



**ROYAL GOVERNMENT OF CAMBODIA**

# **Fourth and Fifth National Report**

**on**

# **Implementation of the International Convention on the Elimination of All Forms of Discrimination Against Women in Cambodia**

**In conformity with Article 18 of CEDAW**

**May 2010**

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## Acronyms

ADB	Asian Development Bank
AIDS	Acquired Immune Deficiency Syndrome
ARV	Antiretroviral
ASEAN	Association of Southeast Asian Nations
CDHS	Cambodia Demographic and Health Survey
CDP	Commune Development Plan
CEDAC	Cambodian Centre for Study and Development in Agriculture
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CESSP	Cambodia Education Sector Support Project
CIP	Commune Investment Plan
CMDG	Cambodian Millennium Development Goal
CNCW	Cambodian National Council for Women
COMMIT	Coordinated Mekong Ministerial Initiative Against Trafficking
CRC	Cambodian Red Cross
D&D	Decentralization and Deconcentration
DV	Domestic Violence
EMIS	Education Management Information System
EPS	Employment Permit System
EU	European Union
FAO	Food and Agricultural Organization
GAP	Good Governance Action Plan
GDP	Gross Domestic Product
GMAG	Gender Mainstreaming Action Group
GMAP	Gender Mainstreaming Action Plan
HIV	Human Immunodeficiency Virus
ICRC	International Committee of the Red Cross
ID Poor	Poor Household Identification Programme
ILO	International Labour Organization
IPM	Integrated Pest Management
IT	Industrial Training
JMI	Joint Monitoring Indicator
LMAP	Land Management Reform Programme
MAFF	Ministry of Agriculture, Forestry and Fisheries
MDG	Millennium Development Goal
MEF	Ministry of Economy and Finance
MoC	Ministry of Commerce
MoEYS	Ministry of Education, Youth and Sports

MoH	Ministry of Health
Mol	Ministry of Interior
MoJ	Ministry of Justice
MoLVT	Ministry of Labour and Vocational Training
MoP	Ministry of Planning
MoSAVY	Ministry of Social Affairs Veterans and Youth Rehabilitation
MoU	Memorandum of Understanding
MoWA	Ministry of Women's Affairs
MoWRaM	Ministry of Water Resources and Meteorology
MRD	Ministry of Rural Development
NCHADS	National Centre for HIV/AIDS, Dermatology and Sexually Transmitted Diseases
NDMC	National Disaster Management Committee
NEC	National Election Committee
NGO	Non-Governmental Organization
NIPH	National Institute of Public Health
NIS	National Institute of Statistics
NPP	National Policy for Population
NPRS	National Poverty Reduction Strategy
NSDP	National Strategic Development Plan
PAP	Priority Action Programme
PB	Programme Budget.
RACHA	Reproductive and Child Health Alliance
SEDP	Socio-Economic Development Plan
SNC	Supreme National Council
SSCS	State Secretariat of the Civil Service
UN	United Nations
UNIAP	United Nations Inter-Agency Project on Human Trafficking
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNHCHR	United Nations High Commissioner for Human Rights
UNICEF	United Nations International Children's Fund
UNIFEM	United Nations Development Fund for Women
UNTAC	United Nations Transitional Authority in Cambodia
US	United States

## **1. Introduction**

1. The Kingdom of Cambodia ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) on 15 October 1992. This obliges the Royal Government of Cambodia to implement all the provisions stipulated in the Convention and to report on its implementation to the Secretary-General of the United Nations (UN).
2. In accordance with Article 18 of the Convention, the Royal Government of Cambodia submitted its initial, second and third periodic reports on implementation of the Convention to the Secretary-General of the UN on 30 January 2004. The UN CEDAW Committee examined and considered this report during its 705th and 706th sessions on 19 January 2006, providing several recommendations to the Royal Government of Cambodia for further implementation of the Convention.
3. Based on the obligations stated in Article 18 of the Convention and in accordance with the recommendations in the Concluding Comments of the CEDAW Committee, the Royal Government of Cambodia has prepared its 4th and 5th National Report on the Implementation of the Convention to be submitted to the UN Secretary-General.

### **1.1 General background**

#### **Geography and administration**

4. The Kingdom of Cambodia covers a surface area of 181,035 km<sup>2</sup> in South East Asia and is bordered by the Kingdom of Thailand, Lao People's Democratic Republic and the Socialist Republic of Vietnam. The Kingdom of Cambodia is divided into 24 provinces and the capital, Phnom Penh. Provinces are subdivided into 193 cities districts and khans (municipal districts), with 26 cities, 159 districts and 8 khans. Cities, districts and khans comprise 1,621 communes/sangkats (sangkats are municipal communes) (1,417 communes and 204 sangkats). The smallest administrative unit is the village, of which there are 14,073.

#### **Demography**

5. The Kingdom of Cambodia has a total population of 13,395,682, of whom 6,516,054 (48.64 percent) are male and 6,879,628 (51.36 percent) are female (NIS, 2008). Between 1998 and 2008, the population density was 75 inhabitants per km<sup>2</sup>. The annual growth rate is 1.54 percent (NIS, 2007). The 2008 Census showed the infant mortality rate at 66 per 1,000 live births, while the under-five mortality rate was 82 per 1,000 live births. The maternal mortality rate was 472 per 100,000 live births in 2005, decreasing to 461 per 100,000 live births in 2008. The life expectancy of a woman was 64.3 years in 2008, up from 59.27 in 1998 (NIS, 1998; NIS and NIPH, 2005).

#### **Economy**

6. During 2007 and 2008, the average annual economic growth of the Kingdom of Cambodia was 8.5 percent per year. As of 2008, the country's gross domestic product (GDP) was estimated at US\$ 10.33 billion, whereas GDP per capita was US\$ 739.

### **1.2 Political background**

7. Since independence from France in 1953, the Kingdom of Cambodia has experienced many different governance regimes and a variety of political systems.
8. From 1953 to 1970, the Kingdom of Cambodia was ruled as a constitutional monarchy under King Norodom Sihanouk, with the King acting as Head of State. This regime was

overthrown in a coup d'état in 1970 led by General Lon Nol, who became President of the newly created Khmer Republic.

9. In 1975, the Lon Nol regime was defeated by Khmer Rouge troops led by Pol Pot, who changed the name of the country to Democratic Kampuchea. The genocidal regime ruled for three years, eight months and twenty days, finally being toppled by Khmer nationalist forces led by the Kampuchean United Front for National Salvation movement, with support from Vietnamese voluntary troops. This movement claimed victory over the Khmer Rouge regime on 7 January 1979, and established a new political system named the People's Republic of Kampuchea. The country changed its name to the State of Cambodia in 1989.
10. With support from the United Nations Transitional Authority in Cambodia (UNTAC), Cambodia established a new governance and leadership structure. General elections were held in 1993 to elect members to the newly created Constitutional Assembly, with the Prime Minister heading the ruling party in government. The Constitutional Assembly, later renamed the National Assembly, drafted and approved a new Constitution, establishing Cambodia as a pluralistic liberal democratic regime in the framework of a constitutional monarchy, with Norodom Sihanouk returning as King. The name the **Kingdom of Cambodia** was adopted in 1993.

### **1.3 Framework for the protection of human rights**

11. The Royal Government of Cambodia considers the protection of human rights a vital task and an indispensable obligation in guaranteeing the dignity and livelihoods of all Cambodian citizens. Therefore, the Royal Government of Cambodia has created mechanisms to protect human rights in all sectors of state leadership and management, including the private sector, under both national and international frameworks.
12. In the legislative branch, both the National Assembly and the Senate have established Commissions for the Protection of Human Rights and Receipt of Complaints. These commissions have an obligation to facilitate, receive and address all complaints made by citizens who believe their rights have been violated.
13. In the executive branch, the Royal Government of Cambodia has established a mechanism called the Cambodian Human Rights Committee, whose role it is to assist the Royal Government of Cambodia in the development of human rights policies and to coordinate investigation and resolution of human rights abuses.
14. In the judicial branch, all judicial institutions have independent powers to protect the rights and freedoms of all citizens and to ensure they do not suffer from any kind of human rights violation. The judicial institutions in the Kingdom of Cambodia include Provincial/Municipal Courts and the Military Court, which deal with low-level offenses. Provincial/Municipal Courts have jurisdiction over the territory where they are established. The Military Court is located in Phnom Penh and has jurisdiction throughout the Kingdom of Cambodia. The Appeal Court and the Supreme Court are high-level courts and are located in Phnom Penh, with jurisdiction throughout the country.
15. In addition to the state's human rights-protection mechanisms, the Royal Government of Cambodia has welcomed many national and international non-governmental organizations (NGOs) and inter-governmental organizations to work with it in the protection of the human rights of all citizens within the jurisdiction of the Kingdom of Cambodia.
16. These international organizations include: the International Committee of Red Cross (ICRC), the International Labour Organization (ILO), The United Nations Development

Programme (UNDP), the United Nations Children's Fund (UNICEF), the United Nations Development Fund for Women (UNIFEM), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations High Commissioner for Human Rights (UNHCHR) and the United Nations High Commissioner for Refugees (UNHCR). In cooperation with these institutions, many local NGOs have been established with the authority to facilitate and intervene in relation to the protection of human rights, in particular the rights of women and children.

#### **1.4 Publicity on the protection of human rights**

17. The Kingdom of Cambodia signed and ratified CEDAW in 1992, during a time of transition under the leadership of the Supreme National Council (SNC). At that time, the Kingdom of Cambodia did not have the Royal Government of Cambodia's official bulletin, the Royal Gazette, to disseminate information about CEDAW after it came into force.
18. Although CEDAW was not published in the Royal Gazette for official dissemination, the Royal Government of Cambodia widely publicized the Convention. The text of the Convention was also translated into the Cambodian language and, even though it was an unofficial translation, the brief explanatory note to the Convention was published and disseminated widely to all public servants and broadcast on radio and television for the benefit of Cambodian citizens.
19. Following publication and dissemination of the Cambodian-language version of the Convention, a series of training courses were conducted by Royal Government of Cambodia institutions and NGOs to further explain its contents in order to improve understanding of the Convention among public servants and citizens.
20. Together with publicizing the details of the Convention, the first, second and third periodic reports on the Convention were approved by the Royal Government of Cambodia for broader dissemination to public servants in every municipality/province through the use of workshops.
21. The Royal Government of Cambodia assigned the Cambodian National Council for Women (CNCW) to continue to implement the recommendations made by the Queen Mother, Cambodian National Great Mother, Honorary President of CNCW, to disseminate the contents of CEDAW and other relevant documents more broadly, as well as to monitor the implementation of national laws relating to the Convention and to provide recommendations to the Royal Government of Cambodia.
22. In response to the decision by the Royal Government of Cambodia, and under the coordination of CNCW, Gender Mainstreaming Action Groups (GMAGs) were established in each ministry and institution, with the purpose of training officials in their respective ministry on the contents and purpose of CEDAW. In addition, the Ministry of Justice (MoJ) invited a number of judges, prosecutors and ministry officials to participate in these training sessions.

#### **1.5 Implementation of the Convention**

23. In accordance with Article 31 of the Constitution of the Kingdom of Cambodia, the Royal Government of Cambodia is committed to the effective application of CEDAW by integrating the basic principles of the Convention into its national policies, plans and legal standards.. In this way, CEDAW is implemented in line with national policy of the Royal Government of Cambodia.

24. Gender equality principles are integrated into the National Strategic Development Plan (NSDP) 2006-2010, the Second Good Governance Action Plan (GAPII) and the Joint Monitoring Indicators (JMIs), developed between the Royal Government of Cambodia and development partners. Gender issues and strategies have also been integrated into the national education curriculum, decentralization and deconcentration frameworks, the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans and the Law on Elections of Capital, Provincial, Municipal, District and Khan Councils. These measures focus mainly on ensuring gender-responsive planning and budgeting and determine the proportion of women in councils, committees and offices at all sub-national levels. Principles of equality between women and men are also integrated into other key legislation, including the Penal Procedure Code, the Penal Code, the Civil Procedure Code and the Civil Code.
25. The Courts of the Kingdom of Cambodia are to apply national laws and international treaties, conventions and covenants to which the Kingdom of Cambodia is a party, including conventions on the rights of women and children, during all trials.



## 2. Implementation of the basic provisions of the Convention

### Article 1: Discrimination

26. Article 31 of the Constitution of the Kingdom of Cambodia states that, “The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights and the Covenants and Conventions related to human rights, women’s and children’s rights.”
27. The provisions of Article 31 of the Constitution demonstrate that the Kingdom of Cambodia recognizes and respects CEDAW and complies with the definition of the term “discrimination against women,” as stipulated in the Convention, using this as a basis for the elimination of all forms of discrimination against women in the Kingdom of Cambodia.
28. Recognizing the definition of the term “discrimination against women,” as stated in CEDAW, the Royal Government of Cambodia has created regulations to punish acts that discriminate against women, such as the following articles from the Penal Code:
  - Article 265: Acts that refuse to give property or services to any person if such refusal is based on the person’s sex shall be subject to a punishment of imprisonment from one month to one year, or a fine from 100,000 riel to 2 million riel.
  - Article 266: Acts involving the provision of property or services to any person on the condition of the person’s sex shall be subject to a punishment of imprisonment from one month to one year or a fine from 100,000 riel to 2 million riel.
  - Article 267: Refusal to employ any person if such refusal to employ is based on the person’s sex shall be subject to a punishment of imprisonment from one month to one year or a fine from 100,000 riel to 2 million riel.
  - Article 268: Acts involving provision of employment on the condition of the person’s sex shall be subject to a punishment of imprisonment from one month to one year or a fine from 100,000 riel to 2 million riel.
  - Article 269: Any act to fire or remove any person based on the person’s sex shall be subject to a punishment of imprisonment from one month to one year or a fine from 100,000 riel to 2 million riel.
  - Article 270: Acts committed by civil servants in performing their functions or in fulfilling their functions of denying anyone the enjoyment of their rights if such denial is based on the person’s sex shall be subject to a punishment of imprisonment from six months to two years and a fine from 1 million riel to 4 million riel.
29. In conclusion, the Kingdom of Cambodia uses a practical definition of the term “discrimination against women,” as defined in CEDAW, which can be easily implemented in domestic law. Domestic law in the Kingdom of Cambodia ensures equality between men and women and human rights and fundamental freedoms in political, civil, economic, social and cultural fields for all, irrespective of marital status. This definition is characterized as general discrimination, following the definition used in the Penal Code, promulgated in Royal Decree No. NS/RK/1109/022 dated 30 November 2009.

