration Reform.

MOWA promotes participation through Neary Rattanak III and IV. Women for Prosperity promotes participation. Cambodia Centre for Human Rights has a project seeks to promote women's political representation in Cambodia; specifically through advocating towards the achievement of the minimum target of 30% representation of women at all levels of government. The Project forms part of a regional program aimed at "Building Sustainable Partnerships to Promote Women's Political Representation in Southeast Asia.

Cambodia's Government-Private Sector Forum (G-PSF) is a public-private consultation mechanism. The G-PSF is held bi-annually under the chairmanship of the Prime Minister of Cambodia. The G-

⁷³ MOWA Unpublished Policy Brief 2014 Women and Political Participation

PSF is a full cabinet meeting and the decisions made in the Forum are binding as such. The G-PSF is an opportunity for the private sector and the governments to report on the progress of the ten Working Groups (WGs) and to consider the outstanding issues that remain unresolved from the WG meetings.

4.9 Access to Basic services

Access to basic services includes access to government services including health, education, vocational training, legal services, financial services and agricultural services. Currently the RGC has developed a framework for access to many services however, the majority remain underfunded and women lack equal access.

Summary of Current Policy Framework

The **NSDP** continues to prioritize improving the health status of people is a top priority for the country. Reproductive, maternal health, child health, HIV/AIDS, communicable disease control and water and sanitation are prioritized through the Health Sector Strategic Plan.⁷⁴

MOH Health Sector Strategic Plan 2008-2015 (HSSP2) has three strategic goals 1) Reduce maternal, new born and child morbidity and mortality, and improve reproductive health; 2) Reduce morbidity and mortality of HIV/AIDS, Malaria, TB and other communicable diseases and 3) Reduce the burden of non-communicable diseases and other health problems

The **Health Coverage Plan (HCP)** is a framework for developing the health system infrastructure, based on population and geographical access criteria. “Working Principles” for selection of Criteria are: 1) Coverage of entire population; 2) Basic health needs of majority of population; 3) Quality of care; and 4) Availability of resources.⁷⁵

Health System Financing has included some innovative financing schemes have been helped to overcome barriers to health care. Sexual and Reproductive Health financing in Cambodia is from a combination of three sources: 1) households; 2) the government health budget; and 3) donors and other health partners.

Strategy for Technical and Vocational Education and Training (TVET) 2009 focuses on actions in three core areas: (i) provision of upstream policy advice and related capacity development; (ii) conceptual clarification of skills development and improvement of monitoring; and (iii) acting as a clearinghouse and informing the global TVET debate. The strategy is implemented through a range of advocacy, policy support and capacity development programmes and initiatives. Literacy levels are lower for women than men and for older women literacy is significantly lower. Additionally literacy levels are lower in rural areas.

Key policy issues and their impact on SMW

Technical and Vocational training is a critical component for preparing women for employment or business opportunities. Significant technical and vocational training centres have been established as

⁷⁴ (RGC, 2010)

⁷⁵ (MoH, 2008)

the RGC has recognized the importance of vocational training. Programs are through the MoLVT, MoWA, MRD, MoEYS, and MAFF.

While these efforts are significant, the criticisms are that some of the programs are not easily accessible for women, they place women in sex role stereotyped occupations, and they do not provide training based on market demands and are not linked to the private sector. Additionally the quality of programs is reported to be limited in some settings. There is no national qualification to approve training standards.⁷⁶

TVET programs are not gender sensitive and curriculums are not gender responsive. Some key informants report that it is much easier to provide training to males than females because they can “go out at night” and have “fewer competing home responsibilities.”⁷⁷ Programs must also address the transition of young women from school to work and enable women to access non-traditional occupations.⁷⁸

Innovative health financing schemes have helped to overcome barriers to access to reproductive, maternal, newborn and child health (RMNCH) challenges. Performance based contracting, health equity funds, community-based services have been found to help address supply and demand barrier and to provide financial protection. However large out of pocket payments, though improved, still constitute a major barrier to access and cause financial hardship and impoverishment. Additionally group such as the “working poor” still face gaps in accessing adequate RMNCH services as they do not qualify for assistance through many of the targeted programs.

Females have the same legal access to credit as men, however barriers such as lack of land, lack of knowledge about micro-credit and cultural barriers prevent women from having adequate access to credit. Supporting women’s increased access to credit facilities and training and supporting female-led micro and small enterprises increases employment opportunities for all women. This is especially relevant for rural women in the agriculture sector. Women could benefit from improved access to information, training, and outreach services to build their capacity to start businesses and upgrade them over time. Women can also benefit from support of women-specific and mixed business associations and other business support organizations. Additionally, a complete support package is recommended to reach rural poor women. The support may include start-up capital, post-training technical support, and market linkages.⁷⁹

Women do not have equal access to extension services, irrigation, or farm equipment. For example, although women in Cambodia work in agriculture to the same extent as men, it is estimated that women receive only 10% of agriculture extension services. Women are similarly constrained in their access to extension services; skills development, including training in management and marketing skills; and improved farming equipment. They require special assistance to achieve equal access, and this can be achieved through gender-specific action plans that target the needs of women farmers

⁷⁶ (ILO, 2013)

⁷⁷ (Srun, 2013)

⁷⁸ (ADB, 2013)

⁷⁹ (ADB, 2013)

and gender mainstreaming that is monitored for effectiveness to ensure that women share appropriately in the sector's growth.⁸⁰

Key Stakeholders

Asia Development Bank is supporting UNESCO and MOLVY in the “Strengthening Technical Vocational Education and Training” which aims at supporting the Government’s strategies to reduce poverty and achieve socio-economic development for all Cambodians through: (i) promotion of vocational and skills training to ensure continuing improvement in national productivity; (ii) creation of jobs in the formal and non-formal sectors; (iii) an increase in agricultural productivity to create jobs in rural areas; and (iv) the establishment of TVET networks to assist both men and women, especially the poor, disabled and vulnerable, to respond to labour market needs”

The National Training Board is the over-arching body with the legal mandate to develop TVET Policies and ensure coordination among ministerial departments and social partners. Need for clarity of roles of different partners

Industrial Advisory Groups have been constituted for the three priority sectors of construction, mechanics and ICT/Business.

Better Health Services Project (BHS) of University Research Centre (supported by USAID) supports Health Equity Funds, and other efforts in maternal and newborn health and medical education, and health system accountability.

4.10 Access to Formal Social Protection

Social protection is defined as the “the set of policies and programs designed to reduce poverty and vulnerability by promoting efficient labour markets, diminishing people’s exposure to risks, and enhancing their capacity to protect themselves against hazards and the interruption/loss of income” (ADB 2003, 1). The three main components of the social protection strategy are social assistance, social insurance, and labour market programs.⁸¹

On the Social Protection Index (SPI) for Asian Countries, Cambodia ranks 25th out of 31. The average SPI for Asia is .36 while Cambodia’s SPI is .18. Cambodia’s SPI value is slightly lower than other countries which ranked LOW on the Human Development Scale.⁸²

Summary of Current Policy Framework

As identified in the Social Protection Performance Review conducted by ILO in 2012 there are currently a variety of statutory provisions with fundamental rights to social protections enshrined by the Constitution of Cambodia, and included the labour law, the law on the common statute of civil servants, the law on war veterans, the law on pensions for members of the armed forces, the law on suppression of trafficking, and the national disability law.⁸³ This review identified the following protections:

⁸⁰(FAO and Government of Cambodia 2010; Ministry of Environment 2011).

⁸¹(ILO, 2013)

⁸²(Tola p.3).⁸²

⁸³(ILO, 2012)

Article 72 of the Cambodian Constitution states that, “the health of the people shall be guaranteed. The state shall give full consideration to disease prevention and medical treatment. Poor citizens shall receive free medical consultation in public hospitals, infirmaries and maternities”

The National Social Security Fund for Civil Servants (NSSFC) provides social security benefits to around 175,000 civil servants and to their family dependents. Benefits provided include maternity and sickness cash benefits, funeral grant, employment injury benefits, and pensions.

The National Fund for Veterans was established in 2010 and provides social security benefits to members of the armed forces and the national police. The scheme also provides pensions to persons qualifying as war veterans.

The National Social Security Fund was established in 2008 to administer social security benefits for private sector workers as stipulated by the social security law, 2002.

MoH’s **Master Plan for Social Health Protection (2009)** pledges to give effective and equitable access to quality health for all Cambodians by 2015; and give priority coverage for poor and vulnerable groups.⁸⁴ Social Health protection schemes include the fee-waiver scheme for the poor, the voucher scheme for maternal health, the health equity funds for the poor, and the community-based social health insurance schemes.

Social Assistance or Welfare is provided by RGC through different line ministries, mainly the Ministry of Social Welfare, Veterans, and Youth Rehabilitation, which provides support to orphans, the disabled, the elderly, and the poor.

The Ministry of Education, Youth, and Sports runs a **scholarship programme to support poor students**.

Other benefits provided include **emergency food assistance** as coordinated through the National Committee for Disaster Management, and **Technical and Vocational Training** through the Ministry of Labour and Vocational Training.

Concerns about coverage led to the recent development of an overarching policy framework for social protection, the **National Social Protection Strategy for the Poor and Vulnerable (2011–2015)** (NSPS). The core vision of the strategy is that all Cambodians, especially the poor and vulnerable, will benefit from effective social safety nets and social security as an integral part of a sustainable, affordable, and effective national social protection system. The main goal of the NSPS is to provide the most disadvantaged citizens with increasing protection against risks.

Two of the five NSPS objectives specifically refer to women. Objective 2 states, “Poor and vulnerable children and mothers benefit from social safety nets to reduce poverty and food insecurity and enhance the development of human capital by improving nutrition, maternal and child health, promoting education and eliminating child labour especially its worst forms”

⁸⁴ (MOH, 2009)

Key policy issues and their impact on SMW

Overall the social protection system in Cambodia is still fragmented and there is little coordination between the different stakeholders. The adoption of the National Social Protection Strategy for the Poor and Vulnerable (NSPS) is a positive step towards a coordinated national social protection strategy. However, the overall coverage of the social protection system is incomplete and the few statutory provisions primarily benefit public sector workers. Many social protections are provided by CSOs through donor and are not organized in a systematic way.

In addition to the measures outlined in the NSPS, the government aims to expand and improve the quality of community-based health insurance for low-income members of society, to include policies and programs to promote better occupational safety and health, and to ensure complementary health and social welfare services for those living with HIV/AIDS.⁸⁵ However to date this has not occurred.

One challenge in the system is the National Social Security Fund is limited to private sector workers. The legal basis for coverage is the Law on Social Security Schemes, which is limited to workers defined by the Law on Labour. Coverage is limited to workers in enterprises with at least eight employees and provides only employment injury benefits.⁸⁶ Social protection programs do not include informal sector employment.

Migrant workers are confronted with particular difficulties in obtaining the rights to social security, which are usually related to periods of employment or contributions or residency. In addition, the risk the loss of entitlements to social security benefits in their country of origin due to their absence, and may at the same time encounter restrictive conditions in the host country with regard to their coverage by the national social security system.

It is recommended that efforts be continued towards the development of a more institutionalized system. This, however, will require the further strengthening of institutional capacity, particularly at the national social protection agencies, including the social security funds catering to workers employed in the formal economy. Along with the development of social security provisions in the formal sector, there is a need to pursue policies and programmes that relieve the plight of the most vulnerable.

Key Stakeholders

ILO has promoted introduction of the global Social Protection Floor initiative (SPF) launched by the UN family under the lead of ILO and WHO, therefore deserves due consideration for the design of social protection provisions within the overall strategic framework defined by the NSPS.

UNESCO supports the Strategy for Technical and Vocational Training. MOLVT, leads efforts at the national level for Technical and Vocational Training including the National Training Board. This is the over-arching body with the legal mandate to develop TVET Policies and ensure coordination among ministerial departments and social partners. ADB supports “Strengthening Technical Vocational Education and Training (STVET)” which aims at supporting the Government’s strategies to reduce

⁸⁵ (ILO, 2013)

⁸⁶ (ILO, 2013)

poverty and achieve socio-economic development for all Cambodians through: (i) promotion of vocational and skills training to ensure continuing improvement in national productivity; (ii) creation of jobs in the formal and nonformal sectors; (iii) an increase in agricultural productivity to create jobs in rural areas; and (iv) the establishment of TVET networks to assist both men and women, especially the poor, disabled and vulnerable, to respond to labour market needs”

GIZ provides funding MOH for quality management, training for health personnel and health financing/social health insurance.

Industrial Advisory Groups have been constituted for the three priority sectors of construction, mechanics and ICT/Business.

Many national and international organisations provide a variety of social protection supports.

4.11 Access to Specialist Services

The RGC provides limited specialist services and legal supports. Some examples of specialist services by the RC are the transit centre for trafficking victims’ in Poipet, MOWA Judicial Police Agents to support victims of GBV in the legal process, the forensic examination for rape victims, and re-integration for survivors back into the community for trafficking victims. Additionally the Commune Committee for Women and Children at the commune level responds to GBV survivors as identified in the GBV section of this report.

But overall government budget is lacking to provide supportive social and legal services. In Cambodia the majority of specialist services and legal supports are provided by CSOs. CSO services, however, remain scattered, uncoordinated and most services are unavailable in most rural areas outside the provincial towns.⁸⁷ Some efforts are underway by the RGC to set minimum standards of service.

Summary of Current Policy Framework

Policy and Minimum Standards for the Protection of Human Trafficking Victims: Prakas on Minimum Standards of Residential Care for Victims of Human Trafficking: MOSVY in cooperation with UN agencies and CSOs has developed a set of minimum standards for shelter and services for trafficking victims. These are in the process of being finalised and implemented.

Minimum Standards for other GBV services: In the 2nd NAPVAW, a priority is to develop minimum standards of the various services in each sector for GBV survivors.

Judicial Police Agents: MoWA has a mechanism to provide legal advocacy through the 137 Judicial Police Agents (JPAs) are identified in the DV Law. JPAs can act as the complaining party instead of victims in accordance with the penal procedures in effect.

Key Policy Issues

Experts have identified that a survivors of VAW/G might require a myriad of services including access to safe, short-term or long-term housing and support services including direct cash, transportation, psycho-social support or counselling, support groups, document collection, life skills training,

⁸⁷ (MoWA, 2012)

medical care, clothing, telephone services, legal counselling, and advocacy, formal education, livelihood support, rehabilitation and re-integration.

While NGO and government service providers endeavour to work to a professional standard they need to improve their operations as part of comprehensive referral systems and uniform standards or formal linkages with government agencies. Minimum standards for many services along with formal cooperation and coordination mechanisms are still required.

A review of the Judicial Agent (JPA) role found that provisions regarding the work of judicial police are limited; only operate in the context of domestic violence - not other forms of violence such as rape or violence experienced outside the domestic environment, and that MoWA staff lack the qualifications to perform the functions expected of them. At the same time the report found that these positions hold promise in terms of monitoring VAW/G, referring survivors to authorities and services, and assisting them with court registration processes.⁸⁸ The JPAs also currently serve only at the municipal/provincial level, but not at the district/commune level where service provision is essential.

Most women in the country do not have access to safe shelter if needed. At the same time there is concentration of programs providing residential care in urban areas, particularly for trafficking and rape victims resulting in an overdependence on residential care as a service option. This is likely because services were created in destination areas for trafficking and few support services are in rural areas. As a result women may live in residential care long beyond the time they are safe because no services are available in the community.

Additionally professional training such as social work is just beginning to be established. In Cambodia, the social work sector is extremely underfunded and weak. Currently there is only an average of four public social welfare officials per 100,000 populations. With the yearly retirement of civil servants, this number is declining due to restrictions in hiring of new civil servants, faced by MoSVY as part of macro-economic reforms. For example, 284 social affairs civil servants retired between 2010 and 2012 without being replaced. Furthermore most in Cambodia are not familiar with the term professional social worker and often equate it with a social service or direct service provider.

While there are quality NGOs that are targeting providing legal support and services to survivors of VAW/G, the availability of legal representation and support is inadequate. Free legal services are not available in all provinces, where they are available case loads are high, and NGOs report challenges hiring enough lawyers to meet the demand.

Key Stakeholders

UN agencies include UN Women and GIZ in support of minimum standards. Key stakeholders at the national level include the MOSVY with the Minimum Standards Shelter, MOWA in its priorities for JPAs and the further development of Minimum Standards of Service. A multitude of CSOs provide services including CSOS already identified in other sections of this report. ILO is establishing a Legal Service for entertainment and sex workers.

⁸⁸ Menzel (2012)

5 Recommendations

Overall the RGC has prioritized the development of laws and policies that provide an enabling framework for improving the lives of socially marginalized women. However even with the successes, there are still gaps. Some laws and policies lack definition preventing implementation or enforcement. Others lack enabling legislation that would permit effective implementation. At the same time even with laws and policies that are adequate, significant funding gaps remain, enforcement is sometimes weak, and human resources are limited. This significantly impacts the success of policies in many settings.

This report outlines key laws and policy areas in each area of to promote or curtail the rights of socially marginalised women. These areas are gender-based violence, sexual and reproductive health and rights, engagement in civil society, livelihoods, decent work, safe migration, voice, access to basic services, access to formal social protections, and access to specialist services.

Based on the findings the recommendations are as follows:

- Identify priority areas based on the gaps identified for strengthening the legal and policy framework for improving the lives of socially marginalised women. The current drafts of the 2nd NAPVAW and 2nd NPA STSLS along with other government strategies both prioritise improving the legal framework and promote further analysis of gaps in implementation. This presents key opportunities to improve laws and policies that protect socially marginalised women.
- Further promote mechanisms to empower women so they can fully participate in decision making process. Women have made slight gains political participation, but this is a key area as the gains are limited. At the lowest levels women have more voice on the commune councils for example, but the positions they occupy have less decision-making power.
- Promote improved legal recourse by clarifying consequences of violations of current laws and policies. Legal recourse limited resulting in a culture of impunity. Again, even when the legal and policy framework are in place few prosecutions or consequences for violations occur. Sanctions or punishments are not clearly defined; enforcement is limited resulting in a continuing culture of impunity for violators' across the board.
- Promote information on rights, services, and understanding of services, laws and policies to socially marginalised women.
- Promote access to services. While the RGC is holds responsibility for providing essential services, funding is still lacking for many basic services, social protections and specialist services. For some time donor support will be required to fill these gaps.
- Promote standardisation and improved quality of services. While CSOs and donors have filled significant gaps in service provision, the services are not uniformly provided and available throughout the country. Quality is inconsistent. The RGC can support improvements in these areas by continuing to promote minimum standards of service and other mechanisms to improve quality.