## Article 2: Policy measures

30. The Kingdom of Cambodia, as a signatory state to CEDAW, has made a concerted effort to implement the principles stipulated in the Convention by applying them in actual provisions in national policies and laws.

### Paragraph (a)

31. The following articles of the Constitution of the Kingdom of Cambodia support the basic principles of CEDAW:

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

Article 45: Men and women are equal in all fields, especially in marriage and matters of the family.

In addition to the Constitution, the Royal Government of Cambodia has incorporated the principle of equality between men and women into the provisions of national laws.

### Paragraph (b)

32. Article 45 of the Constitution of the Kingdom of Cambodia states that, "All forms of discrimination against woman shall be abolished." The Royal Government of Cambodia has therefore incorporated provisions on the prohibition of discrimination against women into the Penal Code, as mentioned in Paragraph 28 of this report.

33. In addition to the above provisions, other regulations and concrete measures in order to prohibit discrimination against women have been adopted, including:

- Law on Prevention of Domestic Violence and Protection of Victims (24 October 2005);
- Law on Monogamy (1 September 2006);
- Law on Suppression of Human Trafficking and Sexual Exploitation (15 February 2008);
- Law on Administrative Management of the Capital, Provinces, Cities, Districts and Khans (24 May 2008). Article 58 states that, "Any bylaw which discriminates against an individual, or a specific group of persons, based on factors of race, religion, sex, age, colour, nationality at birth or mental or physical disability, shall be invalid;"
- Law on Tourism (10 June 2009). Article 11 states that, "The Ministry of Tourism shall have shared responsibility for the regulation of other important areas affecting or affected by the tourism industry in cooperation with other concerned ministries and authorities ... [including] prevention of sexual exploitation."

### Paragraph (c)

34. According to Article 45 of the Constitution of the Kingdom of Cambodia, the legal protection of the equal rights of women and men should be stated in basic laws, national policies and action plans to ensure protection through judicial and public institutions that have the ability to eliminate all discriminatory acts against women.

35. The Constitution of the Kingdom of Cambodia states a number of essential principles of equality between men and women, including:

Article 31: Equality before the law;

Article 34: Equality in voting and standing as candidates for elections;

Article 36: Equality in choosing employment; Equality in receiving remuneration; Equality in receiving social insurance; Equality in forming and participating as a member of labour unions; Equality in working inside and outside the home;  
Article 38: Equality in the right to defence through judicial recourse;  
Article 43: Equality in freedom of religious belief and worship;  
Article 44: Equality in ownership rights;  
Article 45: Equality in marriage and family matters.

36. In order to further ensure the legal protection of the aforementioned rights to equality, the Kingdom of Cambodia has defined the principle of equality in basic laws:
- Article 2 of the Civil Code states that, “This Code gives concrete embodiment to the concepts of the dignity of the individual, the equality of the sexes and the guarantee of property rights provided in the Constitution.”
  - Article 2 of the Civil Procedure Code ensures that civil complaints are dealt with on the basis of laws to defend the rights of individual people, and that every person is guaranteed the right to file a lawsuit with the court to address a civil dispute.
  - Article 3 of the Penal Procedure Code states that, “Criminal actions apply to all natural persons or legal entities regardless of race, nationality, colour, sex, language, creed, religion, political tendency, national origin, social status, resources or any other status.”
37. Along with these legal protections guaranteeing equality, Article 39 of the Constitution of the Kingdom of Cambodia allows women who believe that their legal rights to equality have been abused the right to file a complaint with any court to settle the case.
38. Regarding legal protection of this right, women whose rights have been violated have the right to seek legal defence from the Cambodian Bar Association, which currently has over 700 members able to provide legal defence in courts at all levels across the country. Furthermore, the Cambodian Bar Association and some NGOs provide legal assistance to poor people free of charge.

#### **Paragraph (d)**

39. Article 45 the Constitution of the Kingdom of Cambodia abolishes all forms of discrimination against women. Therefore, individuals, authorities and all public institutions must avoid committing any acts that discriminate against women.
40. In order to ensure that all activities of the authorities and public institutions comply with these obligations, the Royal Government of Cambodia has mandated the Ministry of Women’s Affairs (MoWA) and CNCW to monitor the activities of the authorities and public institutions in relation to the principle of non-discrimination against women.
41. MoWA has provincial line departments to provide assistance in monitoring the activities of the local authorities to ensure non-discrimination against women, while the membership of CNCW comprises secretaries of state from 24 ministries/institutions to monitor the activities of public institutions.

#### **Paragraphs (e) and (f)**

42. In order to ensure the elimination of discrimination against women, the Royal Government of Cambodia has taken a number of measures, including educational measures through incorporating gender mainstreaming into learning curricula, as stated in the National Strategic Plan; legal measures in the Penal Code, which define punishments for discrimination against women; and the Social and Cultural Behaviour Change Plan, which promotes the principle of equality between men and women in all fields of social life in Cambodia.

43. Meanwhile, the principles outlined in Neary Ratanak II, MoWA's five-year Strategic Plan (2004-2008), aimed at enhancing the living standards of Cambodian women, have been implemented successfully. This included measures to mainstream gender issues and the inclusion of women's rights into key national policies, including:
- The preparation of Neary Ratanak III;
  - The Cambodian Millennium Development Goals (CMDGs);
  - The NSDP 2006-2010;
  - GAP II;
  - JMIs between the Royal Government of Cambodia and development partners;
  - The Decentralization and Deconcentration Strategic Framework;
  - The Law on Administrative Management of the Capital, Provinces, Cities, Districts and Khans;
  - Commune/Sangkat Development Plans (CDPs) and Investment Plans (CIPs).

#### **Paragraph (g)**

44. In order to ensure the elimination of all acts that discriminate against women, the Royal Government of Cambodia has abrogated any provisions of the Penal Code that are discriminatory, as defined in the Constitution of the Kingdom of Cambodia and declared by the Constitutional Council:

Article 142 (New): Any provision ruled by the Constitutional Council as unconstitutional shall not be promulgated or implemented.

Article 158 (New): Laws and standard documents in Cambodia that safeguard state properties, rights, freedoms and legal private properties and that are in conformity with the national interest shall continue to be effective until altered or abrogated by further decrees, except those provisions that are contrary to the spirit of the Constitution.

45. Regarding the principle of elimination of all forms of discrimination against women, the Royal Government of Cambodia gives priority to the promotion of the role of women's roles and social status. It achieves this by focusing attention on the implementation of gender mainstreaming strategies, building the capacity of women in all fields, changing social attitudes that discriminate against women, preventing and eliminating domestic violence and guaranteeing rights so that women can actively and equally participate in the development of the nation. In this regard, all women must have equal access to health care, education and vocational training and economic resources. They must also have the opportunity to participate in socio-economic development, access to equitable and fair legal protection and help in removing themselves from situations of domestic violence and human trafficking.

### **Article 3: Guarantee of basic human rights and fundamental freedoms**

46. Article 35 of the Constitution of the Kingdom of Cambodia states that, “Cambodian citizens of either sex shall have the right to participate actively in the political, economic, social and cultural life of the nation.” Based on these principles of equality between men and women, the Royal Government of Cambodia has been making a concerted effort to introduce measures and legal provisions to ensure the development and advancement of women in political, economic, social and cultural fields, in order to enable women to enjoy full rights and freedoms.
47. Together with the basic principles above, other special measures have been put in place to protect and ensure the development and advancement of women, so that they can enjoy and exercise their human rights and fundamental freedoms on the basis of equality with men. These measures include the Law on Prevention of Domestic Violence and Protection of Victims (DV Law). In implementing the DV Law, a series of training courses have been conducted for commune/sangkat councillors, police officers, the military, court clerks, judges, prosecutors and local authorities across the country on an ongoing basis. Moreover, information about the DV Law is to be integrated into the curriculum of the Royal Academy of National Police and the Royal Academy for Judicial Professions.
48. Dissemination of the DV Law has been conducted throughout Cambodia in order to raise public awareness on issues and solutions relating to violence against women. Printed documents, educational video spots, information campaigns, services for victims and public forums in some capital/provinces and districts have been organized and provided. Additionally, training courses have been conducted on a continuous basis for government officials in the capital and provinces.
49. In addition to legal measures, the Royal Government of Cambodia has also taken other measures to ensure the development and advancement of gender equality. The basic principle of these other measures is to mainstream gender issues and promote equality in all aspects of life in Cambodia. Efforts to mainstream gender into national and local policies and development programmes and to increase women’s representation in decision-making and policy-making positions have targeted institutions, line ministry departments at municipal/provincial level, commune/sangkat councils and NGOs.
50. To implement the aforementioned measures, GMAGs have been established in 26 ministries/institutions with either the secretary or the under-secretary of state in the chair. Out of these, 17 ministries have developed and are implementing Gender Mainstreaming Action Plans (GMAPs), with some other ministries formulating Gender Mainstreaming Action Plans. Moreover, at the local level, gender mainstreaming has been implemented through the Seila Programme and the Decentralization and Deconcentration Reform Programme of the Royal Government of Cambodia by integrating gender concepts into the Law on Administrative Management of the Capital, Provinces, Cities, Districts and Khans, the Law on the Election of Capital, Provincial, City, District/Khan Councils and the Decentralization and Deconcentration Strategic Framework. The main focus of these efforts is to implement gender-responsive planning and budgeting and enhance women’s representation at all levels in sub-national councils, committees and offices.
51. In order to promote gender mainstreaming, the Royal Government of Cambodia has determined that its gender strategy must be implemented in ministries/institutions at all sectors and levels and monitored closely on a regular basis. The Council of Ministers and Secretary General of CNCW will continue to instruct ministries and government institutions to prepare monthly, quarterly, six-monthly, nine-monthly and annual activity reports highlighting the areas where gender mainstreaming has been carried out, for submission to the RGC.

52. Based on the gender concepts described above, a gender mainstreaming mechanism has been established at the local level, which involves increasing the participation of women in leadership positions and in women's and children's affairs in communes/sangkats nationwide, and establishing Gender Focal Persons in line departments at the municipal/provincial level. Through this measure, the following successes in recruitment and appointment of women in leadership positions has been observed:
- Women now constitute 30 percent of 41,544 village leaders, including 453 women as village chiefs, 2,303 women as village vice-chiefs and 9,450 women as village assistants.
  - Among the 11,353 commune/sangkat council members, 15.12 percent (1,717) are female (2007 figures). This is compared to the 1,661 females who were elected in the previous commune/sangkat elections, accounting for 14.60 percent (2002 figures).
53. In addition to the aforementioned measures, a number of other measures have been put in place over recent years to uphold the principle of equality between men and women and to enable women to develop their role in all fields and sectors. The Kingdom of Cambodia has adopted 163 laws for implementation, which include measures to uphold gender equality. Among these laws, there are four basic laws: the Penal Procedure Code, the Penal Code, the Civil Procedure Code and the Civil Code. Furthermore, a number of other draft laws are in the process of being reviewed and revised by the Council of Ministers.
54. In order to enhance legal provisions to deal with issues concerning women in Cambodia, MoJ conducted a review of different national laws and their consistency with CEDAW, including:
- The DV Law;
  - The Law on Suppression of Human Trafficking and Sexual Exploitation;
  - The Labour Law;
  - The Marriage and Family Law.
55. In addition to this, there are a number of draft laws that the Royal Government of Cambodia is currently reviewing and revising for submission to the National Assembly for adoption. Independent of this, MoJ has also been preparing a number of other draft laws, such as:
- The draft Law on Procedures for Non-Lawsuit Civil Cases;
  - The draft Law on Procedures for Lawsuits Related to Personal Status;
  - The draft Law on Condemnation of Human Smuggling;
  - The draft Law on Juvenile Justice.
56. After the Penal Procedure Code, the Civil Procedure Code and the Civil Code were adopted and promulgated, MoJ conducted a broad dissemination campaign, which included:
- A programme offering a chapter-by-chapter explanation of the Penal Procedure Code on the National Television of Cambodia (TVK) network;
  - 13 dissemination workshops on the Penal Procedure Code, including the contents of CEDAW, for judges, prosecutors, court clerks and judicial police officers, totalling 1,950 participants in 2007 and 2008;
  - Dissemination workshops on the Civil Procedure Code and CEDAW for judges, prosecutors, court clerks and relevant officials in six regions across the country, totalling 1,100 participants in 2007 and 2008;

- Eight training courses and dissemination workshops conducted by MoJ on the Criminal Procedure Code for a total of 840 MoJ officials, judges, prosecutors, deputy-prosecutors, court clerks and judicial police officers, held in 2009.

## Article 4: Special measures

57. In accordance with the basic principle of equality between men and women as defined in the Constitution of the Kingdom of Cambodia, the Royal Government of Cambodia continually assesses and considers necessary measures that could be adopted to accelerate the full achievement of this principle.

### Paragraph 1

58. To enable women to enjoy equal rights with men, the Royal Government of Cambodia is currently taking affirmative action, outlining its stance in its political programme by stating that, "The Royal Government will take action to maximize the proportion of women participating in national institutions at all levels from the central level down to sub-national levels." Based on this programme, the Royal Government has decided that municipal, provincial, city, district and khan authorities must have at least one woman in a leadership position, with the result that:

- 37 women have been elected as municipal/provincial councillors (2009);
- 359 women have been elected as city/district/khan councillors (2009);
- 24 women have been appointed as municipal and provincial deputy-governors (2009);
- 187 women have been appointed as deputy-governors of cities and deputy-governors of districts/khans (2009).

59. This action has been taken by the Royal Government of Cambodia as a special measure to accelerate progress towards equality between men and women. The Royal Government has also taken special measures at the commune/sangkat level, for example:

- Ensuring the representation of women through the Committee for Women and Children of the commune/sangkat;
- Implementing measures to ensure women's representation in village leadership.

60. While taking special measures at the local level, the Royal Government of Cambodia has also striven to enable women to obtain higher leadership positions to enhance the voice of women in the country's policies. For example, in the Fourth Legislature of the National Assembly, the Royal Government has one woman serving as an a deputy-prime minister position.

61. The Royal Government of Cambodia has taken measures to set an appropriate quota of female candidates for future examinations to recruit new staff in some ministries/institutions. Based on this, the State Secretariat of Public Civil Service issued and disseminated guidelines in 2009 for women quotas of 20 percent to 50 percent when recruiting staff to work in public institutions.

### Paragraph 2

62. The Kingdom of Cambodia regards maternity as a social function that requires special attention, as provided for in Article 46 of the Constitution, which states, "A woman shall not lose her job because of pregnancy. Women shall have the right to take maternity leave with full pay and with no loss of seniority or other social benefits."

63. In accordance with this principle, the Royal Government of Cambodia has put in place special measures to protect rights of women to maternity leave. Special measures relating to maternity rights in Cambodia are defined in the Labour Law:



- After giving birth, women are entitled to take 90 days maternity leave and receive half of their wage and other perquisites, if any. Women are then entitled to only perform light work for the following two months after their maternity leave.
- Women who have small children are entitled to one hour per day to breast-feed their children. This break for breastfeeding must not be deducted from normal breaks.

For officials in the public service, the special measures the Royal Government of Cambodia has adopted to protect maternity leave are:

- During pregnancy, women are entitled to take a three-month maternity leave with full pay.
  - Women with children under one year old are entitled to leave work one hour early per day with full pay.
64. Despite the efforts made to adopt these special measures, this has not been enough to accelerate equality between men and women in all aspects of life in Cambodia, even though the measures themselves are sound. In dealing with this issue, the Royal Government of Cambodia has also integrated the principle of gender equality into the Rectangular Strategy and the CMDGs.
65. The Royal Government of Cambodia continues to consider all possibilities and will take any means necessary to continue adopting special measures to further accelerate equality between men and women and develop gender policies in each sector.
66. Overall, measures to promote gender equality, as incorporated into the CMDGs, have made steady progress to date, along with:
- Reduced poverty rates in urban and reachable rural areas;
  - Expanded primary education for children;
  - Reduced infant and under-five child mortality rates;
  - Improved immunization for child illnesses;
  - Enhanced breastfeeding rates;
  - A decline in the HIV/AIDS epidemic;
  - Improved access to water supply in urban areas and better sanitation in rural areas.

## Article 5: Sex role stereotyping and prejudice

67. In the past, the Kingdom of Cambodia had national traditions, customs and cultural and social norms that put pressure on women and made them subordinate to men. These norms included both positive and negative aspects relating to the full realization of human rights for women.

### Paragraph (a)

68. The view “A cake is never bigger than the pot” means that children living under the care of their parents do not have the right to make any decisions. As a result of this attitude, a further burden is put on women and girls, as in the past Cambodian society placed a higher value on education for boys than that for girls. In addition, wives were seen as subordinate to, and under the control of, their husbands.
69. Having acknowledged that this attitude was a barrier to the social development process, especially in preventing women from enjoying equal rights to men, the Royal Government of Cambodia has made a concerted effort to change these attitudes through the adoption of various measures across all fields, in particular legal measures. For example, the Law on Marriage and Family, which has already been promulgated, is an important measure in changing the cultural and social attitudes of Cambodian men and women in the fields of marriage and family. Meanwhile, the Royal Government states in its political programme that, “The Royal Government has given high priority to promoting the status and position of Cambodian women by paying attention to implementing gender-specific strategies, building women’s capacity in all fields, changing social attitudes that cause discrimination against women, eliminating all forms of violence against women and ensuring that women have rights to enable them to actively and equally participate in the process of nation-building and development.”

### Paragraph (b)

70. While taking these measures to change social and cultural attitudes, the Royal Government of Cambodia has also paid great attention to adopting measures that educate families to recognize that maternity is a social function and a shared responsibility of men and women, encouraging all to think about the best interests of children. In principle, the Royal Government has determined that maternal and child care involves caring for and educating children, who represent the future of the nation, to be healthy, intelligent, knowledgeable, capable and moral individuals in order to serve the nation. This stance also allows women to actively participate in production and all social activities.
71. To ensure that shared responsibilities between men and women for the best interests of children are understood, the Kingdom of Cambodia has adopted the following legal measures:
- Article 47 of the Constitution of the Kingdom of Cambodia states that: “Parents shall be obliged to feed, care and educate their children to become good citizens.”
  - Article 115 of the Law on Marriage and Family states that, “Parents have the obligation to love, raise and educate their children, to train them to cultivate the idea of study, patriotism, a sense of international solidarity and respect for State property and the rights and property of others.”
72. At present, this change in social attitude can be seen in gender relations in Cambodian society, which reflect equality between men and women. Even though men may claim to be the head of the family, women may have independence and control. Women own property such as land, manage finances and make decisions relating to their family. Both men and women have the same rights to inheritance and to engage in employment.

73. Gender mainstreaming policies and programmes, which are a measure of change in social attitudes, demonstrate that Cambodian society today has more of an understanding about women's rights than in the past, and that the concept of gender equality and women's rights is changing. More women, especially urban residents, support the promotion of gender equality. Most women in rural areas are employed in paid positions, traditionally viewed as both men's and women's work.
74. However, some traditional attitudes are deeply rooted in Cambodian society and cannot easily be changed. It requires investments and time for education programmes, especially in rural areas where development is not yet fully fledged, to change attitudes. Some people still hold on to traditional attitudes and stereotypes and use the influence of sayings such as "A cake is never bigger than the pot" to put pressure on their children in choosing partners for marriage. In particular, girls are still under the control of their parents and dare not make decisions for themselves. Despite much progress in the promotion of gender equality, gender attitudes such as the women's code of conduct (Chbab Srey), related to women's behaviour and attitude, still have a strong influence in terms of preventing the achievement of gender equality in the social, economic and political sectors.
75. The Royal Government of Cambodia continues to publicize information to address traditional attitudes to gender through direct and indirect means, so that citizens are aware of and can eliminate these attitudes as society evolves, in particular with regard to recognizing and accepting equal rights and freedoms of men and women in all aspects of Cambodian society.
76. MoWA, with support from development partners, conducted a study to assess the gender situation in Cambodia and produced a document entitled, "A Fair Share for Women". This assessment was conducted through an analytical study of data from the Cambodia Demographic and Health Survey (CDHS) (2005), the Inter-Census Population Survey (2004), the Poverty Reduction Participatory Appraisal (2007) and other sector-specific studies and surveys. This assessment examined and analyzed the influence of gender stereotypes that are mentioned in the customary codes of conduct for men and women (Chbab Srey and Chbab Bros), including the attitudes of parents towards educating girls, the role of men and women in making decisions in the family, the management of resources and property and the value of the role of women in the upkeep of the home. This assessment shows that traditional attitudes still affect behaviour and practices in society today, some in a positive way and some in a negative way.
77. The Ministry of Education, Youth and Sports (MoEYS) extracted two passages from the traditional code of conduct for women, the Chbab Srey, and included them in discussion questions with students, using ideas from poetry texts to highlight attitudes to gender issues from the work of Khmer writers in the past. These discussions led MoEYS in 2007 to remove these two passages from Chbab Srey from the educational curriculum and to stop teaching them in class. At the same time, MoEYS has started conducting training courses for central education management on issues such as: knowledge of gender issues; gender mainstreaming concept and standards; advocacy; advantages of education for girls; gender-specific measurement and indicators; gender mainstreaming in the education sector (2006-2010); human rights; children's rights; CEDAW and the concluding comments of the UN CEDAW Committee; and expertise in responding to human trafficking issues. Training has been targeted at: director generals, deputy-director generals, directors and deputy-directors of municipal/provincial departments of MoEYS; city, district and khan offices of MoEYS; school principals; lecturers at regional teacher training colleges and municipal/provincial teacher training colleges; and teachers in lower and upper secondary schools nationwide.
78. The Royal Government of Cambodia has continued its efforts, through various means, to change social attitudes that are not supportive of equal rights between men and women,

in particular through legal measures to strengthen the effective implementation of the DV Law. However, undeveloped behaviours and attitudes remain. Some parents put pressure on girls in choosing a partner, and in education and occupation choices, and some men claim to be the head of the family, try to exercise total control of their family members and do not accept equal rights between wives and husbands. Although the situation is gradually changing, these traditional behaviours, attitudes and ideas are deeply rooted in Cambodian society. Therefore, it will take a long time and further effort, especially in rural areas, to fully change attitudes with regard to gender equality.

## Article 6: Prostitution

79. The Royal Government of Cambodia has established a special unit in charge of suppressing crimes involving human trafficking, the Department of Anti-Human Trafficking and Juvenile Protection, under the General Commissariat of National Police of the Ministry of Interior. This unit has branch offices in the municipality and in all provinces. In addition, the Royal Gendarmerie Headquarters of the Ministry of National Defence has established a mechanism to combat human trafficking in municipalities and provinces.
80. Furthermore, the Royal Government of Cambodia has established a mechanism at both national and sub-national levels to effectively implement its anti-human trafficking programme. In 2007, the Royal Government issued a decision to create a National Inter-Ministerial Task Force, consisting of members from ministries/institutions and led by MoWA. The Royal Government also issued a decision to set up a Leading Task Force to Fight Human Trafficking, Smuggling, Exploitation and Sexual Exploitation of Women and Children, led by the Minister of Interior and with ministers, secretaries of state, under-secretaries of state and representatives of some ministries/institutions as vice-chairs and members.
81. As these two working groups had similar tasks and duties, the Royal Government of Cambodia merged the two task forces in 2009 to form the National Task Force on Anti-Human Trafficking, Smuggling, Labour Exploitation and Sexual Exploitation of Women and Children, giving it a more extensive scope for action, and responsibilities at both the national and sub-national levels. This national task force was established by Sub-Decree No. 162, dated 25 September 2009, with the Minister of Interior/Deputy-Prime Minister as Chair, and with ministers, secretaries of state, under-secretaries of state and representatives of key ministries/institutions as vice-chairs and members.
82. This National Task Force has a secretariat at the Department of Anti-Human Trafficking and Juvenile Protection of the General Commissioner of National Police, Ministry of Interior (Mol). It includes six technical inter-departmental and NGO working groups, including: the Working Group on Prevention; the Working Group on Protection, Rehabilitation, Reintegration and Repatriation; the Working Group on Law Enforcement; the Working Group on Judicial Affairs; the Working Group on International Cooperation; and the Working Group on Children's Affairs.
83. The National Task Force on Human Trafficking has also established municipal and provincial committees to fight human trafficking, smuggling, exploitation and sexual exploitation of women and children, with their duties being to directly lead the fight against human trafficking and sexual exploitation at their respective levels.
84. In general, human trafficking is a transnational organized crime, and the Kingdom of Cambodia therefore cannot combat it alone. The Royal Government of Cambodia has cooperated with neighbouring countries and other countries in the region to combat human trafficking and assist the victims.
85. The Royal Government of Cambodia has signed a memorandum of understanding (MoU) to prevent human trafficking and assist victims with the countries in the Greater Mekong Sub-Region, which include the Kingdom of Cambodia, the People's Republic of China, Lao People's Democratic Republic, Myanmar Union, the Kingdom of Thailand and the Socialist Republic of Vietnam. Consequently, the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) was established.
86. In implementing the multilateral MoU in the Greater Mekong Sub-region, the Royal Government of Cambodia has established a Cambodian National Working Group, called COMMIT-Cambodia, whose role it is to coordinate with all sectors in the prevention of human trafficking, in the country, with countries in the Greater Mekong Sub-region and

with the UN Inter-Agency Project on Human Trafficking (UNIAP) in Cambodia, which provides assistance and plays the role of Secretariat for COMMIT.

87. As well as this multilateral cooperation, the Royal Government of Cambodia has been engaged in bilateral cooperation by signing a MoU with the Government of Thailand and signing an agreement with the Government of the Socialist Republic of Vietnam on Eliminating Human Trafficking in Women and Children and Assisting Victims of Trafficking.
88. In addition to the cooperation described above, the Royal Government of Cambodia has been cooperating with national and international NGOs and agencies to prevent and combat human trafficking, with initiatives such as organizing training courses to strengthen the capacity of law enforcement officers, providing assistance for victims and enabling the rehabilitation and the reintegration of victims into communities.
89. The Royal Government of Cambodia has also signed a MoU with the Australian Government to cooperate in the implementation of the Australian Government's Asia Anti-Trafficking Project. This project has been assisting the Royal Government in building the capacity of law enforcement officers, (including police from the special Anti-Human Trafficking and Juvenile Protection Unit), prosecutors and judges by training them in the skills needed to investigate, prosecute and punish perpetrators.
90. To combat human trafficking and sexual exploitation of women, the Royal Government of Cambodia has formulated an action plan based on the four strategies of COMMIT, which consists of: establishing a policy and legal framework; prevention measures; enabling the criminal justice system to effectively respond to the issues; and protection and reintegration of victims.
91. The Policy and Legal Framework Strategy and the Prevention Strategy have been implemented under the leadership of a Working Group headed by MoWA and with the participation of other line ministries. As a policy, the Royal Government of Cambodia is absolutely opposed to human trafficking and sexual exploitation of women, stating in its political programme that, "The Royal Government of Cambodia is committed to implementing all necessary measures to improve the effectiveness of the prevention and suppression of trafficking in women and children." This policy conforms to the Constitution in Article 46, Paragraph 1, which states that "The commerce of human beings, exploitation by prostitution and obscenity which harm the reputation of women shall be prohibited."
92. In addition to the aforementioned policy, the Law on Suppression of Human Trafficking and Sexual Exploitation, dated 15 February 2008, has wide scope for implementation both within and outside the territory of the Kingdom of Cambodia. The purpose of this law is to suppress acts of human trafficking and sexual exploitation in order to protect the rights and dignity of human beings, as well as to comply with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime.
93. The Prevention Strategy for Human Trafficking and Sexual Exploitation has been implemented by the Inter-Ministerial Task Force, led by representatives of MoWA. This strategy is comprehensive, starting with awareness raising and education for citizens, especially women, to increase understanding about the tactics of traffickers. This campaign also focuses on women's migration for employment both inside and outside the country by raising awareness on the risks of migration and how to migrate safely.
94. The Prevention Strategy also pays attention to eliminating the driving forces that make women fall into human trafficking and sexual exploitation. This includes campaigns to promote and enable women to generate income in the family by providing vocational training and creating jobs to contribute to the eradication of poverty, which is the primary factor that pushes women into taking the risk of migrating for employment.