6 Policy analysis Matrix

GOVERNANCE OVERARCHING INFLUENCES <i>Constitution</i> <i>Lack of Funding</i> <i>Lack of Enforcement</i>				
Policy Issue	Impact on SMW	Suggested policy action	Context / Scope for action	Key Stakeholders
The country's Constitution enshrines fundamental human rights in articles 30, 36, 45, and 46, which include anti-discrimination provisions. The Constitution enshrines the right of all Cambodians to life, personal freedom and security (Article 32), and guarantees there shall be no physical abuse of any individual (Article 38).	There is no definition of discrimination against women, Article 45 prohibition against discrimination is without weight (CEDAW)	Lobby/advocate for the adoption of comprehensive legislation governing gender equality which includes a definition of discrimination against women that encompasses both direct and indirect discrimination in line with Article 1 of the CEDAW Convention and CEDAW committee recommendations of 2013.	CEDAW Recommendation Longer term issue	CNCW MOWA CSOs
RGC has instituted significant laws and policies in all categories, however funding, lack of human resources and weak enforcement limit their impact	While laws and policies are in place the lack of adequate enforcement	Advocate for funding, enforcement and capacity building in each sector	Addressed in various national action plans and sector priorities	Depends on area
GENDER BASED VIOLENCE <i>CEDAW</i> <i>UN Convention on Rights of Persons with Disabilities</i> <i>UN Declaration on the Rights of Indigenous People</i> <i>Constitution, DV Law /Criminal Code</i> <i>Safe Village/Sangkat Policy</i> <i>Law on Monogamy</i> <i>Labour Law, Criminal Code</i> <i>Law of Human Trafficking and Sexual Exploitation (LHTSE) and the Penal Code</i>		<i>NSDP</i> <i>CMDGs</i> <i>Health Policy</i> <i>2nd National Action Plan to Prevent Violence Against Women</i> <i>2nd National Action Plan on the Suppression of Human Trafficking, Smuggling and Sexual Exploitation is currently being drafted (2nd NPA STSLs)</i>		
Policy Issue	Impact on SMW	Suggested policy action	Context / Scope for action	Key Stakeholders

The DV Law lacks clarity as to who is covered by the law, definition of removal of victims from the scene, and in the provision of protection orders.	Women that are unmarried to their abuser are not covered, intimate partners not living together and very few protection orders are provided	Amend DV law to include intimate partners to meet international standards; document the number of protection orders and clarify their provision	2 nd NAPVAW recommends a review of the implementation of DV Law No action is taken at this time Identified in NSDP 2014-18 Draft as a Priority law for review Law on Domestic Violence and Protection of Victims	MoWA MoI MOJ UN Women GIZ
The Sub-Decree on Administrative Decisions by Local Authorities in Cases of Domestic Violence, foreseen by the DV Law of 2005, has yet to be issued	These gaps result in unclear guidance on determining criminal cases resulting in the use of mediation (no skill, ineffective, puts women more at risk). This has significant impact on rural women as the local authorities are sometimes the only source of help.	Issue the sub-decree on Administrative Decisions by local authorities	2 nd NAPVAW recommends this sub-decree be issued No action is taken at this time	MOI MOJ
The Safe Village/Sangkat Policy designates rape, domestic violence and anti-trafficking as priority areas for commune, municipal, district and provincial councils to address but local authorities lack training in dynamics of different types of GBV	Local authorities do not provide adequate interventions resulting in continued abuse for woman and impunity for abuser. Local authorities (including police) are the most common place for women to seek help outside of their family however authorities maintain traditional attitudes about VAW/G.	Include police training on GBV dynamics and good practices	2 nd NAPVAW recommends, Un Women has not been able to receive support for training CCJAP only covers community policing and is not doing this now. Some training is included in CNP Training	MOI CNP MoWA DFAT
The Criminal Code (Art 36) provides that 'All acts of sexual penetration, of any kind whatsoever, or an act of penetrating any object into sexual organs of a person of either the same sex or different sexes by violence, coercion, threat or surprise constitutes a rape.' ⁸⁹ However, this definition fails to adequately define the offence of rape, most significantly by not referring in any way to the issue of	This shortcoming is particularly serious as it may increase prejudice towards rape victims and could serve judges who only focus on tangible attempts by the victim to resist an attack, rather than the lack of consent.	Amend the Criminal Code (Article 36) to include the issue of consent	A recommendation in the 2 nd NAPVAW to review law has been made but no action yet.	MOJ MOWA

⁸⁹ Amnesty International. 2010. *Breaking the Silence- sexual violence in Cambodia*. Retrieved from http://www.amnesty.org.au/images/uploads/svaw/Breaking_the_silence_-_Sexual_violence_in_Cambodia.pdf p. 43

consent.				
Cambodian Labour Law Article 172 prevents sexual harassment but there is no clear definition and There are no guidelines for prevention and response to sexual harassment at the work place by employers including garment companies or entertainment facilities	Sexual harassment is particularly high for urban women marginalised by occupation (Entertainment Workers, Beer Promotion, Garment factory workers) both at work and coming to and from work	Establish a definition for sexual harassment Establish guidelines for prevention and response to sexual harassment at workplaces	Recommended in 2 nd NAPVAW Draft Prakas on Occupational Health and Safety of Entertainment Workers addresses issue – draft is expected to be passed in May 2014	MOLVT MOJ MOWA ILO
Undercover surveillance and investigation is not very explicit in the law	Results in inability to limiting the ability of the police to investigate in some cases.	Clarify legal framework for undercover investigations	Priority of 2 nd NPA STSLS	MOJ CNP
The health system does not yet have a protocol to specifically address, screen for and respond to VAW/G, although a protocol is being developed.	Health system is a key entry point for identification and referral of GBV particularly for rural women with limited access to services. Results in missed opportunities for intervention	Development of Protocol in the Health System	Currently under development with support from UNFPA	MoH UNFPA MOWA TWGG-GBV
Forensic exam is only available at the Provincial Referral Hospital	Cost to get to hospital is significant for rural women, results in delays and loss of evidence, resulting in challenges to prosecution Also current policy does not include PEP	Make forensic exam available at all referral hospital (not just at provincial level) Include PEP	Under consideration by MoH In 2 nd NAPVAW	MoH MoWA UNFPA
Sex work illegal	Highly insecure working environment for sex workers, including health risks, abuse including, police harassment and extortion etc.	Advocate for more lenient law enforcement; and increased controls of the police to prevent abuse	No identified action	MOI MOWA MOJ CNP
Managing an establishment of prostitution is punishable under the Law of Human Trafficking and Sexual Exploitation (LHTSE) and the Penal Code, but these provisions do not cover situations where a minor, employed by an establishment for entertainment, is taken out by a	Minors can work in KTV establishments	Amend the LHTSE and Penal Code to forbid minors from working in these establishments	Recommended in 2 nd NPS STSLS	MOI MOJ NC STSLS

customer to a private place for sexual purposes.				
SEXUAL REPRODUCTIVE HEALTH AND MATERNAL HEALTH RIGHTS AND STATUS CMDG 5 National Strategic Development Plan Update (2008-2013) Health Sector Strategic Plan (2008-2015) HSSPII National Strategic Development Plan Health Sector Strategic Plan Community Participation Policy For Health National Population Policy (2003)		National Strategy for Reproductive and Sexual Health 2013-2016 Fast Track Initiative Roadmap for Reducing Maternal and Newborn Mortality (FTIRM) Neary Rattanak III (2009-2013) (and draft update) National Strategic Plan for Comprehensive and Multi-sectoral Response to HIV and AIDs III (2011-2015) National Strategic Plan to Prevent and Control HIV transmission among EWs, their clients and partners (2009-2010) Standard Operating Procedures for Continuum of Prevention to Care and Treatment for Women Entertainment Workers in Cambodia (2009)		
Policy Issue	Impact on SMW	Suggested policy action	Context / Scope for action	Key Stakeholders
National Reproductive and Maternal and Child Health policies are considered advanced and stand as role models for gender-responsive policy. ⁹⁰ Challenges are in implementation particularly with access to services and information for rural women and urban women marginalised by occupation.	<p>While the policy is in place, women in rural areas or urban women in marginalised by occupation often lack information and access to services due to work schedules, or other personal barriers</p> <p>One study identified that Beer Promoters work demands prevented them from accessing reproductive health care. Institutional factors affecting care included cost, location, environmental factors (e.g. waiting times, cleanliness and confidentiality) and service factors (e.g. staff attitudes, clinic hours, and availability of medications). Personal factors affecting access were shyness and fear, lack of knowledge, and support from family and friends.</p> <p>Women in rural areas do not feel entitled to go to health centres, due to lack of confidence in rights or concerns over showing bodies.</p>	<p>Overall policy framework is in place</p> <p>Promote changes in implementation regulations to establish flexible schedules for Health Clinics that meet the needs of working women</p> <p>Promote provision of private waiting rooms and facilities that cater separately to women's and men's sexual and reproductive health service needs</p> <p>Intensify the provision of sexual and reproductive health information and services to women including modern methods of contraception, particularly to those living in rural areas (CEDAW 38)</p>	<p>Some efforts to provide Sexual and Reproductive and Maternal Health at flexible locations such as in garment factories</p> <p>UNFPA identified priority areas of focus are access to Reproductive Health Care Migrant /Factory Workers, Youth Young People Ethnic Minorities, Entertainment workers</p>	<p>MoH UNFPA CARE – Partnership to Save Lives</p> <p>Others?</p>