95. In addition to the four strategies described above, the Royal Government of Cambodia focuses on other measures, such as preventing women from being taken abroad for exploitation through marriage. The Royal Government revised and defined the procedures for marriage between Cambodian women and foreign men by issuing a Sub-Decree on Marriages with Foreigners. This is a preventive measure to combat occurrences of human trafficking when Cambodian brides are taken abroad. The Royal Government states in the sub-decree that, "In order to prevent human trafficking in the form of marriage, the Ministry of Commerce [MoC] must cancel the licenses of private companies that arrange marriages for Cambodian women with foreigners, which is a form of human trafficking." MoC cancelled the licenses of those companies on 19 February 2008. In addition, MoI strengthened the duties of commune/sangkat authorities to perform checks when issuing certificates of marriage between Cambodian women and foreigners.
96. In addition, the Royal Government of Cambodia has adopted a Decree on the Provision of Passports stating that, "In order to reduce illegal practices in migration for employment, and to encourage the sending of workers legally, the Ministry of Labour and Vocational Training [MoLVT] must cooperate in reviewing the costs for labour recruitment services when sending workers abroad to ensure they are as cheap and quick as possible. For example, passports will be provided free of charge to workers going to work abroad through legal companies (worth US\$ 100)." MoLVT, in cooperation with the Council of Ministers, then formulated the Decision on the Provision of Passports to give passports to workers free of charge, set appropriate conditions, such as that the company must be legal, and gave guidelines on how workers should fill in the forms. In 2008 and 2009, MoLVT provided normal passports to 2,531 workers (406 women) and 1,695 workers (249 women), respectively.
97. The Strategy for Response to the Criminal Justice System has been implemented by the Inter-Ministerial Task Force, with representatives from MoJ as chairs, and with participation from NGOs. The programmes that have been implemented so far as part of this strategy include training courses for anti-human trafficking police officers at the local level and at border checkpoints to develop their capacity and skills to investigate and collect evidence.
98. Meanwhile, training courses on prosecution, interrogation and trial skills for prosecutors and judges have been conducted on a continuous basis and have contributed to improving the knowledge of prosecutors and judges on relevant issues, as well as enhancing professional competency on human trafficking, which is a complex offense.

#### Court rulings on human trafficking-related cases, 2009

Related offenses	No. of offenses		Acquittal	Imprisonment		Fine		Found not guilty
	Total	2009		Sentence	Perpetrators	Riel	No. of people	
Sex with minors under 15 years	9	9	1	1 year 5 years 6 years 7 years 15 years	1 1 1 2 2			1
Obscene acts against minors under 15 years	5	3		6 months 2 years 3 years	1 1 1	4 million 3 million	1 1	1
Dealing in humans	20	2	11	3 year 4 years 5 years 7 years 8 years 9 years 10 years 12 years 15 years	1 2 1 3 2 1 2 2 2			5

Pornographic pictures	14	10		7 days 10 days 15 days 20 days 1 month	3 2 9 2 1	100,000 150,000 200,000 250,000	1 9 5 2	
Pimping	24	7	7	6 months 2 years 2.5 years 5 years 6 years 7 years 10 years 16 years	1 20 2 10 1 4 3 4	10 million	1	
Harbouring prostitutes	1			2 years	2			
Buying child prostitution	7	1		3 years 10 years 13 years	3 3 2			Deported to US
Taking people out of the country illegally	13	4	9	1 year 2 years 2.5 years 3 years 7 years 16 years	4 1 1 1 1 1			2
Border crossing	4	2	2	2 years 10 years	4 1			
Confinement	1		1					
<b>Total</b>	<b>98</b>	<b>38</b>	<b>25</b>		<b>112</b>	<b>17,700,000</b>		<b>9</b>

99. To ensure the increased capacity and understanding of competent authorities, skills in investigation, prosecution and trial have been integrated into the curriculum of the Royal Academy of the National Police and the Royal Academy of Judicial Profession.
100. The strategy on protection and rehabilitation has been implemented, with full attention given to assisting and ensuring victims are free from being re-trafficked through reintegration. Representatives from the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSAVY) take the lead in this task, with participation from relevant NGOs, especially those that have rehabilitation centres for victims. Over the past several years, this strategy has:
- Assisted 3,028 women, who were sexually exploited, by providing rehabilitation services including health care, psychological care, education and short vocational training courses;
  - Assisted 4,723 victims who were exploited overseas with repatriation and reintegration. 1,373 of these cases were followed-up.
101. In spite of these efforts, human trafficking, especially in women and children, and sexual exploitation still continue to occur and have not yet been eliminated. For this reason, a number of measures have been taken, including:
- Introducing a National Plan of Action to Combat Human Trafficking and Sexual Exploitation (2009-2013);
  - Eliminating the push factors for human trafficking, especially through the Poverty Eradication Programme, and educating citizens, especially vulnerable groups, to be aware of tactics used by the perpetrators;
  - Strengthening the dissemination of the Law on Suppression of Human Trafficking and Sexual Exploitation and enforcing this law more strictly and effectively;
  - Promoting the detection and investigation of human trafficking cases and related offenses more actively;
  - Enhancing investigations and the arrest of offenders;



- Enabling courts to handle lawsuits related to human trafficking cases more robustly and effectively;
- Conducting raids on suspects: the inter-ministerial committee on the suppression of movie- and video-related crimes has conducted 52 raids and confiscated 184 boxes of 283,854 VCDs and DVDs and 2,047 video tapes, including 1,682 pornographic VCDs, 163 CD copy machines, 45 CD case system copiers and a large amount of pirated material.

## Article 7: Political and public life

102. Article 35 of the Constitution states, “Khmer citizens of either sex shall be given the rights to participate actively in the political, economic, social and cultural life of the nation.” The Kingdom of Cambodia protects the equal rights of women and men in all fields, especially in political and public life, with the Royal Government adopting affirmative measures in order to enable the equal participation of women in political and public life.

### Paragraph (a)

103. In order for women to vote in all elections and to stand in elections for national institutions, the Royal Government of Cambodia has adopted measures in accordance with Article 34 of the Constitution, which states that, “Khmer citizens of either sex shall enjoy the rights to vote and to stand as candidates for election. Khmer citizens of either sex of at least eighteen (18) years of age, have the right to vote. Khmer citizens of either sex of at least twenty-five (25) years of age, have the right to stand as candidates for election as members of the National Assembly. Khmer citizens of either sex of at least forty (40) years of age, have the right to stand as candidates for election as members of the Senate.”

104. Based on the aforementioned provisions, which have legal effects, the number of women elected as members of the National Assembly has continuously increased.

### Women in the legislative branch, 1993-2010

Year	Senate		
	Total	No. of women	% of women
1999-2005	61	9	14.75
2006-2010	61	9	14.75
Year	National Assembly		
	Total	No. of women	% of women
1993	120	7	5
1998	122	15	12
2003	123	24	19
2008	123	26	21

Source: National Election Committee (NEC) data.

### Paragraph (b)

105. The Royal Government of Cambodia has increased the number of women in state leadership positions from mandate to mandate, enabling women to contribute to the formulation and implementation of policies in the field of public service at all levels of government.

### Women in the executive body in the Fourth Legislature

Deputy-prime minister		Minister		Secretary of state		Under-secretary of state	
Total	Women	Total	Women	Total	Women	Total	Women
10	1	26	2	198	15	204	30
100%	10%	100%	8%	100%	08%	100%	14.71

Source: State Secretariat of the Civil Service (SSCS) data.

106. It is also a policy of the Royal Government of Cambodia to have at least one woman as deputy-governor in every municipality, province, city, district and khan. Moreover, the commune/sangkat must have one woman in charge of the Committee for Women and Children, and one of the three village leadership positions in each village must be filled by a woman. Overall, although the proportion of women to men is not equal in leadership positions in the state apparatus, at all levels women are always involved in public service and in policy formulation and implementation. The number of women elected as commune/sangkat councillors has increased: currently, there are 1,717 female commune/sangkat councillors, an increase of 652 between commune/sangkat elections.

### Women elected as commune/sangkat councillors, 2002 and 2007

2002		2007	
No. of women	% of women	No. of women	% of women
1,065	9.41	1,717	15.12

Source: NEC data.

107. In the civil service, there a total of 182,228 officials, of whom 61,298 are female. In the judiciary, from 2006 to 2008 there were two female prosecutors: one female royal prosecutor and one deputy-prosecutor. In 2009, there were two female representatives of the prosecution body: one was a general prosecutor attached to the Supreme Court and the other was the prosecutor attached to the Kratie Provincial Court.

### Women civil servants, 2006-2009

2006		2007		2008		2009	
Total	Women	Total	Women	Total	Women	Total	Women
167,220	51,046	176,344	57,114	179,016	58,270	182,228	61,298
100%	31%	100%	32.38%	100%	32.55%	100%	34%

Source: SCS data.

### Women civil servants in city and district/khan offices and equivalent, 2008 and 2009

2008		2009	
Total	Women	Total	Women
22,907	3,626	24,172	3,853
100%	16%	100%	16%

Source: SCS data.

### Women in the judiciary, 2006-2009

Year	Judges		Prosecutors	
	Total	Women	Total	Women
2006	153	19	72	2
2007	152	19	74	2
2008	189	21	91	2
2009	185	21	92	2

Source: SCS data.

### Paragraph (c)

108. Although there is no Law on the Establishment of Associations or Private Organizations, the Constitution (article 36 and 42) allows women to establish associations and private organizations, including labour unions, and has given them full rights and freedoms to participate in those associations, organizations and trade unions. Currently, there are around 2,465 national and international organizations in the Kingdom of Cambodia, of which 1,034 are national organizations and 1,431 are international organizations (2009 figures).

109. On the basis of equal rights between women and men, the Royal Government of Cambodia guarantees women's rights to participate in political and public life and in the activities of NGOs and international organizations, in accordance with the policies and bylaws of those organizations.

## Article 8: Representation

110. On the basis of equality between men and women, the Royal Government of Cambodia has taken measures to ensure women's representation in state positions outside of Cambodia and participation in international organizations, to the best of their capacity and ability.

111. At present, there are 41 women (21.8 percent of a total of 188 people) working in embassies, permanent missions and general consulates, holding positions ranging from ambassadors to protocol officers. In comparison to the initial, second and third national reports on the implementation of CEDAW in Cambodia, there are now 51 women working as general advisers to protocol officers. Cambodia has reduced the number of officials in some embassies abroad owing to the economic crisis. The number of women holding international positions, including women officials who were promoted to the position of Royal Ambassador, is shown below:

• Royal Ambassador	5
• ASEAN deputy-secretary general	1
• Embassy general advisor	3
• Embassy advisor	1
• Consul-General	1
• First secretary	3
• Second secretary	4
• Third secretary	2
• Attaché to embassy	6
• Consulate agent	4
• Accountant	8
• Protocol officer	3

112. Whilst being employed by the Royal Government of Cambodia, some female Cambodian officials have received training both inside and outside the country, and have participated in national and international forums. These officials have received training in foreign languages, diplomacy and technical issues, as well as being able to upgrade their capacity by taking Masters degrees or PhDs in many countries throughout the world, including the Russian Federation, Malaysia, the Republic of Korea, the Kingdom of Thailand, the People's Republic of China, Australia, New Zealand, Japan, India, Brunei, Singapore, Indonesia, Spain, Lao People's Democratic Republic and the Socialist Republic of Vietnam. Female officials have also participated in training courses and exchanged experiences on gender mainstreaming overseas, as well as being sent to attend regional and international meetings such as UN meetings, European Union (EU) meetings; ASEAN meetings and bilateral and multilateral cooperation meetings.

## Article 9: Nationality

113. Cambodian citizens have equal rights to nationality, as protected by law and stipulated in Article 33 of the Constitution of the Kingdom of Cambodia, which states, “Khmer citizens shall not be deprived of their nationality, exiled or arrested and deported to any foreign country unless there is a mutual agreement on extradition, and Khmer nationality shall be determined by law. Khmer citizens residing abroad enjoy the protection of the State.”
114. The Kingdom of Cambodia guarantees the nationality of women, regardless of their situation. Women shall not lose or forfeit their nationality by getting married to a foreigner. Article 6 of the Law on Nationality states that, “Khmer citizens shall not lose their Khmer nationality/citizenship because of marriage with foreigners.”
115. The Kingdom of Cambodia provides women with equal rights to men with regard to the nationality of their children. Article 4 of the Law on Nationality states:
  1. “A child shall obtain Khmer nationality/citizenship regardless of the place of birth for any legitimate child who is born from a parent (a mother or father) who has Khmer nationality/citizenship or any illegitimate child who is born from and recognized by a parent (a mother or father) who has nationality/citizenship, or any child who is not recognized by a parent (a mother or father) upon the decision of a court stating that such child was born from a parent (a mother or father) who has Khmer nationality/citizenship.”
  2. “The following shall obtain the Khmer nationality/citizenship, by having been born in the Kingdom of Cambodia:
    - Any child who is born from a foreign mother or father (parent) who was born and living legally in the Kingdom of Cambodia.
    - Any child who is born from an unknown mother or father (parent), and any newly born child who is found in the Kingdom of Cambodia, shall also be considered as having been born in the Kingdom of Cambodia.”

## Article 10: Education

116. The Kingdom of Cambodia provides equal rights for men and women in accessing education at all levels, as stipulated in Article 65 of the Constitution, which states that, “The state shall protect and upgrade citizens’ rights to a quality education at all levels and shall take necessary steps for quality education to reach all citizens.”
117. Men and women have the same rights to choose their occupation and professional subjects for education. To ensure this right is achieved, the Royal Government of Cambodia has taken all measures possible to promote education from kindergarten to tertiary levels, and to provide vocational training in all fields.

### Pre-school education

118. In the 2007/08 school year, there were 1,634 state-owned pre-schools, with almost all communes/sangkats having one or two pre-schools. There were also 1,025 community-based pre-schools (1,130 classes) and 113 private pre-schools (434 classes). The number of state-owned pre-school students across the country was 79,585, of whom 40,013 (50.27 percent) were girls. This number has increased compared to only 36,151 girls out of 72,214 total students in the 2004/05 school year. There were 3,130 staff members of pre-schools in 2007/08, including 3,073 female staff (98 percent). This percentage of female staff has increased from 89.61 percent (2004/05) to 98 percent (2007/08). (MoEYS, 2005; 2008)

#### Female students at pre-school level, 2004/05-2007/08

School year	Whole country		Urban areas		Rural areas		Remote areas		Gender Parity Index
	Total	Female	Total	Female	Total	Female	Total	Female	
2004/05	72,214	36,151	18,228	9,074	52,965	26,558	1,021	519	1.00
2005/06	75,669	37,787	18,665	9,145	55,820	28,019	1,184	623	1.00
2006/07	77,899	38,796	19,382	9,522	57,003	28,496	1,514	778	0.99
2007/08	79,585	40,013	20,117	10,093	57,803	29,116	1,605	804	1.01

Source: MoEYS (2005; 2008).

119. The early childhood education programme plays a key role in improving the quality of education at an early age. In the previous school year, the number of children aged three to five who received education from early childhood education programmes was 130,454, including 65,789 girls (50.43 percent). Early childhood education has also been improved in line with the early childhood education policy.

### Primary education

120. The Royal Government of Cambodia has implemented a special education programme for children with disabilities and a scholarship programme for poor pupils (with targets of 60 percent for female pupils and 40 percent for male pupils and ethnic minority children). Female scholarship recipients go on to attend upper secondary schools. All schools have implemented the Child-Friendly School Programme, which consists of six components, of which the gender component reflects the development of gender equality and equity in the education sector. This is based on the Child-Friendly School Policy, the Inclusive Education Programme and the Children Counselling Programme, and campaigns to mobilise children to attend school and on the importance of girls’ education. The enrolment rate of ethnic minority children increased by 24.48 percent; the girls’ enrolment rate increased by 23.43 percent; and there were 1,100 disabled students, including 449 female students, studying in different education programmes at primary schools in eight provinces.
121. In the 2007/08 school year, there were 6,476 state-owned primary schools. On average, there are four schools in every commune/sangkat. The number of primary schools

increased by 296 compared to the 2004/05 school year. The total number of primary students was 2,311,107 (net enrolment rate 93.3 percent), including 1,094,577 female students (net enrolment rate 93.3 percent, increasing from 90.7 percent in the 2004/05 school year). The dropout rate of female students decreased from 12.1 percent in the 2004/05 school year to 10.2 percent in 2007/08.

#### Female students at primary school level, 2004/05-2007/08

School year	Whole country		Urban areas		Rural areas		Remote areas		Gender Parity Index
	Total	Female	Total	Female	Total	Female	Total	Female	
2004/05	2,682,129	1,266,420	421,314	198,424	2,172,569	1,027,117	88,246	40,879	0.89
2005/06	2,558,467	1,209,282	399,008	188,641	2,065,707	977,165	93,752	43,476	0.89
2006/07	2,461,135	1,161,704	377,978	177,739	1,988,323	939,767	94,834	44,198	0.89
2007/08	2,311,107	1,094,577	351,027	165,702	1,862,895	883,081	97,185	45,794	0.90

Source: MoEYS (2005; 2008).

122. Female staff in primary education increased from 37.69 percent in the 2004/05 school year to 39.58 percent in the 2007/08 school year.

#### Secondary education

123. In the 2007/08 school year, there were a total of 1,006 lower secondary schools covering 1,621 communes/sangkats, increasing from 578 schools in 2004/05. The total number of students in lower secondary schools was 637,629, of whom 296,907 (46.56 percent) were female, compared to only 230,048 female students (43.49 percent) in the 2004/05 school year. The Gender Parity Index increased from 0.77 in the 2004/05 school year to 0.87 in the 2007/08 school year.

#### Female students at lower secondary school level, 2004/05-2007/08

School year	Whole country		Urban areas		Rural areas		Remote areas		Gender Parity Index
	Total	Female	Total	Female	Total	Female	Total	Female	
2004/05	528,940	230,048	142,850	63,735	381,902	164,456	4,188	1,557	0.77
2005/06	588,333	264,129	149,568	67,853	432,717	193,620	6,048	2,656	0.81
2006/07	626,005	285,699	152,089	69,712	465,961	212,456	7,955	3,531	0.84
2007/08	637,629	296,907	149,869	69,665	477,763	222,536	9,997	4,706	0.87

Source: MoEYS (2005; 2008).

124. The dropout rate for female students decreased from 23.50 percent in 2004/05 to 22.3 percent in 2007/08.

#### Promotion of gender equality in education sector through scholarships

125. In the 2007/08 school year, the number of female students who passed exams in lower secondary schools was 55,580 (44.77 percent), an increase from the 37,710 (41.67 percent) who passed in the 2004/05 school year. With regard to scholarships, 60 percent were provided to female students and 40 percent to male students from poor families.

#### Scholarship students 2006-2008

Programme	2006		2007		2008		Total	
	Total	Female	Total	Female	Total	Female	Total	Female
MoEYS budget	PAP 21,600	PAP 12,960	PB 23,524	PB 14,114	PB 23,534	PB 36,588	162,254	120,759
CESSP	10,061	7,154	10,537	68,48	33,836	22,826	54,434	36,828
Total	31,661	20,114	34,061	20,962	57,370	59,414	216,688	157,587

Note: CESSP – Cambodia Education Sector Support Project. PAP – Priority Action Programme. PB – Programme Budget.

Source: Department of Secondary Education Management. MOEYS

126. In the 2007/08 school year, the total number of students in upper secondary schools was 260,965, of whom 106,782 (40.91 percent) were female, compared to only 66,324 (37.54

percent) in 2004/05. The number of state-owned upper secondary schools increased from 241 in the 2004/05 school year to 315 in the 2007/08 school year. The number of female students who passed exams in upper secondary schools increased from 13,290 (39.76 percent) in the 2004/05 school year to 22,394 (43.42 percent) in the 2007/08 school year. The Royal Government of Cambodia also built six dormitories for female high school students in Siem Reap, Kampong Thom, Kratie, Mondulhiri and Ratanakiri provinces.

#### Female students at upper secondary school level, 2004/05-2007/08

School year	Whole country		Urban areas		Rural areas		Remote areas		Gender Parity Index
	Total	Female	Total	Female	Total	Female	Total	Female	
2004/05	177,129	66,324	86,767	35,471	90,216	30,814	146	39	0.60
2005/06	204,925	79,563	98,349	40,963	106,342	38,523	234	77	0.63
2006/07	222,271	88,701	104,158	44,309	117,615	44,207	498	185	0.66
2007/08	260,965	106,782	116,268	50,433	143,766	55,999	931	350	0.70

Source: MoEYS (2005; 2008).

#### Curriculums and text books

127. The General Education Curriculum Development Policy 2005-2009 of MoEYS clearly states that the textbooks improvement policy involves mainstreaming gender and integrating human rights into textbooks and teaching methodologies, incorporating various teaching and learning styles. The curriculum also integrates topics related to morality in order to promote social morality and values for Cambodian women and families. Through teaching and learning, teachers encourage female students to express their ideas and be class, group discussion and team leaders when performing activities both inside and outside of schools.

#### Teacher training

128. All provincial and regional teacher training centres provide dormitories for trainee teachers from disadvantaged remote areas, especially for female trainee teachers. In the exams to recruit pre-school and primary school teachers, MoEYS has reduced the mandatory teacher training years from 14 years (12+2) to 11 years (9+2) for candidates from remote and disadvantaged areas, especially female candidates. Currently, MoEYS is improving the teacher training curriculum at basic education level and for pre-school and primary school teachers through the incorporation of topics on human rights, women's rights, children's rights, life skills, gender awareness, civic education, and decency. Regarding the recruitment criteria for trainee teachers, if men and women achieve the same score in the recruitment exams, MoEYS will give priority to women.
129. Since 2007, MoEYS has trained 1,555 school principals and vice-principals, including 273 women, on teaching techniques and management. MoEYS has also conducted two training courses for 2,392 basic education teachers, including 889 women, and two training courses for 692 part-time teachers, including 203 women. Capacity improvement for gender mainstreaming in the education sector is mentioned in Article 5.

#### Tertiary education

130. MoEYS has attempted to ensure equitable attendance in tertiary education by providing scholarships for outstanding students, poor students, female students and students from remote areas, and by building four dormitories for female students from poor families and remote provinces to enable them to continue with their studies. From 2002 to 2006, of the scholarships provided by MoEYS, 10 percent were awarded to female students, 10 percent to poor students, 10 percent to students from disadvantaged areas and 70 percent to outstanding students. Since 2007, MoEYS has changed its policy to provide 15 percent of scholarships to female students, 15 percent to poor students, 10 percent to students from disadvantaged areas and 60 percent to outstanding students. In the 2008/09 school year, the number of female students in tertiary education increased to



38.47 percent, compared to only 32.06 percent in the 2004/05 school year. When students with a Masters degree choose employment in higher education institutions, MoEYS gives priority to females if their score is equal to that of male candidates.

### **Non-formal education**

131. Non-formal education programmes to promote literacy have shown improvements in literacy rates. Rates for women aged over 15 years increased from 60.30 percent (2004/05) to 66.1 percent (2007/08) owing to MoEYS programmes (NIS, 2004; 2007).

### **Vocational literacy**

132. The literacy programme includes topics on human rights, women's rights, children's rights, life skills and the prevention of human trafficking, domestic violence and HIV/AIDS. The number of literacy classes dropped from 5,308 in the 2004/05 school year to 2,216 in the 2007/08 school year. This is because some students became literate owing to NGO literacy programmes. The total number of students who became literate was 58,967, including 37,337 women, out of a total of 112,557 literacy students, including 71,043 women, in 2004/05.

### **Post-literacy**

133. In the 2007/08 school year, there were 116 libraries in comparison to only 108 in the 2004/05 school year. The number of reading centres also increased, from 379 to 459. The number of mobile libraries remained the same, at 85.

### **Continuing education**

134. The number of lower secondary schools in continuing education increased from 9 to 10 and of upper secondary schools from 13 to 17 between 2004/05 and 2007/08. These schools are located in the capital city and 17 provinces. The number of continuing education students at all levels increased from 1,397 to 6,073, with female students increasing from 329 to 1,990. The number of continuing education students in lower secondary school Grade 9 increased from 296 to 577, with female students increasing from 86 to 145. The number of students passing the examination increased from 383 to 449, with female students increasing from 105 to 121. The number of continuing education students in upper secondary school Grade 12 increased from 661 to 4,795, with female students increasing from 162 to 1,682. The number of students passing the examination increased from 174 to 1,560, with female students increasing from 42 to 507. The total number of students in the pilot test implementation of the non-formal primary education programme for child workers and out-of-school children in the capital and provinces increased from 487 to 12,541, with female students increasing from 2,462 to 7,148.

### **Income generation programme**

135. In order to improve living standards and contribute to poverty reduction, MoEYS has strengthened and expanded its income generation programme into 117 community learning centres, compared to only 25 in the capital and 21 in the provinces in 2004/05. There were 14 training courses provided to 318 classes and a total of 4,770 students, including 1,772 women. This is an increase in comparison to the 547 women who received the training course in the 2004/05 school year.

## Article 11: Employment

136. Based on the principle of equality between men and women, the Royal Government of Cambodia has taken appropriate measures to eliminate all forms of discrimination against women in all fields of the employment sector, as stated in the basic principle of Article 45 of the Constitution of the Kingdom of Cambodia, “Men and women have equal rights in all fields, especially in marriage and family.”

### Paragraph 1(a)

137. Article 36 of the Constitution of the Kingdom of Cambodia states that, “Khmer citizens of either sex shall enjoy the right to choose any employment according to their ability and to the needs of society.” This principle provides men and women with equal rights to work both in private and public sectors. Article 3 of the Labour Law states that, “A labourer, in the sense of this law, is every person of any sex and nationality, who has signed an employment contract in return for remuneration, under the direction and management of another person, whether that person is a natural person or legal entity, public or private.”

138. The aforementioned provisions are an appropriate legal measure to guarantee women’s right to employment on the basis of equality with men. This is illustrated by the fact that in 2008, in Phnom Penh, 1,273 establishments employed 306,589 workers in total, of whom 261,532 were women. In the industrial and handicraft sectors, the workforces of small, medium and large enterprises comprised 78 percent female workers. The garment industry employed approximately 300,000 workers, accounting for 64 percent of the labour force in the whole industrial sector; 85 percent to 90 percent of these workers were women.

### Paragraph 1(b)

139. Women have the same right to work as men, according to their capacity and ability, and the needs of the labour market both inside and outside the country. Currently, the Royal Government of Cambodia has provided permission to a number of private companies to recruit Cambodian workers to work in foreign countries, including:

- Malaysia: 11 companies have sent 10,148 Cambodian workers, including 9,118 female workers.
- Thailand: 11 companies have sent 8,231 Cambodian workers, including 2,645 female workers.
- Japan: 2 companies were authorized to send 42 Cambodians for training, including 26 women.
- Korea: Companies sent 3,399 Cambodian workers through the Industrial Training (IT) initiative from 2003 to 2006, of whom 469 were female workers, and a further 3,115 workers were sent through the Employment Permit System (EPS), including 491 female workers, in 2007-2008.

One embassy secretary in each of Malaysia, Kingdom of Thailand and Korea Republic has been temporarily assigned to handle work related to Cambodian migrants.

### Paragraph 1(c)

140. The right to choose skills and employment in the Kingdom of Cambodia is guaranteed and protected by law. Article 36 of the Constitution states that, “Khmer citizens of either sex shall have the right to choose any employment according to their ability and to the needs of the society.” This principle is the legal measure that ensures the elimination of discrimination against women in the employment sector.