⁹⁰ (Frieson, 2011)

	<p>Young women migrating for employment and education have increased risk taking behaviour leading to increased risk for HIV, drug and alcohol abuse and GBV⁹¹</p> <p>Condom use is slow for MARP. 1/3 had never received a condom and 1/3 had not received HIV information in last 3 months⁹²</p> <p>Knowledge of modern contraceptive methods is high, but their use is low. Need to understand if it is culture, cost or other barriers.</p> <p>Current facilities do not respect privacy and confidentiality,</p>	<p>Policy should include effective measures to information dissemination specifically focusing on perception change amongst women. Adequate budget should be allocated and the full utilization of ITC, particularly targeting rural women, should be considered by policy makers (CEDAW)</p> <p>Promote schemes to reduce out of pocket costs or costs</p>		
Fast Track Initiative Roadmap for Reducing Maternal and Newborn Mortality (FTIRM) to coordinate the four core components of service provision: 1)skilled attendance at delivery, 2) emergency obstetric and newborn care (EmONC); 3) family planning; and 4) safe abortion	<p>Rural women have less access to reproductive health care with 85 percent of urban women delivering in health facilities compared to 47 percent of women in rural areas.⁹³</p> <p>Some 73 percent of all health centres now have secondary midwives, although the main challenges are recruitment to most remote rural health centres and providing adequate supervision to maintain quality of care (MoH, NRHS2:12). Additionally retention of midwives in rural areas is an issue.</p> <p>Lack of qualified providers, lack of drugs,</p>	<p>Promote schemes to recruit and retain midwives in most remote areas.</p> <p>Promote schemes to provide supervision and further training and supervision</p>	Issued has been identified by MOH	MoH UNFPA CARE

⁹¹ (MoEYS, 2012)

⁹² (MoEYS, 2012)

⁹³ (Frieson, 2011)

	and poor equipment. Midwives are sometimes trained and sent to an area, but have never actually participated in a birth.			
<p>Minimum Package of Activities defines where family planning methods are provided.</p> <p>Hospital provides long term family planning methods and Health Centre provides short term family planning methods. Referral between the two is weak.</p>	<p>Women in both urban and rural areas are likely to be offered the type of family planning method based on the entry point for seeking service rather than based on individual need/desire.</p> <p>Limits options for family planning. MOH has the basics in place but all options are not available to all women</p>	Include in protocol for minimum package a clear referral procedure for different types of family planning	No identified action	MOH
<p>Law on the Suppression of Human Trafficking and Sexual Exploitation (LHTSE) (2008). This law has resulted in the widespread closure of brothels which has complicated efforts to reach out to entertainment workers who sell sex with HIV prevention services, including provision of condoms and lubricant and referral to HIV and STI testing</p>	<p>Increased risk of HIV due to lower condom use. With the closure of brothels direct sex trade has gone underground and commercial sex is most easily available through indirect sex work or “entertainment workers”. The percentage of female entertainment workers having less than 14 partners per week that reported they used a condom at last sex was reported at 88.7%. This is a decrease when compared to brothel based direct sex work in 2007 which was reported at 94% condom use.⁹⁴</p> <p>Anti-trafficking police seize condoms as evidence during raids to crack down on sex workers. Sex workers are now afraid to possess condoms. This goes against HIV-prevention advice and endangers our health.⁹⁵</p>	Identify new strategies to reach entertainment workers with targeted sexual and reproductive health messages	Under consideration by key stakeholders and CSOs	MOH CSOs NAA

⁹⁴ (The National Aids Authority, 2012) p. 27

⁹⁵ (Sex Work in Cambodia, 2014)

	Condom use is slow for MARP. 1/3 had never received a condom and 1/3 had not received HIV information in last 3 months ⁹⁶			
WLHIV are regularly recommended to undergo sterilisation/abortion/ or not to have children by health care providers	Restricts options for WLHIV to have children	Provide training and information to health care providers on the rights of WLHIV	UNAIDs is supporting efforts to raise awareness through funding PLHIV network. Other NGO Work?	
HIV testing among young people under 18 is contingent on parental consent	Restrict access among particularly high-risk young people and young migrants.	Change the policy for testing for people under 18	No identified current action	
Safe (Medical and surgical) abortions are legal for less than 12 week pregnancy, but for many rural women and women in urban areas marginalised by occupation lack of knowledge of services is widespread and restricts access ⁹⁷ Medical abortions not available in public health system – only surgical available in public health systems	Misconceptions on illegality of abortion (up to 80% of women in a PSI study believe abortion is illegal) 40% of government workers believe MoH does not permit elective abortion. Results in Health providers providing abortion services to women who still think abortion is illegal in private clinics or dr's own home – suggesting at least half of all abortions occur away from a health facility in potentially unsafe conditions Out of reach for poor marginalised women Asian Safe Abortion Partnership, abortion-related deaths contribute up to 29 per cent of maternal deaths in Cambodia. Young, unmarried women are put at	Fast track initiative road map for reducing maternal and newborn mortality' which has a detailed section on how they will improve access to safe abortion services including improving availability, accessibility, quality and utilization. Promote this section of the Fast Track Initiative.	No Identified current action	MOH

⁹⁶ (MoEYS, 2012)

⁹⁷

	<p>particularly high risk for unsafe abortions services due to fear of lack of confidentiality, delay in abortion seeking, due to fear of negative attitudes⁹⁸</p> <p>A newspaper reports that many women try using a Chinese Pill to abort and when unsuccessful seek help at the Referral Hospital- about 100 per month - 80% of those are garment factory workers. Garment factory workers have low literacy rates, work long hours, have limited free time and cannot afford transport to registered health services, making the option of taking a “quick fix”, cheaper pill more alluring.⁹⁹</p> <p>Cost a key barrier</p> <p>Rural areas not equipped to provide abortion services¹⁰⁰</p>			
SMW ENGAGEMENT IN CIVIL SOCIETY				
Policy Issue	Impact on SMW	Suggested policy action	Context / Scope for action	Key Stakeholders
In September 2008 the RGC announced a proposed Law on Associations and Non-Governmental Organizations (NGO Law). The community immediately and near universally objected to the proposed law.	Civil society organisations (or NGOs) provide a voice for women on issues, provide prevention, protection, education, legal, health and a variety of services. Limits on CSOS can significant access to voice and services for women.	Monitor the content and progress of the draft NGO law	The draft Law on Associations and NGOs was reportedly sent to the Council of Ministers (CoM) in late January or early February 2014. Local and international organizations are monitoring developments closely in an effort to obtain a copy of the draft Law	MOI Civil Society Orgs
LIVELIHOODS UN Framework Convention on Climate Change		National Strategic Development Plan (III and IV when available)Climate Change Strategic Plan and Rectangular Strategy Phase III National Social Protection Strategy for the Poor and Vulnerable (2011-2015)		

⁹⁸ (SIGI, 2014)

⁹⁹ (Knox, 2013)

¹⁰⁰ (SIGI, 2014)

Constitution 2001 Land Law 2005 Sub-Decree on Economic Land Concessions 2003 Sub-decree on Social Land Concessions Sub-decree on Contract Farming (Feb 2011) Law on Marriage and Family of 1989 Policy Document on Promotion of Paddy Rice Production and Export of Milled Rice		National Strategy for Agriculture and Water; Agricultural Sector Strategic Development Plan Strategic Framework for Food Security and Nutrition in Cambodia (2008-2012) Policy and Strategy for Gender Mainstreaming in the Agriculture Sector (2006-2010) National Climate Change Strategic Plan		
Policy Issue	Impact on SMW	Suggested policy action	Context / Scope for action	Key Stakeholders
Lack of an overall Agriculture Strategy for Women. GMAP is outdated and important to have an overarching strategy for women as Cambodia moves from subsistence to commercial farming	Agriculture remains the dominant sector of employment for women, particularly rural women, but they experience more limited access to the resources necessary for agricultural production and distribution.	<p>It is recommended that the government develop an overarching agricultural strategy to reduce constraints on women, increase women's productivity and incomes, and ensure their inclusion in the transition from subsistence to commercial agriculture.</p> <p>Strengthen gender mainstreaming and initiatives targeted to women in line ministries, especially the Ministry of Agriculture, Forestry and Fisheries (MAFF) and the Ministry of Labour and Vocational Training (MoLVT), to ensure women participate and benefit from government programming using gender-responsive design features, targets and accountability mechanisms</p> <p>Improving the collection and analysis of sex-disaggregated data is an essential prerequisite that will enable the mapping of where women work, the</p>	<p>Increase women's participation and benefit from agricultural diversification, intensification, commercialization and post-harvest production using gender-responsive design features, targets and accountability mechanisms.</p> <p>·</p> <p>Ensure women have access to agricultural tools, inputs, irrigation, and credit and extension services to increase agricultural productivity and facilitate access to markets.</p>	MOAFF