141. At technical and vocational training institutions, the number of students and trainees enrolled has constantly increased:

**Female students at vocational training institutions, 2003/04-2007/08**

Number of students graduated	Public post-graduate and tertiary level			Public technical and vocational secondary level			Long -term public technical and vocational primary level		
	Total	Female	Male	Total	Female	Male	Total	Female	Male
2003/04	0	0	0	1,724	565	1,159	1,999	245	1,754
2004/05	1,041	212	829	1,237	416	821	594	51	543
2005/06	1,126	306	820	2,201	701	1,500	503	21	482
2006/07	1,158	313	845	2,172	692	1,480	1,562	307	1,255
2007/08	1,408	277	1,131	3,151	938	2,213	1,524	255	1,269

Source: MoLVT data.

Number of students graduated	Short-term public technical and vocational level			Private and NGO technical and vocational training level		
	Total	Female	Male	Total	Female	Male
2003/04	5,998	2,570	3,428	14,866	8,430	6,436
2004/05	10,692	5,081	5,611	14,330	6,560	7,770
2005/06	17,722	9,053	8,669	26,434	9,906	16,528
2006/07	64,970	26,484	38,486	18,505	4,077	14,428
2007/08	67,178	34,679	32,499	40,387	17,754	22,633

Source: MoLVT data.

142. When Cambodia was affected by the global economic crisis, the Royal Government of Cambodia created a special fund for MoLVT to conduct short-term vocational training courses for workers/employees who had lost their job and for unemployed young men and women. With this special fund, MoLVT held two different training courses:

- Part 1: Training courses at the training institutions of MoLVT have received 21,140 participants (100 percent of the planned attendance rate), of whom 8,396 (39.72 percent) are workers and 12,744 (60.28 percent) are jobless people;
- Part 2: Training courses at 64 municipal/provincial training institutions (35 public institutions, 15 associations, 14 NGOs) selected through the national training fund for poverty reduction have received 19,000 participants (100 percent of the planned attendance rate), of whom 6,846 (36 percent) are workers and 12,154 (64 percent) are jobless people.

Participants attending these training courses received 4,000 riel per day as a food allowance and 40,000 riel per month for accommodation.

**Paragraph 1(d)**

143. MoLVT issued Notification No. 745MoLVT dated 23 October 2006, which determined:

1. A minimum wage of US\$ 45 per month for workers/employees in the textiles, garment and footwear manufacturing industries, for a probation period of between one and three months. Upon the completion of this probation period, full-time workers will receive a minimum wage of US\$ 50 per month.
2. Production-based workers to receive wages according to the actual number of products produced (piecemeal). If the number of products produced is over the total amount of wages mentioned in Point 1 above, they shall be paid according to the number of products they have produced. If the number of products produced is lower than the above wages, the employer shall supplement their wage to reach US\$ 45 per month for probation workers and US\$ 50 per month for full-time workers as per the Notification of MoLVT which was introduced for implementation from 2007 until 2010.

**Paragraph 1(e)**

144. Equality between men and women with regard to the right to social security is protected by the law. The Law on Social Security Funds for those covered under the Labour Law has already been promulgated and implemented. This law defines social benefits for workers/employees in the private sector, including pensions, occupational risks and other benefits, which will be determined in subsequent sub-decrees.
145. To ensure the implementation of the social security scheme under the Labour Law, the Royal Government of Cambodia has established the National Security Fund. This social security fund is a public administrative institution under MoLVT and the Ministry of Economy and Finance (MEF). These ministries are responsible for managing the social security fund and ensuring that its benefits reach its members in order to alleviate difficulties relating to old age, disability, death, occupational accidents or other incidents, such as maternal illness.
146. According to an MoLVT Declaration on occupational risk benefits, all workers/employees of the establishments/institutions that are registered with the National Security Fund are entitled to occupational risk benefits for accidents at work, including occupational injury, accidents while travelling between the workplace and home and work-related illnesses. According to this Declaration, workers/employees shall receive:
- Free care and treatment for occupational injuries in hospitals or polyclinics that are contracted with the National Security Fund;
  - Benefits for temporary disability owing to work, including remuneration payment for treatment and necessary leave, after the treatment has been authorized by official doctors;
  - A daily allowance for occupational injuries causing disability levels of over 20 percent;
  - Survivors' benefits for occupational incidents causing death;
  - Allocations for funerals of victims where an occupational incident has caused death.
147. As well as this social security scheme for workers/employees, the Royal Government has assigned MoSAVY to allocate social security services for civil servants who are retired, lose their professional ability, take maternity leave, fall ill, have an accident or die during employment. As of 2007, there were: 26,486 retired persons, including 4,561 women (3,527 died); 6,217 people who lost their professional ability, including 1,549 women (1,376 died) and 9,341 wives and 17,594 children of retired persons. The Royal Government spends 28.04 billion riel per year on these social security schemes.
148. The Royal Government of Cambodia has also set social security schemes for veterans. By late 2007, there were 89,184 veterans of all kinds with 305,553 dependants and children, of whom 177,676 were women, on which the Royal Government spends 52.02 billion riel annually. The Royal Government has been providing social land concessions to veterans, and has built 240 houses for veterans in model villages in areas bordering Kampong Speu, Kampot and Koh Kong provinces, as well as preparing residential areas for disabled veterans in Siem Reap province.
149. The Royal Government of Cambodia, also concerned about social security issues for homeless people, has established a National Committee and Municipal/Provincial Sub-Committees to Provide Assistance to Homeless People, with MoSAVY as its Secretariat. The committee has developed an action plan to deal with this issue in conformity with humanitarian principles.
150. Over the past five years (2004-2008), 4,784 homeless people have been provided with temporary shelter in social affairs centres, as well as education, health care, short-term vocational training, psychological support and funding support, to enable them to lead a normal life in society.

151. At the same time, the Royal Government of Cambodia has provided assistance for disabled people by establishing 11 physical rehabilitation centres and 2 prosthetic workshops. 59,240 disabled people, including 16,785 women, have received physical rehabilitation services free of charge at these centres. Furthermore, disabled people have received 19,853 prosthetic legs, 643 prosthetic hands, 17,734 braces, 9,551 armpit-level walking aids and 4,985 arm-level walking aids. Finally, 52,227 disabled people, including 26,867 women, have been provided with physiotherapy rehabilitation and money for accommodation and transportation.
152. The Royal Government of Cambodia has established seven vocational training centres for disabled people that have provided a choice of 15 vocational training courses to 4,061 disabled people, including 1,015 women. Moreover, these centres have trained 4,147 disabled people, including 2,078 women, in community-based programmes. Currently, 3,015 disabled people, including 1,985 women, run their own businesses or are employed by private companies because of this training.

### Paragraph 1(f)

153. In 2008, MoLVT inspected employment sanitation, security and safety in 586 establishments, which employed 253,551 workers/employees, of whom 230,517 were female. As a result, it was found that there were 124,105 workers/employees, including 94,013 females, who had completed a health check-up; 358 enterprises/establishments were equipped with a proper infirmary and 28 did not have a proper infirmary; 84 enterprises/establishments had a proper minor surgery room and 24 were without a proper minor surgery room; and there were 54 enterprises/establishments with a first aid box.
154. At the same time, MoLVT conducted working standards inspections and rescued 18,000 child labourers between 2004 and 2008 from dangerous places, including fishing sites, salt production sites and rubber plantations. MoLVT offered a training course on skills and microcredit (self-help groups) for 3,100 families of these children. As a result, 6,020 children were prevented from working in dangerous places.

### Paragraph 2

155. The Kingdom of Cambodia provides equal rights between men and women in all fields, as mentioned in Article 45 of the Constitution of the Kingdom of Cambodia, which states, "Men and women have equal rights in all fields, especially in marriage and family." This basic principle guarantees and protects the rights of women in all situations, including in the employment sector. In guaranteeing and protecting this right, the Royal Government of Cambodia has taken appropriate measures to combat discrimination against women by creating special conditions for women in employment, including measures to prohibit punishment and dismissal because of pregnancy or maternity leave, or discrimination on the basis of marital status. This measure is in compliance with Article 46 of the Constitution which states, "A woman shall not lose her job because of pregnancy."
156. Based on the provision in Article 46 of the Constitution of the Kingdom of Cambodia, the Royal Government of Cambodia has taken concrete measures to provide women with rights to maternity leave, as provided for in Article 182 of the Labour Law:
- In all enterprises covered by Article 1 of the Labour Law, women shall be entitled to maternity leave of 90 days.
  - After maternity leave and during the first two months after returning to work, women are expected to perform only light duties.
  - An employer is prohibited from firing women during their maternity leave or if the end of their notice period falls within their period of maternity leave.

To ensure the implementation of the aforementioned provisions, those guilty of violations are liable to a fine of 31 to 60 days of their base daily wage.

157. Regarding measures prohibiting discrimination against women on the basis of marital status, the Royal Government of Cambodia has stated in the Penal Code (Articles 265, 266 and 267) that refusing to supply goods or services to a person or refusing to hire a person on the basis of the marital status of that person is discrimination and shall be liable to imprisonment from one month to one year, and a fine from 100,000 riel to 2 million riel.
158. Measures to provide women with paid maternity leave and equal social benefits without losing seniority or other social support are protected by Article 46 of the Constitution of the Kingdom of Cambodia, which states that, "Women shall have the right to take maternity leave with full pay and with no loss of seniority or other social benefits." Based on this basic principle, a concrete legal measure is stipulated in Article 183 of the Labour Law, which states that, "During maternity leave, as stipulated in the preceding article, women are entitled to half of their wage, including their perquisites, paid by the employer. Women fully reserve their rights to other benefits in kind, if any."

## Article 12: Health

159. Article 72 of the 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 maternity clinics.” Based on this, the Royal Government of Cambodia considers the health sector as a top priority and states in its political programme that, “The Royal Government of Cambodia will increase the use of public resources and international aid, and continue to encourage the private sector to increase their investment in the health sector in order to improve the population’s health.”

### Paragraph 1

160. The political programme of the Royal Government of Cambodia ensures that the Royal Government will provide health services for every Cambodian citizen, every citizen will have access to health services without discrimination and women will have access to the same health services as men. In implementing this political programme, the government has underlined that, “The priority will be to continue building referral hospitals and health centres across the country where effective, equitable and sustainable basic health services will be provided for all citizens, especially poor people and disadvantaged groups.”
161. Following this political programme, the Royal Government of Cambodia has made efforts to build referral hospitals and health centres throughout the country in order to provide health services, in particular to enable women to access health services. Currently, there are eight national hospitals, 24 municipal/provincial referral hospitals, 52 city/district/khan referral hospitals, 956 health centres and 97 health posts, compared to only 44 city/district/khan referral hospitals, 812 health centres and zero health posts in 2000. Furthermore, in order to provide health services to the populations in the northeast region of Cambodia, including Ratanakiri, Mondulkiri and Stung Treng provinces, which all contain substantial communities of indigenous people, the Royal Government has established mobile health posts in all small villages where 10 to 20 families of indigenous peoples reside.
162. To ensure that hospitals, health centres and health posts are functioning properly, the political programme of the Royal Government of Cambodia states that the Royal Government will increase the number of facilities and distribute qualified health staff to work in referral hospitals and health centres. Currently, there are a total of 18,717 technical health staff, including 8,310 female staff (as of May 2009), in comparison to only 17,809 in 2001.
163. The Royal Government of Cambodia, in its health service delivery plan, also is concerned about family planning and aims to enable women to access necessary services without discrimination. In other words, all women have full rights to access family planning.
164. The Ministry of Health (MoH) has conducted education programmes to improve people’s awareness and understanding about family planning methods. MoH has also provided training courses to health staff, female traditional birth attendants and citizens in communities throughout the Kingdom of Cambodia on birth spacing methods, and has distributed contraceptives (contraceptive pill and condoms). The utilization rate of family planning methods increased from 20 percent in 2000 to 27 percent in 2009.

### Paragraph 2

165. The Royal Government of Cambodia has stated in its political programme that, “The Royal Government will continue to focus attention on the implementation of prevention and treatment programmes for communal diseases, maternal and children’s health care and

emergency obstetric care in order to reduce the maternal and infant mortality rate, and will conduct education and dissemination programmes on well-being and hygiene more broadly, especially in rural areas.”

166. Maternal and child care programmes are a top priority of the Royal Government of Cambodia in the health sector. In Cambodia, there are centres for maternal and children’s health, with programmes mainly focusing on ensuring safety in child care, improving antenatal, pre-delivery and post-delivery care (including the identification of signs of danger during pregnancy), nutrition, preparation for childbirth, breastfeeding and immunization of children.
167. Based on these programmes, the proportion of women receiving antenatal care increased from 38 percent in 2000 to 69 percent in 2009. The number of women giving birth with trained midwives increased from 30 percent in 2000 to 58 percent in 2008. The number of women giving birth in health centres increased from 10 percent in 2000 to 39 percent in 2008 (MoH, 2008).
168. Along with maternal and children’s health care programmes, the Royal Government of Cambodia has paid strong attention to the prevention of the HIV/AIDS epidemic by adopting the Law on Prevention and Control of HIV/AIDS and the Second National Strategic Plan for Comprehensive and Multi-Sectoral Responses to HIV/AIDS (2006-2010).
169. In accordance with the law and strategy mentioned above, the Royal Government of Cambodia has put efforts into promoting public awareness among all citizens, especially women and children, about HIV/AIDS and HIV/AIDS prevention, and has implemented a programme to prevent mother-to-child transmission.
170. Based on this, research has found that HIV/AIDS prevalence among the general population decreased from 2.8 percent in 2000 to 0.8 percent in 2008. This figure suggests that one in every 100 Cambodians aged 15 to 49 is infected with HIV/AIDS and that this has declined in comparison to the 1.2 percent infection rate in 2003 (NCHADS).
171. The prevention programme focuses on high risk groups, especially workers in entertainment establishments, and achieves coverage of 80 percent among commercial sex workers and around 50 percent among other entertainment workers. Moreover, the condom use rate among entertainment workers in both groups has increased to more than 90 percent. The prevalence rate of HIV/AIDS among entertainment workers decreased from 23.4 percent in 2003 to 14.7 percent in 2009.
172. Care and treatment services, including receiving antiretroviral (ARV) drugs, cover over 80 percent of people living with HIV/AIDS, with women and men in need of ARVs having equal access to the medicine.

## Challenges

173. Although the Royal Government of Cambodia has implemented the measures described above, women’s health remains a complicated issue in Cambodia. Women face a number of different health threats, particularly given the following factors:
  - Health care services for women are limited.
  - Spending family money on women’s health care remains a low priority for many families.
  - A culture of shyness discourages women from having medical check-ups or consulting with doctors.
  - Women have limited capacity with regard to decisions on reproductive health.
  - Some women are not confident about using contraception.



- The world economic crisis has increased vulnerability, through high-risk employment sectors such as the entertainment industry.

### **Preventive measures**

174. Strengthening access to and coverage of health services is necessary, in particular a comprehensive reproductive health service that includes maternal and infant and children health care, through mechanisms such as institutionalization of practices, expansion of service delivery contracting through the Special Operating Agency, exemption of user fees for the poor, equity funds and health insurance. This should include:
- Implementing a health financing system to support poor people through the exemption of user fees, expansion of health equity funds and other social assistance mechanisms;
  - Strengthening the implementation of laws related to health issues, professional codes of ethics and bylaws. Moreover, to protect the rights and health of service providers and clients, there should be expanded regulatory mechanisms including the production, distribution and management of drug quality, cosmetics, sanitation and food safety;
  - Improving the quality of health service delivery and management by increasing and respecting protocols, medical instructions and quality standards, particularly through the establishment of an accreditation system;
  - Enhancing the skills and competency of health care personnel in order to meet increasing demand;
  - Improving the quality of health care services, in particular by strengthening technical skills related to the use of sophisticated technology by implementing quality improvements in training, professional development programmes, incentive structures and other measures to enhance the performance of health care professionals.

### Article 13: Social and economic benefits

175. In its political programme, the Royal Government of Cambodia states that, “The Royal Government gives high priority to the promotion of the role and social status of Cambodian women in order to enable them to participate actively and equally in the process of country building and socio-economic development.” As a result, the government has adopted appropriate measures for women to enjoy equal rights to family benefits, to borrow money from banks and to participate in recreational activities, sports and all other aspects of cultural life.

#### Paragraph (a)

176. The rights of women to be equal to men with regard to accessing family benefits in Cambodia is protected by laws, such as:

- Article 29 of the Law on Marriage and Family, which states that “In a family, a husband and wife are equal in all aspects;”
- Article 974 of the Civil Code, which states that:
  1. “A husband and wife shall have equal rights to use, enjoy the benefit from and manage common property, and each of them shall have the right to use, enjoy the benefit from and manage their own property;”
  2. “A husband and wife shall have the right to use common property to the extent necessary for their daily life;”
  3. “A husband and wife shall jointly manage common property. Either spouse may demand that the other spouse take any measures required in order to secure, maintain and preserve common property;”
  4. “If no agreement concerning the management or use of common property is reached upon consultation between spouses, or if consultation cannot be held between the spouses, either spouse may seek adjudication by the court concerning such management or use.”

177. According to the legal principles above, women have equal rights to men with regard to enjoying family benefits and in controlling and managing the family's common property. The Civil Code contains a number of articles relating to this:

- Article 975: “A husband and wife shall be jointly liable for the following obligations:
  - a. Expenses for the maintenance of the cohabitation of the husband and the wife, and expenses for the care of children, such as educational and medical expenses;
  - b. Obligations and other liabilities agreed in writing by both spouses with one spouse taking liability during the marriage of all obligations and other liabilities with the written consent of the other spouse, and;
  - c. Expenses for the management and maintenance of common property.”
- Article 976:
  1. “Common property may not be sold or otherwise disposed of without the consent of both spouses;
  2. Notwithstanding Paragraph 1, with the permission of the court one spouse may sell or otherwise dispose of common property in circumstances where this is unavoidable for the preservation of matrimonial cohabitation and livelihood;
  3. If one spouse sold, or otherwise disposed of, common property without the consent of the other spouse or the permission of the court, the non-consenting spouse may demand that the court nullify such disposition within two years,

commencing from the date when that spouse is aware of such disposition, if the common property that was disposed of is immovable, and one year commencing from the date when that spouse is aware of such disposition if the common property that was disposed of is movable.”

These principles clarify that, in the family, women enjoy the same benefits as men in managing common property.

#### **Paragraph (b)**

178. The right to borrow money from banks and access other financial credit in Cambodia is open equally to both men and women without discrimination. Women have the full right to take loans from banks or receive other credit for use as required. This equal right is protected by law. Article 6 of the Civil Code states that, “All natural persons are entitled to have rights and assume obligations in their name.”
179. Qualified women have rights and obligations to sign a bank loan agreement or to access other financial credit. The entry into such an agreement is protected by law. Article 14 of the Law on Agreements and Liabilities states that, “Those aged over 18 are eligible to enter into an agreement, except those prohibited by law.”

#### **Paragraph (c)**

180. Recreational activities, sports and cultural life in the Kingdom of Cambodia are open to all citizens. The Royal Government of Cambodia has worked to enable women to participate in all recreational, sporting and cultural activities. In order to guarantee this right, the Royal Government has created an enabling environment by expanding recreational activities through measures such as establishing recreational zones, including resorts, tourist sites, playgrounds and public parks. Meanwhile, sporting activities are also strongly encouraged. Women have the right to participate equally with men in all kinds of sporting activities, such as football, basketball, volleyball, swimming and boxing.

## Article 14: Rural women

### Paragraph 1

181. Over the past two decades, the Royal Government of Cambodia has made a concerted effort to develop the country, and has made progress in all sectors in bringing the situation and services in rural areas closer to those of urban areas. However, the Royal Government has not yet been able to provide the full services that are required in rural areas to completely reduce the difficulties that affect the livelihoods of the rural population, especially women, who have a significant role in the family economy, whether they earn an income or not.
182. The Royal Government of Cambodia recognizes the significant role that women play in economic development, including women's work in all sectors, and especially in the unpaid sector of the economy. This is stated in Article 36 of the Constitution: "The work by housewives in the home shall have the same value as that which they can receive when working outside the home." This confirms that the Royal Government considers the unpaid work of women in the home as part of the country's economy, making a significant contribution to the livelihoods of all families.
183. In recognition of the important role rural women play, the Royal Government of Cambodia has taken appropriate measures to ensure the implementation of the provisions of CEDAW. Article 61 of the Constitution of the Kingdom of Cambodia states that, "The State shall promote economic development in all sectors and remote areas, especially in the agricultural and handicrafts industries, and with attention to policies relating to water, electricity, roads, means of transport, modern technology and systems of credit."

### Concrete measures taken by the Royal Government of Cambodia

184. In mainstreaming gender perspectives, promoting equality between women and men in rural areas and ensuring that rural women have the confidence in their capacity and ability to exercise the same rights as men in all sectors, the Royal Government of Cambodia has:
  - Built roads connecting the capital city/provinces to all rural areas. At present, 26,411km of rural roads have been constructed and asphalted and the level of 109km of provincial roads has been elevated;
  - Rehabilitated 650km of railway from Phnom Penh to Poipet, with work on the Phnom Penh to Preah Sihanouk province railway line underway, as well as a new railway link as part of the Asia-Singapore-Kunming railway project;
  - Constructed 12 large bridges to replace ferries over rivers;
  - Constructed 80,696km of road connecting Phnom Penh to remote areas on the Cambodian-Thai, Cambodian-Vietnamese and Cambodian-Laotian borders;
  - Constructed irrigation schemes and water-release systems as part of the water policy for rural farmers to improve water use practices in agricultural production. There are now water reservoirs, water release structures, water preservation structures, flood protection structures and salt water protection structures for agricultural production purposes covering a total area of 1,120,246 hectares;
  - Promoted the adoption of modern agricultural techniques by farmers, especially rural women, to contribute to poverty reduction;
  - Established 550 farmer water user communities to manage and maintain irrigation systems;
  - Expanded the education system by constructing schools and sending teachers into rural communities so that women can access both formal and non-formal education;
  - Expanded the health system by building health facilities and supplying health care staff to rural communities in order to enable women to better access healthcare and treatment;

- Acted to integrate the issues and needs of women into community work. Women now represent 60 percent of water user community committee members and 11 percent of accountants;
- Strengthened and expanded the roles of both female and male members of the water user community committees to ensure the effective and equitable use of water (MoWRaM, 2008).

## Paragraph 2

185. The Royal Government of Cambodia has been implementing a poverty eradication programme to enable rural women to benefit from development. Article 46 of the Constitution states that, “The State and society shall provide opportunities to women, especially to those living in rural areas without adequate social support, to access employment and medical care, send their children to school, and have decent living conditions.” This shows that the Royal Government is working to enable rural women to receive the same types of benefits from rural development as men.
186. The Royal Government of Cambodia has formulated the NSDP 2006-2010. This is a core document consolidating other key documents, including the National Poverty Reduction Strategy (NPRS), the National Policy for Population (NPP), the Second Socio-Economic Development Plan (SEDPII) and other sector-relevant strategies. The vision of NSDP 2006-2010 is to reduce poverty and achieve the Millennium Development Goals (MDGs). The CMDGs include one extra goal added by the government, relating to de-mining, unexploded ordnances and victim assistance.
187. In 2004, the poverty rate was 34.67 percent nationwide. According to annual surveys, in 2006-2007 the poverty rate decreased to 32 percent. In order to accelerate poverty reduction, the Royal Government of Cambodia has allocated 65 percent of its budget to rural areas and 35 percent to urban areas. Poverty reduction efforts have therefore focused on rural development in general and poor rural families in particular. In accordance with this strategy, the public investment plan of the government has given higher priority to development projects in rural areas rather than development projects in urban areas.

## Paragraph 2(a)

188. The Royal Government of Cambodia has been implementing the Decentralization and Deconcentration (D&D) Policy, which gives local and rural communities and commune/sangkat councils the power and ability to formulate and implement local development plans directly. Furthermore, in each commune/sangkat there is at least one woman in charge of women’s and children’s affairs through the Committee for Women and Children, who has the right to actively participate in the formulation and implementation of CDPs and CIPs in her local community.
189. Through their elected representatives, rural women can share and contribute ideas to the planning and implementation of CDPs and CIPs, as all plans and development projects are open to the general public. Through this, rural women have the full right and ability to give comments on development planning and participate in the implementation of CDPs and CIPs.
190. In order to ensure women’s participation in the development process, the Ministry of Rural Development (MRD) has conducted a series of training courses in order to improve the capacity of the village development committees, including:
- Cooperation with Mol to conduct training courses on food security management and leadership skills and the expansion of rural development infrastructure;

- Cooperation with World Vision to conduct leadership and community-based management training courses about food security concepts and village income/expenditure record management;
- Provision of training courses on the roles and duties of the village development committee, supported by the Asian Development Bank (ADB).

### Paragraph 2(b)

191. As mentioned above, the Royal Government of Cambodia has been making a concerted efforts to develop the health sector, through building health facilities such as health centres and mobile health posts, as well as providing training courses for doctors, health staff and midwives to provide services in rural areas, allowing rural women to access services.
192. MRD has also provided educational services to rural populations. It has promoted better health and hygiene by implementing activities such as creating 5,720 village health volunteers to promote health and hygiene, training 3,600 trainers, educating 2,700 people on community health and educating 21,600 people about health and hygiene. MRD has also organized 1,500 community-based volunteer young people in the effort to combat HIV/AIDS, encouraging them to provide care to people living with HIV/AIDS. Furthermore, MRD, with support from development partners and NGOs, has built 45,466 latrines for households in the capital and 17 provinces and encouraged people to use these sanitation facilities.
193. The Ministry of Planning (MoP), between 2007 and 2008, implemented the Poor Household Identification Programme (ID Poor), covering five provinces including Siem Reap, Kratie, Otdar Meanchey, Prey Veng and some districts in Kampong Cham province. Through this, 2,109 villages and 122,104 poor families were identified, of which 40,492 were female-headed poor families.
194. Based on ID Poor, the Equity Fund Unit of MoH has made a list of poor families in order to provide health services free of charge to these families, especially those in rural areas that are female headed.
195. In 2009, ID Poor expanded its coverage to 3,567 more villages in 11 provinces, including Kampong Thom, Kampot, Kampong Cham, Pursat, Banteay Meanchey, Stung Treng, Svay Rieng, Koh Kong, Ratanakiri, Mondulakiri and Preah Vihear. The results of this programme were used as a measurement in providing services to poor families by relevant institutions, such as MoEYS, MoSAVY, MoEYS, the National Disaster Management Committee (NDMC), the Cambodian Red Cross (CRC) and ADB.
196. The Royal Government of Cambodia, with Mol as Secretariat, has developed the information and audiovisual sector by expanding the scope, quality and effectiveness of all media, both state and private owned, to provide all citizens, especially rural populations, with equal access to news, education and spiritual entertainment shows. Cambodian citizens can use these media channels as forums to exercise their own rights and freedoms, as provided for in national laws and in accordance with universal principles of democracy and human rights.

### Paragraph 2(c)

197. One of the main duties of MRD is to train development staff in the capital, provinces and districts about community development. This is an essential factor for local development in all sectors and helps to strengthen communities, as it motivates the population to increase food productivity for the family and markets, as well as increasing family income. This involves many programmes, including the food security and nutrition programme; non-formal education about health, literacy and environment; and programmes to promote

rights and democracy. These programmes provide social security benefits that enable rural communities to develop in all fields.

198. MRD has conducted training courses and strengthened the role of the village development committees to increase people's participation in community development. Through this, rural women will directly benefit from social security programmes.