		products they produce, and their roles in production ¹⁰¹ .		
Gender and climate change agendas are not fully integrated into public policy making in line ministries sectoral strategic plans	Women (particularly rural women) are disproportionately affected by the impacts of climate change	Address immediate needs of women at the same time ensure that impact of women is mainstreamed into sector plans	National Climate Change Alliance is prioritizing MOWA will include in Neary Rattanak IV	National Climate Change Committee MOE MOWA
Sub-decree on Contract Farming (Feb 2011)	Poor women in rural communities are often small scale farmers or subsistence farmers without access to markets. This provides an opportunity to connect to larger markets	Operationalize the implementation of the sub-decree on contract farming between MSMEs and capital providers with special focus on poor women in rural communities	No identified action	MOAFF
<p>The Sub-Decree on Social Land Concessions prioritized land titling and registration of common ownership between husband and wife.</p> <p>Additionally, Law on Marriage and Family of 1989, provides for joint property acquired during marriage and separate property for both spouses prior to marriage.</p> <p>However due to prevailing social norms in practice many women choose to leave their husbands in charge of most matters related to property ownership</p>	<p>Women own smaller amounts of land than men and are less able to purchase land due to norms and lower incomes. Women are further disadvantaged in land ownership through inheritance norms, laws and the land titling system.¹⁰²</p> <p>Women have limited awareness of their rights – coupled with poor access to legal aid and advice – makes women more vulnerable in contractual affairs, including when others make claims on their land.</p> <p>Under the current land titling program women are able to title land in rural areas. More challenges in urban areas Titling programs have failed to address the needs of the people who are most in</p>	<p>Monitor and report implementation of the Land Law to ensure that women are able to register inherited land in their own name, and that land acquired during marriage is jointly registered, addressing the specific obstacles women encounter in registering land.</p> <p>Expand access to free legal services for women</p> <p>Examine the needs of specific groups of vulnerable women such as divorced, separated or abandoned women with respect to their land rights.</p> <p>Raise awareness of land and property rights among women</p>	<p>Recommended in CEDAW</p> <p>Land Titling Process is on-going</p>	Land Management Administration

¹⁰¹ (ILO, 2013)

¹⁰² (ILO, 2013)

	need of land tenure security, i.e., people who live in informal settlements and disputed areas, as well as indigenous people. ¹⁰³	and rural organizations, recognizing women's specific needs and interests in both common and private lands. Recognise the rights of people living in informal settlements, giving special attention to informal urban settlements;		
EMPLOYMENT				
Decent Work CEDAW ILO Conventions (87, 98, 29, 105, 100, 111, 138, 12) ILO Convention 189 Decent Work for Domestic Workers Constitution Labour Law Occupational Health and Safety -Prakas No 086 Creation of HIV/AIDS Committee in Enterprises and Establishments and the Prevention of HIV/AIDS in Workplace -Draft Prakas on Occupational Health and Safety of Entertainment Workers Minimum Wage Legislation National Employment Policy (under development) MoWA Policy on Women's Economic Empowerment First Occupational Safety and Health Master Plan 2009-2013 (MoLVT)		National Strategic Development Plan Neary Rattanak III and Neary Rattanak IV Occupational Health and Safety Master Plan		
Policy Issue	Impact on SMW	Suggested policy action	Context / Scope for action	Key Stakeholders
Cambodian labour law does not meet the requirements of ILO Convention No. 183: Cambodian labour law requires that employers must give employees who give birth 90 calendar days (three months) of maternity leave and must pay employees who have at least one year of seniority 50 per cent of their wages and benefits during	Women are not provided adequate maternity leave and benefits	Bring labour law in line with international Convention	ILO Priority	MOLVT

¹⁰³ (ADHOC, 2012)

maternity leave.				
The Labour Law does not provide for special measures to be taken in circumstances where it is necessary to assist women to obtain substantive equality, as provided in ILO Convention 111, Article 5, and CEDAW Article 4. ¹⁰⁴	Efforts to enabling conditions or promote affirmative action are limited resulting in less opportunity for women.	Bring the Labour Law in Line with ILO Convention 111, Article 5 and CEDAW, Article 4	UN Women and ILO advocate with government	MOLVT, MOWA, ILO
Neither Cambodia's Constitution nor its Law on Labour provide for equal remuneration for work of equal value.	Women make 81 for every dollar a man earns	Thus, there is a need to bring the legislation into conformity with CEDAW and with ILO Convention 100.	On MOWA agenda	MOWA UNWomen ILO
While non-discrimination in employment is provided for in the Law on Labour, the law does not define discrimination, distinguish between direct and indirect discrimination, or clearly define sexual harassment (see GBV above)	According to CEDAW there have been no cases of discrimination against women brought before the courts; There is no clear mechanism for complaints of sexual harassment	Define Discrimination in the law Cambodia should seek ways to provide effective, simple, and well-publicized mechanisms to encourage women to make complaints and seek redress for discrimination and sexual harassment	RGC does not consider it necessary to amend	Government: MOLVT UN ILO Decent Work Programme MOWA, MAFF, MOC, MOLVT, MOEYS, MIME
Enforcement of the labour law is limited by the lack of trained inspectors and the complaint mechanism is inappropriate.	Identification of labour violations is weak. No clear complaint mechanism for women to report discrimination or sexual harassment	Development of a Complaint Mechanism that is centralized, simple and well-publicised ¹⁰⁵ Fund labor inspectors	No identified action	MOLVT
Undetermined duration contracts (UDC) have been changed to fixed duration contracts (FDC) which are	Allows factories to terminate employment without strong justification, denies seniority, increases insecurity and	Monitor and address the problem of multiple short-term contracts and reduce practices	ILO Priority	MOLVT MOWA, MAFF, MOC, MOLVT, MOEYS,

¹⁰⁴ (ADB, 2013) (UN, 2014)

¹⁰⁵ (ILO, 2012)

short term, (3-6 months). Labour Law is interpreted in different ways. Arbitration council states after two years worker should be granted undetermined duration contract. Others read law to say FDC can be unlimited as long as no one single one is under two years. ¹⁰⁶	power of managers over employees. A six-month contract does not entitle a pregnant woman to maternity leave benefits, and leaves workers dependent on factories' internal rules and good will ¹⁰⁷ .	which discriminate against women for pregnancy and maternity leave.		MIME ILO Decent Work Programme
Child care is limited. Labour law says that enterprises and agriculture plantations employing more than 100 women are required to set up child care facilities or pay, but no monitoring of this is occurring	Limited options for child care for working women. Children are often left with older parents while workers migrate	Promote child care options for women Investigate if large enterprises and agriculture plantations are providing child care	No identified action	MOLVT CSOs Others?
Labour law rights are confined to Khmer citizens; other citizens living or working in the country do not enjoy these fundamental legislative protections.	Particularly impacts Vietnamese migrant workers in Cambodia		No identified action	MOLVT
Minimum Wage is limited to the garment, textile and shoe industries	Women in agriculture, or informal sectors are not covered by minimum wage law Employers and enterprises outside of these sectors are free to set wages for these subsectors as long as the pay is not below the base rate of a laborer (\$2 per day) Particularly affects women such as domestic work, plantation work and tourism and related services	Set a National Minimum Wage for various sectors	No identified action	Cambodia Labor Advisory Committee MOLVT
Lack of a National Employment Policy	Currently discrimination is common against women and access to employment opportunities is limited.	Develop a National employment policy will provide a mechanism to coordinate	The Government of Cambodia, in conjunction with the ILO, is developing a national employment	ILO, MOLVT

¹⁰⁶ (ILO, 2012)

¹⁰⁷ (ILO, 2012)

		employment strategies across sectors through a participatory process to ensure that women are included in planning and implementation and that the policy meets the needs of women	policy, defined as “an explicit and strategically placed policy framework to expand and ensure access to productive employment opportunities in a non-discriminatory manner,” and held the first tripartite workshop on national employment policy in August 2012	
While the Draft Prakas on OSH for EWs is a positive step, it has not yet been implemented. It is expected to be completed however in 2014.	EWs are not protected from sexual harassment, or other workplace risks Rates of sexual harassment are high for EWs.	Approve the Draft Prakas	The Draft Prakas is expected to be approved in May 2014	MOLVT
Analysis of gender inequality in the labour market must take account of gendered constraints arising from informal and formal norms, beliefs, regulations, and laws. .	Due to social norms, beliefs, and values within family and kinship systems, women have more limited resources in the form of assets, education, time, and social contacts. In addition, women’s greater responsibility for unpaid domestic and care work affects their ability to engage in paid work on the same terms as men	The extension of employment regulations such as formal employment contracts, minimum wages, parental leaves, and safety and health standards to include informal and vulnerable work must be explored.	MOWA is completing Cambodia Gender Assessment which includes section on Women’s Economic Empowerment and Gender Attitudes	MOWA MOLVY UNWOMEN ILO
Safe Migration <i>MoUs on Anti- Human Trafficking and Use of Labour (Thailand, Vietnam, Malaysia is outstanding Sub-decree 57 on Sending Khmer Migrants to work abroad</i> <i>Prakas</i> <i>Sub-decree No. 190 on the Sending of Workers Overseas through Private Agencies</i> <i>Policy on Labour Migration for Cambodia June 2010</i> <i>Prakas 108 Education on HIV/AIDS, Safe Migration and Labor Rights for Cambodian Workers Abroad May 2006</i> <i>Passport Fees</i>		<i>National Labour Migration Strategy</i>		
Policy Issue	Impact on SMW	Suggested policy action	Context / Scope for action	Key Stakeholders
Article 20 Sub-decree 57 on Sending Khmer Migrants to work abroad states that any one sending Khmer migrants to work abroad	However it is not clear what the penalties are, so there is no protection of migrants and monitoring of migrants working abroad is weak.	See subdecree 190	Has been updated by 190. No action on this sub-decree – action will be on 190	MOI MOLVT

who violates any of its clauses in the Sub-decree will be punished by the law. ¹⁰⁸				
Sup-decree No. 190 has been issued along with prakas (recently) for implementing guidelines on recruitment agency training centres. Early concerns are lack of specificity about monitoring of labour agencies, enforcement measures, and penalties are not clear.	<p>Unregulated independent brokers, along with some agencies, recruited workers directly from their homes and communities to sell to recruiters at the highest price. Some of these recruits were vulnerable women and underage girls. There were also many reports of unscrupulous recruiters acting as if they wanted to help improve the livelihood of workers, whilst tying the recruits into contracts using debt bondage style clauses.¹⁰⁹</p> <p>Lack of specificity about these monitoring and enforcement will permit practices to continue.</p>	Monitor implementation	<p>New Migration SubCommittee will monitor</p> <p>NGOs should monitor</p>	The Department of Employment and Manpower under the MoLVT Migration Committee
The Government has yet to ratify the Convention on the Protection of Migrant Workers and Members of their Families	Two other countries in region have not yet ratified so impact is small until all ratify	Promote ratification of Convention	Migration Working Group Priority	<p>MoI</p> <p>MoLVY</p> <p>MoFA</p> <p>Migration Working Group</p>
The policy on extradition and the differing legal frameworks of countries make cross-border prosecution of cases a challenge in anti-trafficking efforts.	Results in inability to prosecute trafficker in labour and sexual exploitation. Abusers have impunity	Clarify legal framework for extradition and harmonize legal frameworks through agreements	Identified in review of NPA STSLs	<p>MoFA</p> <p>Council of Ministers</p>
No MoU between Cambodia and Malaysia	The reports were coming back of Cambodian female migrant workers were being forced to work for long hours at multiple work places, without sufficient or decent food, with little or no rest, improper wages, without access to their passports, prohibited from	MOU needs to be revised before sending new workers to Malaysia	In process with MOI, and MOFA	<p>MOFA</p> <p>MOI</p> <p>NC STSLs</p>

¹⁰⁸ (Asia Foundation, 2011)

¹⁰⁹ (Migration Working Group, 2012)

	communicating with outsiders and their families and, in the worst cases, enduring severe psychological, physical and sexual abuses			
Lack of a standard work contract. The common recruitment practice in Cambodia, migrant workers have to sign three contracts arranged by the agency: first the recruitment service contract delivered by the agency to migrant workers; second the loan contract for the cost of recruitment; and third the employment contract between the worker and the employer in the receiving country.	<p>As part of protection of migrant workers, it is essential to have a standard work contract so as to prevent inconsistency and controversy in interpretation of duties and responsibilities of the workers and employers with respect to working conditions and treatments.</p> <p>There are a number of cases when the employment contract of the migrant workers has been unduly replaced with one of inferior terms and conditions when they arrive at the country of employment.</p>	Establish 1 consistent labour contract for workers	This should occur under the new Prakas for Sub-Decree 190 (NEED TO VERIFY)	MOLVT MOI NPA STSLS Migration Working Group
Currently, there is not enough systematic pre-departure training for migrant workers particularly that are gender sensitive for female migrants internal or international	<p>It is important to prepare female migrant workers (and all workers) to avoid cultural shocks and to familiarize them with the laws and norms in the receiving countries or urban areas</p> <p>Female migrant workers tend to be of young age and can be in less visible parts of the economy such as domestic work, or in vulnerable occupations without access to legal supports</p>	<p>Ensure that pre-departure training is designed in gender responsive</p> <p>Expand pre-departure training using a curriculum suitable to the educational background of the audience.</p> <p>Pre-departure training may be used as a tool for monitoring and regulating labour migration.</p>	ILO updated recently a pre-departure manual for workers	MOLVT ILO
Sub-decree 68/2009 on Passport Fees sets the fee for passports and currently the high cost of Passport Fees and time wait for a passport promote irregular migration	Cambodia, the passport costs is about \$150 per person compared with less than \$50 for neighbouring countries. Additionally a visa can cost an additional \$60 resulting in high costs for legal migration.	Reduce the costs of Passport fees and waiting times to make more easily accessible	<p>Amend the Sub-decree 68/2009 to reduce the cost of passports for Migrant Workers</p> <p>Recommendation of Migration Working Group</p>	National Passport Office MOI

	Women migrating abroad for work migrate without legal protection and support and are more vulnerable to GBV, and other abuse			
The “Labour Migration Information System” (LMIS) is a computerized information system/database for labour migration management within the MoLVT that is not fully operational	Lack of data on migrants abroad results in inability to monitor migrants, resulting in increased opportunity for abuse	MoLVT should restructure and expand the LMIS to collect and utilize data on all migrant workers abroad, including information on wages, contracts, destinations, etc.	Recommended by Migration Working Group, support of IOM expected	MOI MOLVY IOM
Voice of SMW <i>Constitution</i>		<i>Rectangular Strategy for Growth, Employment, Equity and Efficiency (2008-2013)</i> <i>National Strategic Development Plan 2014</i> <i>Cambodia Millennium Development Goals</i> <i>Neary Rattanak III (2009-2013) and Draft Neary Rattanak IV</i> <i>Cambodian National Council for Women Five-Year Strategic Plan 2010-2014 (CNCW Plan)</i> <i>National Program for Sub-National Democratic Development 2010-2019 (NP-SNDD)</i>		
Policy Issue	Impact on SMW	Suggested policy action	Context / Scope for action	Key Stakeholders
Cambodia’s Government-Private Sector Forum (G-PSF) is very useful, but the number of women representatives in the ten WG is very low, i.e. there are 5 women out of 84 and only 4 WGs have women representatives.	Low number of women representatives means less voice for women	Set a target for female participation in Government Private Sector Forums	MOWA will likely include recommendation in Neary Rattanak IV	All ministries, Council of Ministers
RGC has a stated policy of 50% of civil servants should be female, but the reality is much lower	Fewer women in government results less voice for women and in less women available for service provision – sometimes having female service provider makes service easier for women due to cultural norms	Prioritize education and leadership training for women so that more women are prepared for leadership positions	Priority in action plans for MOWA, MOEYS, CNCW	Silaka MoEYS CNCW
NCDD Process - Ministry of Interior made policy to appoint at least 1 female Deputy Governor at the provincial, district and commune levels. Has increased the representation significantly	Provides voice to women in government at these levels, however	Continue efforts to establish targets for women in other government Promote efforts to support political parties to set gender equity performance targets	Nearly Rattanak IV will recommend	MOWA MOI National Election Commission

Access to Basic Services

National Strategic Development Plan

Health Sector Strategic Development Plan 2008-2015

Health Coverage Plan

Health Care Financing System and Schemes

Strategy for Technical and Vocational Training

Policy Issue	Impact on SMW	Suggested policy action	Context / Scope for action	Key Stakeholders
<p>Health Financing Schemes have helped to overcome barriers to reproductive, maternal and child health care. Performance based contracting, health equity funds, community-based services have helped address supply and demand barriers and provide financial protection.</p> <p>However large out of pocket payments are still required</p>	<p>Despite this, financial barriers are only one constraint to health care access, with the others including geographical, informational and intra-household.</p> <p>Other issue is a big issue is out of pocket expenditure – still a gap cost of transportation</p> <p>Health Equity Funds are not universal and primarily supported by donors. To access must have ID Poor Card, limits access to near poor.</p>	<p>Expand funding schemes such as Health Equity Funds.</p> <p>Identify funding schemes for near poor.</p> <p>Identify funding support for out of pocket expenses</p>	<p>Discussed as issues in Health Review meeting for SRMH</p>	<p>MOH DONORS</p>
<p>Unpaid work burden on women is heavier than on men particularly</p>	<p>Consequences on women's health, empowerment, time for paid work,</p> <p>Near poor such as garment workers, beer promoters or other low income workers are not eligible for some funding schemes</p>	<p>Reduce women's unpaid work through improvements in basic infrastructure and services that reduce time poverty and human poverty, such as improved access to safe water and to preschools and schools.</p> <p>Develop a child care services framework policy.</p>	<p>National Strategic Development Plan and other sector development plans prioritise.</p>	<p>All Ministries CARD</p>
<p>Lack of free legal aid is available for women in rural and urban areas.</p>	<p>Women in both rural and urban areas lack access to legal services disadvantaging them in land issues, gender based violence issues and in business</p>	<p>Promote a free legal aid scheme</p> <p>Promote increased legal services through the bar association</p>	<p>Recommended in CEDAW, 2nd NAPVAW, constraints number of lawyers in country</p>	<p>MOJ MOWA DONORS CSOS</p>
<p>Women have legally the same</p>	<p>Results in inability to start, expand</p>	<p>Improve access to information,</p>	<p>Priorities in WEE Strategy of MOWA</p>	<p>UN Women</p>

access to credit, however barriers such as lack of information, lower land ownership and cultural practices limit women's access to credit	businesses.	training, and out reach services to start and build businesses. Improve access to start-up capital, post training technical support and market linkages		MOWA OTHERS?
Technical and Vocational Training Policy has been established, but criticisms are it places women in sex role stereotyped occupations and does not prepare women for jobs based on market demands. Additionally quality is limited and there are no national standards	<p>Lack of technical skills place women migrating for work for risky employment.</p> <p>Migrants returning to Cambodia do not do so with improved skills and, in cases of where diseases have been obtained or accidents have occurred, may become more of a hindrance rather than an asset for their households.</p> <p>Training programs are not linked to market demands resulting in lack of job opportunities when women finish programs.</p>	<p>Policy recommendations are Curriculum Reform, creation of flexible programs, and implementation of the newly developed National Qualifications Framework, and the development of apprenticeship opportunities.¹¹⁰</p> <p>Strengthen and expand the role of vocational training centres and programmes offered by other line ministries (LMs)¹¹¹</p> <p>Provision of training for jobs for women that are consistent with market demands:</p> <p>Enhance and strengthen the institutional capacity of Women's Development Centres (WDCs)</p> <p>Promote the career guidance/mentorship programme to engage women to learn about emerging career opportunities and entrepreneurial routes into non-traditional trades</p>	<p>National Qualification Framework is under consideration</p> <p>MOWA is reassessing the Women's Development Centers</p> <p>The gap has been identified in market demands by TVET, strategy under development</p>	MOLVT UNESCO

¹¹⁰ (UNESCO, 2013)

¹¹¹ (UNDP, 2013)

Women do not have equal access to extension services, irrigation, or farm equipment.	<p>Rural women in Cambodia work in agriculture to the same extent as men, but it is estimated that women receive only 10% of agriculture extension services</p> <p>In addition, households headed by women represent about 26% of all farming households in Cambodia, but female-headed households have access to smaller amounts of land, have less access to credit extension services, and face different constraints in farmers' organizations than male-headed households¹¹²</p>	Make Extension Services and other Agriculture Services available for women	Include in updated GMAP for Dept of Agriculture, Fisheries and	DOAFF
Access to Formal Social Protections <i>Constitution Article 72 (Health); Master Plan on Social Health Protection</i> <i>National Social Security fund (2007)</i> <i>National Fund for Veterans</i> <i>National Social Security Fund for Civil Servants</i> <i>National Social Protection Strategy for the Poor and Vulnerable</i> <i>Social Health Protection Schemes (Health Equity Fund, fee waiver, voucher for Maternal Health, etc.)</i> <i>Social Assistance or Welfare</i> <i>Master Plan for Social Health Protection</i>				
Policy Issue	Impact on SMW	Suggested policy action	Context / Scope for action	Key Stakeholders
National Social Security Fund is limited to private sector workers The legal basis for coverage is the Law on Social Security Schemes, which is limited to workers defined by the Law on Labour. Coverage is limited to workers in enterprises with at least eight employees and	<p>One major problem has been the lack of protection for informal workers, who cannot rely on the legislation for benefits and protection.</p> <p>Migrant workers are confronted with particular difficulties in obtaining the rights to social security, which are usually</p>	New social security law that will cover all workers not covered under present labour law.	ILO is currently working with RGC to support developing this policy	ILO MOLVT

¹¹² (ILO, 2013)

provides only employment injury benefits ¹¹³	<p>related to periods of employment or contributions or residency. In addition, the risk the loss of entitlements to social security benefits in their country of origin due to their absence, and may at the same time encounter restrictive conditions in the host country with regard to their coverage by the national social security system.</p> <p>One challenge in the system is the National Social Security Fund is limited to private sector workers. The legal basis for coverage is the Law on Social Security Schemes, which is limited to workers defined by the Law on Labour. Coverage is limited to workers in enterprises with at least eight employees and provides only employment injury benefits¹¹⁴ Social protection programs do not include informal sector employment</p>			
The adoption of the National Social Protection Strategy for the Poor and Vulnerable (NSPS) is a positive step towards a coordinated national social protection strategy, but lacks overall funding.	<p>The lack of an institutionalised system with financial supports results in a lack of social protections for the most vulnerable and poor</p> <p>Social protection has been ad hoc, geographically limited, and heavily reliant on unsustainable donor funding¹¹⁵</p>	Consider cash transfer schemes to ensure social protection floor for the most vulnerable		CARD ADB UNDP MOSVY
The RGC has prioritised to expand and improve the quality of community-based health insurance for low-income members of society, to include policies and programs to	<p>Lack of access to health care coverage for women that are not covered through work or social protection mechanisms</p> <p>Current approach is fragmented</p>	Expand community based health insurance – build Universal Coverage	<p>Interministerial committee established with MOH, MOLVT, MOP, MOEF, Council of Ministers</p> <p>UNFPA prioritised to Support financial</p>	MOH DONORS

¹¹³ (ILO, 2013)

¹¹⁴ (ILO, 2013)

¹¹⁵ (ILO, 2013)

promote better occupational safety and health, and to ensure complementary health and social welfare services for those living with HIV/AIDS. ¹¹⁶ However to date this has not occurred.			mechanism for the poor to be able to access quality services	
Specialist services <i>Policy on Minimum Standards for the Protection of Human Trafficking Victims:</i> <i>Prakas on Minimum Standards of Residential Care for Victims of Human Trafficking</i> <i>Minimum Standards for GBV Services</i> <i>MOWA Judicial Police Agents</i>				
Policy Issue	Impact on SMW	Suggested policy action	Context / Scope for action	Key Stakeholders
Access to Specialist services by RGC is limited, most provide by CSO service concentrated in urban areas	Women in rural areas lack access to services; lack of community based services; not located where women are living	Prioritize the development of community based services	Prioritised in 2 nd NAPVAW Strategy	MOWA MOSVY CSOs
No policy on for systematic provision of psycho-social support services for survivors of GBV or other	Women do not receive psycho-social support for survivors of GBV in hospitals, communities etc.		Prioritised in 2 nd NAPVAW GIZ is working on minimum standards for counseling	
Lack of adequate standards of service and government monitoring	Substandard services,	Development of Minimum Standards of Services	Efforts underway by GIZ and UN Women	MOWA MOSVY GIZ UN Women

¹¹⁶ (ILO, 2013)

7 Stakeholder mapping\analysis

Governance - Overarching influences						
Government	UN	INGO	Network	NPA	CBOs	Research
<ul style="list-style-type: none"> -Council of Ministers -Ministry of Interior -Line Ministries Sector Plans -MOWA –GMAPs 	-UNDP	Many		<ul style="list-style-type: none"> -Rectangular Strategy -National Strategic Development Plan -Millennium Development Goals 	Many	
Gender Based Violence						
Government	UN	INGO	Network	NPA	CBOs	Research
<ul style="list-style-type: none"> -MoWA: TWGG-GBV, legal protection, 2nd NAPVAW -MoI: anti-trafficking, safe migration -MoH: Forensic Exam, -MoJ: Protection Orders, prosecution -MoSVY: reintegration, Shelter Standards -MoT: safe tourism (prevention of sex tourism) 	<ul style="list-style-type: none"> -UN Women: EVAW 2nd NAPVAW; Prevention, MMS, COP -UNDP: OSSC, Community Conversations -UNFPA: multi-sectoral response in 1 province with local NGO; Protocol for responding to GBV under development with MOH UNIAP-anti- 	<ul style="list-style-type: none"> -GIZ: Access to Justice, MOWA Technical Assistance and NGO FUND, Community of Practice in 2 provinces, support to TWGG-GBV -ACTED: (funded by DFAT) – Reduce GBV on EWs project; -CARE: Sexual harassment, GBV socially marginalized women -Action Aid: Safe Cities Initiative GBV in public spaces as the rural to urban migration of young women increases. -Oxfam: gender justice (sexual 	<ul style="list-style-type: none"> -Community of Practice GIZ -TWGG-GBV 	<ul style="list-style-type: none"> The 2nd National Action Plan to Prevent Violence Against Women (2nd NAPVAW) was finalised in May 2013 and awaits formal approval by the Council of Ministers The 2nd National Action Plan on the Suppression of Human Trafficking, Smuggling and Sexual Exploitation is currently being drafted (2nd NPA 	<ul style="list-style-type: none"> -Cambodia Women's Crisis Cente -Legal Services for Women and Children -Legal Aid of Cambodia -Bantey Srei (shelter and women with disabilities) -Social Services of Cambodia -AFESIP -SISHA -Hagar -Transitions International 	<ul style="list-style-type: none"> -WHO Prevalence Study (2014) -Violence Against Children Study -Triple Jeopardy (disability) -Women and the City -CDHS -ILO (garment factory sexual harassment) -P4P Men's use of Violence Against Women

	trafficking ILO – Legal Services Mechanism for Entertainment Workers	violence) -Asia Foundation: research primary prevention, NGO grants for DFAT		STSLs)	-LICHADO -Cambodia Women's Development Center -TPO Many others	-BCIS -MARP Study (MoEYS)
Sexual Reproductive and Maternal Health rights and status						
Government	UN	INGO	Network	NPA	CBOs	Research
-MOH -MOWA -MOI - DWCCC	-UNFPA -UNDP -UNAIDS -IOM Migration Health	-RHAC: Family planning, reproductive tract infections, safe delivery, ob care, HIV, WASH, post abortion care, early detection & treatment of cervical cancers, etc. -Marie Stopes: short and long term family planning methods including contraceptive implant, IUD, contraceptive injection, condoms, contraceptive pills and voluntary surgical contraception including abortion -PSI: access to family planning and contraceptives, sterilization, fertility awareness methods, social marketing, maternal health products -FHI 360: Smart Girl peer education with EWs supported by USAID -CARE: Partnering to Save Lives -ACTED: Peer Education on	-Women's Health Network (EW network)	National Strategy for Reproductive and Sexual Health 2013-2016	-Cambodia Women for Peace and Development -PSK: Local NGO of PSI -Sugar Palm Foundation is a small project being implemented by Dr John Naponick in Kampot Province (abortion training)	-ACTED -PSK – research in all health areas

		<p>Sexual and Reproductive Health, Smart Girl and You are a Man (finished in 2012)</p> <p>-Sugar Palm Foundation: abortion</p> <p>-PFD: UNFPA funded Kratie, Youth Friendly Sexual and Reproductive Health Program</p> <p>-Better Health Services Project (BHS) of URC University Research Centre health strengthening maternal and newborn health</p> <p>-Project Hope: Healthworks program reduce maternal morbidity and mortality among factory workers in Cambodia</p>				
SMW engagement in civil society						
Government	UN	INGO	Network	NPA	CBOs	Research
<p>Ministry of Interior</p> <p>Ministry of Foreign Affairs</p>	UNDP	Solidarity Center – support for development of trade unions			<p>Silaka</p> <p>Legal Aid of Cambodia</p>	
Livelihoods						
Government	UN	INGO	Network	NPA	CBOs	Research

<p>The Technical Working Group for Agriculture and Water (TWGAW)</p> <p>Council on Agriculture and Rural Development</p> <p>Ministry of Agriculture, Forestry and Fisheries</p> <p>Ministry of Environment</p> <p>National Climate Change Committee</p> <p>Ministry of Rural Development</p>	<p>UNDP</p> <p>World Food Program</p> <p>Food and Agriculture Organization of the United Nations (FAO)</p>	<p>-Union Aid Abroad: advocates on vulnerable women including (sex workers, beer promoters) women farmers to diversity incomes</p> <p>-CARE: Rural Livelihoods</p> <p>-Save the Children: livelihoods with PLHIV</p> <p>Oxfam GB: Support small scale women producers and their communities in securing rights to land, forests and other natural resources, and in managing these sustainably, while also strengthening their voice, representation and leadership to increase their power in markets.</p> <p>GIZ: Investing in rural infrastructure and rural electrification and developing capacities of rural enterprises and public and private sector institutions</p> <p>Many INGOs</p>	<p>Farmers Organizations at the grassroots level.</p> <p>Farmer Water Users Communities involving 305,550 famer Households. Women are actively involved in FWUC committee leadership.</p>	NPA Climate Change	<p>-Cambodia Center for Study and Development in Agriculture</p> <p>-Culture and Environment Preservation Association</p> <p>-Cambodian Institute for Research and Development</p> <p>-Cambodian Rural Development Team</p> <p>-Cambodian Human Rights Committee cooperates with ADHOC on land rights</p> <p>Many CSOs</p>	ADHOC – research on Land rights
Decent work						
Government	UN	INGO	Network	NPA	CBOs	Research
<p>-MoLVT</p> <p>-National Employment Agency</p>	<p>-ILO: (Better Factories, Decent Work)</p> <p>-ILO – Legal Services</p>	<p>- Union Aid Abroad advocates on vulnerable women including (sex workers, beer promoters) women farmers to diversity</p>	<p>-Trade Unions or Associations</p> <p>-Cambodian Federation of</p>		<p>-Cambodia Women’s Development Agency</p>	<p>-ILO Action Oriented Research on Gender Equity and Working and Living Conditions of</p>

-Government of Cambodia's Decent Work Country Programme 2011 MOWA: Women's Economic Empowerment	Mechanism for Entertainment Workers -IOM –Migration Health, Migration Working Conditions -UNDP -UN Women: WEE Women –MOWA	incomes -Better Factories Cambodia (supported by ILO) -Workers Information Center (WIC) project of International Women's Development Agency 6 drop in centers build confidence to speak out about working conditions (including harassment, discrimination, short term contracts)	Employers and Business Associations -Beer Selling Industry Cambodia (BSIC) – promotes a code of conduct for its members -Cambodian Prostitutes Union (Union Aid) (CWDA) -Garment Manufacturers Association in Cambodia (GMAC) -Solidarity Association of Beer Promoters (SABC) Cambodian Food and Services Worker Federations (CFSWF)			Garment Factory Workers -ILO & NIS Labor and Social Trends 2010 -Human Rights WatchOff the Streets Sex Worker Detention 2010 See also Gender based violence
Safe Migration						
Government	UN	INGO	Network	NPA	CBOs	Research

<ul style="list-style-type: none"> -MOI -Ministry of Foreign Affairs and International Cooperation -MoLVT -Association of Recruitment Agencies -Council of Ministers -CNP -MoSVY -Migrant Worker Resource Centre and Support Services (MRC) 	<ul style="list-style-type: none"> -ILO – strengthen existing government agencies with resources to protect rights of migrant workers at home and abroad; drafting comprehensive legislation for protection; adequate protection for migrant workers posting labor attaches to cambodian embassies, government adoption of social dialoge approach; formulating labor migration policy -ILO – Migrant Resource Centres - IOM – assisted returns, counter trafficking, migration health services, movements (visa,etc.) labour migration, technical cooperation and capacity building - UNODC – Focuses on criminal justice elements of trafficking for labour and sex - UN Women supports Migration Working Group 	<ul style="list-style-type: none"> - Winrock (CTIP II) - SISHA (ids and trains police officers) - CARE – SMART Project 	<ul style="list-style-type: none"> - COSECAM - Association of Cambodian Recruitment Agencies (ACRA). - Chab Dai - National COMMIT Task Force - National Task Force for Implementing Bilateral and Multilateral Convention on Anti-Human Trafficking 2007. -Promote the Rights of Migrants Association (PROMA) 	<ul style="list-style-type: none"> -Migration Working Group Strategic Plan under development -NPA STSLS 	<ul style="list-style-type: none"> -LSWC -Caram -CWCC -CWPD -WOMEN -ADHOC -APLE -World Vision -MTV Exit Foundation -PSOD 	<ul style="list-style-type: none"> -Winrock – Shelter VS Community Based Services -CRUMP Report -CDRI -Youth Migration and Urbanisation in Cambodia, 2007 -Asia Foundation, Cambodia's Labour Migration Analysis of Legal Framework 2011 -Smart (CARE) Baseline Report 2013 -CDRI, Irregular Migration from Cambodia, Characteristics, Challenges and Regulatory Approaches 2011
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	- UNIAP – anti-trafficking, regional coordination, support to underserved victim populations, worst offender project, shelter improvement project, cross regional linkage project, ethics and human rights in counter trafficking					
Voice of SMW						
Government	UN	INGO	Network	NPA	CBOs	Research
MOWA MOI CNCW GMAPs in all ministries	UNDP UN Women	Asia Foundation: Support Women for Prosperity, - Support scholarships for girls Oxfam: building effective and accountable governance (increase women’s social, civic, economic, and political participation and leadership at all levels)		CNCW 5 Year Strategic Plan Neary Rattanak III and IV	- Women for Prosperity – promote women in leadership, train women to hold political office	Henrick Boll, Gender and Women in Politics in Cambodia
Access to Services (Basic Services, Formal Protection Services and Specialised Services)						
Government	UN	INGO	Network	NPA	CBOs	Research
-MOLVT	-UNESCO – Strategy for Technical and	-Industrial Advisory Groups have been	-Medicam membership organization that	-Strategy for Technical and	Many	

<p>-National Training Board over-arching body with the legal mandate to develop TVET Policies and ensure coordination among ministerial departments and social partners.</p> <p>-MoEYS: Access to Education</p> <p>-CARD: National Social Protection Strategy</p> <p>-MOH: Access to Health Card</p> <p>-MOSVY: Minimum Standards Shelter</p> <p>-MOWA: JPAs and Minimum Standards</p>	<p>Vocational Training</p> <p>-UNFPA: Access to Health; UNFPA identified priority areas of focus are access to Reproductive Health Care Migrant /Factory Workers, Youth Young People Ethnic Minorities, Entertainment workers</p> <p>-UNICEF - NSSP</p> <p>-WHO: Health</p> <p>-UN Women, GIZ Minimum Standards</p>	<p>constituted for the three priority sectors of construction, mechanics and ICT/Business.</p> <p>-GIZ funding MOH quality management, training for health personnel and health financing/social health insurance; JPAs</p> <p>-ADB Strengthening Technical Vocational Education and Training</p> <p>-GIZ funding MOH quality management, training for health personnel and health financing/social health insurance; JPAs</p> <p>Better Health Services Project (BHS) of URC University Research Centre – Health Equity Funds, maternal and newborn health and medical education, and health system accountability</p>	<p>disseminates health related info, advocacy role, capacity building, health</p>	<p>Vocational Training</p> <p>-Health Strategic Plan (see health above)</p> <p>-2nd NAPVAW</p>		
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