#### **Paragraph 2(d)**

199. The Kingdom of Cambodia has established women's development centres in order to provide vocational skills training and services and business information to support and strengthen entrepreneurship and create employment opportunities for women in rural areas. Currently, there are 11 women's development centres in Preah Sihanouk, Otdar Meanchey, Kandal, Siem Reap, Banteay Meanchey, Kep, Pailin, Kampong Cham, Kampong Speu, Kampot and Kampong Chhnang provinces.
200. These women's development centres have established 78 groups for bamboo production and mat weaving to improve product quality and to meet market demands, and 50 groups to develop skills in other products. These women's development centres also have food-processing training programmes for women in order to create jobs opportunities to increase their daily income. In addition, the Ministry of Agriculture, Forestry and Fisheries (MAFF) mobilizes rural women to participate in agricultural development. As a result, approximately 92 percent of the participants in the Food and Agriculture Organization (FAO) Community-Based Project, 58 percent in the SPFSUNO Project, and 40 percent in the Integrated Pest Management (IPM) project were women. Furthermore, approximately 39 percent of participants in the evaluation of FAO activities in Cambodia 2002-2007 were women and women constituted approximately 30 percent of participants in the aquaculture development activities, attending training courses inside and outside the country.

#### **Paragraph 2(e)**

201. Article 42 of the Constitution stipulates that, "Khmer citizens shall have the right to establish associations and political parties. These rights shall be determined by law." Traditionally, Cambodian citizens in rural areas established solidarity groups or labour exchange groups to help each other with agricultural production, for example in the transport and harvesting of crops. Additionally, Cambodians often formed social funeral relief groups that helped each other when someone in the community passed away.
202. Besides the vocational skills and production groups mentioned above, rural women have the full ability to participate in solidarity groups and social funeral relief groups in their community, showing that women can participate in all community activities.
203. Currently, there are 469 community fisheries in 21 municipality/provinces and 249 conservation sites in 18 municipality/provinces, encompassing 126,490 households and 277,044 members, of whom 100,538 (36 percent) are women. In addition, there are a total of 112 agricultural development communities in 21 municipality/provinces, of which 8,628 members (25 percent) are women. MoC has also established business communities to help them increase production and access to domestic and international markets through promoting small and medium-sized enterprises, such as the Kampot Pepper Development Association, Kampong Speu Palm Sugar Development Association, North-West Farmers Development Association and Kampong Khleang Fish-Paste Association. All of these associations have been established in the community as self-help organizations, in which women are actively involved in improving their products and increasing production.
204. At the same time, the Royal Government of Cambodia has established 82 Community Protected Areas, with a total of 15,382 families as members, and has formed committees

in these 82 communities with women representing 20 percent to 30 percent of committee members.

#### **Paragraph 2(f)**

205. The Royal Government of Cambodia has developed a strategy to promote long- and medium-term credit services with low interest rates in order to promote effective and sustainable microcredit growth. It is envisaged that the provision of microcredit will effectively support and develop agricultural products and link those products to the demands of domestic and international markets.
206. The Royal Government of Cambodia's aforementioned strategy recognizes rural credit as a key to poverty reduction. MRD implements rural credit programmes in six provinces (Kampong Cham, Takeo, Battambang, Kampot, Pursat and Siem Reap) to enable people to obtain capital for business and agricultural activities. This credit programme is implemented with support from development partners, including the Reproductive and Child Health Alliance (RACHA).
207. Based on this experience, MRD has been continuously expanding its credit services, according to its financial ability, to enable more rural women to access this service to expand businesses and increase family income. In the past, MRD and development partners have released credit totalling 5.56 billion riel to 11,661 people, including 8,842 women, in 298 target villages.
208. In 2009, MoSAVY established the Cambodian Veterans Association Credit Fund, which provides credit to members of the Cambodian Veterans Association whose names are listed on the monthly payrolls in capital/province and districts/khans. This includes people who are disabled, retired or unable to work and families of dead combatants. The lowest interest rate possible is charged so that the credit can support disadvantaged families and family members to start businesses to support their daily life.

#### **Paragraph 2(g)**

209. The Royal Government of Cambodia has been implementing the poverty reduction plan, which aims to improve the living conditions of the population of the Kingdom of Cambodia, especially in rural areas, through policy reform in all sectors.
210. Through the Land Management Reform Programme (LMAP), the Royal Government of Cambodia gives priority to strengthening land ownership rights of citizens who need land for housing and for subsistence agriculture. This occurs under the Social Land Concession Framework, which centres on the principle of assisting poor families and vulnerable groups. The Sub Decree on Social Land Concessions stated that, "In order to ensure the land policy responds to all citizens' needs, such policy must respond to women's needs, especially women heads of household." One of the key principles for this work is the provision of land titling and continuing the registration of common ownership of land/property between husband and wife. Women should also have representation in land-related committees, for example the Cadastral Committee and the Participatory Land Use Planning Team.
211. The Royal Government of Cambodia has implemented the Land Titling Programme, issuing land titles to citizens, with three-quarters of the land titles issued in rural areas. As a result, from 2002 to 2007 this programme distributed 1.6 million parcels of land. Of this, 70 percent is common property, 20 percent is the private property of women, 5 percent is the private property of men and the other 5 percent is the collective property of pagodas. In measuring, surveying and identifying land boundaries under the Systematic Land Registration Project, women have been recruited as assistants and have acted as representatives to protect the legal interests of women in obtaining land ownership.



212. In this strategy to manage land in an effective and sustainable way and to facilitate women's needs in accessing services near their village, city/district/khan and commune/sangkat, land management planning processes have been opened up to citizen participation, and most female household heads have been invited to participate and give comments. This process has provided the opportunity for women to share responsibility for the formulation and implementation of development plans in their community.
213. Programmes to allocate land for marginalized families that are landless/lacking land for housing or subsistence agriculture have been implemented by the Royal Government of Cambodia through the Social Land Concession Allocation Programme, which will help 10,000 households across the country in 2010. Poor women with multiple children, widows and female household heads are given priority in obtaining land under this programme. This programme helps to alleviate poverty through methods such as land regularization and resettlement. As a result, by 2007 approximately 27,000 families had obtained a total land area of 12,000 hectares owing to this policy, in which female household heads represented 20 percent. This will provide poor families, especially rural women, with a decent standard of living, legal land ownership and support from development programmes in the community.
214. In the implementation of the land allocation and management programmes, the Royal Government of Cambodia has also publicized the contents of the Land Law, land registration procedures and extra-judicial land dispute settlement processes, producing material in many forms and ensuring that information reaches rural areas. In these programmes, 45 to 60 percent of female household heads participated, especially in the systematic land registration areas in 214 communes/sangkats of 14 capital/provinces. Additionally, women were the main actors in mobilizing citizens to join this programme, mobilizing between 1,500 and 3,000 people in one adjudication site.
215. To ensure decent living conditions for its citizens, the Royal Government of Cambodia considers water protection a priority of the NSDP, with the goal of one of the CMDGs to "Increase the proportion of rural populations with access to safe water sources from 24 percent in 1998 to 50 percent in 2015."
216. MRD has adopted an action plan to build, repair and maintain safe wells in order to increase the proportion of the rural population with access to safe water sources. The Royal Government of Cambodia has cooperated with development partners to supply safe water to approximately 51 percent of the population, most of whom live in urban areas. In Phnom Penh, 80 to 85 percent of the population now has access to safe water. Furthermore, the Royal Government has adopted a subsidy policy to allow the equitable supply of safe water to poor families, especially widowed female family heads, based on housing status, property, ability to find income and access to social benefits.
217. One of the goals of the CMDGs is to "Increase the proportion of the rural population with access to improved sanitation from 8.6 percent in 1996 to 30 percent in 2015." In implementing this goal, MRD has adopted an action plan to educate citizens about primary health care and hygiene, the prevention of HIV/AIDs, ensuring food security and good nutrition in the community and the building of latrines.
218. In its economic development programme, the Royal Government of Cambodia has continued to pay attention to the development of core physical infrastructure schemes, including giving top priority to the building of roads in rural areas and implementing the Strengthened Road Maintenance Plan to maintain sustainability of roads built. The Royal Government also gives top priority to attracting private sector investment in producing and supplying electricity, especially in major provincial towns and urban areas through the implementation of the Rural Electrification Project, offering quality output at affordable prices, and in its project to connect to power transmission cables from neighbouring

countries. At the same time, the Royal Government has opened to investors the development of the post and telecommunications system through promoting the development of quality communication and information technologies in line with international standards at low prices throughout the country. The Royal Government has also implemented a subsidy policy to prevent the electricity price from increasing to assist poor families and women who have limited access to an effective electricity service.

219. Based on the measures in the Royal Government of Cambodia's political programme and action plan stated above, rural women will gradually obtain a decent standard of living in relation to housing, sanitation, water, electricity supplies, transportation and communication.

## Article 15: Law

220. The Kingdom of Cambodia has provided equal rights for women in all areas of life. Article 45 of the Constitution of the Kingdom of Cambodia states that, “All forms of discrimination against women shall be abolished. The exploitation of women in employment shall be prohibited. Men and women are equal in all fields, especially with respect to marriage and family matters. Marriage shall be conducted according to conditions determined by law based on the principle of mutual consent between one husband and one wife.”

### Paragraph 1

221. Women enjoy the same rights as men before the law in all circumstances and in all forms. Article 31 of the Constitution of the Kingdom of Cambodia states that, “Every Khmer citizen shall be equal before the law, enjoying the same rights, freedoms and fulfilling the same obligations regardless of race, colour, sex, language, religious belief, political tendency, birth origin, social status, wealth or any other status.” Article 38 the Constitution also states that, “The law guarantees there shall be no physical abuse against any individual,” and that, “The law shall protect the life, honour and dignity of citizens.”

222. Both women and men, when they believe that their rights have been abused, have the same right to file a complaint for damages and compensation. This is protected by Article 39 of the Constitution of the Kingdom of Cambodia, which states that, “Khmer citizens shall have the right to denounce, make complaints or file claims against any breach of the law by the State and social organs or by members of such organs committed during the course of their duties.” Therefore, victimized women have full and equal rights to file a complaint with the competent authorities, as stated in Article 6 of the Penal Procedure Code: “Any person who claims to be a victim of an offence can file a complaint.”

223. Women have the same power as men, as stated in Article 3 of the Penal Procedure Code: “Criminal actions apply to all natural persons or legal entities regardless of race, nationality, colour, sex, language, creed, religion, political tendency, national origin, social status, resources or other status.”

224. In the case of domestic violence, the law provides the same power for concerned staff of MoWA as judicial police officers, in that they are authorized to act as complainants for the victim in lawsuits. Furthermore, Cambodian legislation provides for:

- Promotion of legal protection against all forms of discrimination against women and children, including domestic violence, rape, obscene acts, human trafficking, sexual and labour exploitation and migration: MoWA plays a key role in the education on, and dissemination of, the DV Law and other relevant laws, in order to create basic knowledge of the laws and ways to deal with problems that occur in local communities in this area. This is done through workshops, education sessions and public forums for the gendarmerie, police officers, civil servants at the municipal/provincial department level, NGOs, trainee and qualified teachers, students, entertainment workers and citizens nationwide.
- Access to social and health services for victims of violence, including domestic violence, rape, human trafficking and sexual and labour exploitation: Regarding domestic violence, rape, divorce and trafficking cases, MoWA has cooperated with relevant NGOs and local authorities to seek legal services to assist victims and arrest and prosecute the perpetrators according to the law.
- International and regional cooperation on the prevention and elimination of human trafficking and support for victims of trafficking and sexual exploitation of women and children: MoWA has cooperated with MoSAVY to develop an agreement between the Royal Government of Cambodia and the Government of the Socialist Republic of Vietnam on Standards for Operating Procedures and Cooperation on the Identification and Repatriation of Trafficked Victims. For example, MoWA has

assisted in the safe repatriation of 17 Cambodian victims of trafficking from Malaysia and will continue to cooperate and assist other victims.

- The Cambodian Centre for Study and Development in Agriculture (CEDAC) has assisted families vulnerable to trafficking and unsafe migration by providing funds to increase their incomes through the creation of businesses, according to their skills.

## Paragraph 2

225. In the Kingdom of Cambodia, men and women are provided with equal rights in civil affairs, as stated in the Civil Code;

- Article 2: “This Code gives concrete embodiment to the concepts of the dignity of the individual, the equality of the sexes and the guarantee of property rights provided in the Constitution.”
- Article 3: “Under this Code, legal relations among private persons, including corporations, shall be equal and equivalent, with respect for the free intention of the individual.”

226. At the same time, equal rights in civil affairs are provided for women so that they can exercise the same rights as men in entering into a contract, and the same rights over ownership to access legal redress in courts. Article 6 of the Civil Code states that, “All natural persons are entitled to have rights and assume obligations in their name.”

227. Women have equal legal rights to enter into contracts. Article 14 of Decree No. 38 on Contracts and Other Liabilities (1988) states, “All people who are over 18 years old can enter into a contract at any time, except detainees as provided in the law.”

228. Women have equal rights to ownership, as stated in Article 44 of the Constitution of the Kingdom of Cambodia: “All persons, individually or collectively, shall have the right to ownership. Based on this principle of the Constitution, all women have the full right to manage their own property.”

229. In a marriage, a wife has equal rights to ownership over common property, as stated in Article 974 of the Civil Code;

1. “A husband and wife shall have equal rights to use, enjoy the benefit from, and manage common property, and each of them shall have the right to use, enjoy the benefit from and manage their own property.”
2. “A husband and wife shall have the right to use the common property to the extent necessary for their daily life.”
3. “A husband and wife shall jointly manage common property. Either spouse may demand that the other spouse take any measures required in order to secure, maintain and preserve the common property.”

230. Cambodian women also have the same rights and roles as men in all aspects of court proceedings, as stated in Article 38 of the Constitution of the Kingdom of Cambodia: “Every citizen shall enjoy the right to defence through judicial recourse.” In accordance with the principles of the Constitution on civil affairs and legal matters, women also have full rights in fulfilling obligations in regard to court proceedings, as provided for in Article 2 of the Civil Procedure Code;

1. “The purpose of civil actions is to have courts resolve civil disputes in accordance with the law, in order to protect the rights of private parties.”
2. “The right of all persons to obtain a court trial in a civil dispute shall be guaranteed.”

231. According to the principle of Article 2 of the Civil Procedure Code, Cambodian women have the same rights as men in all aspects of court proceedings. Moreover, Article 3 of

the Civil Procedure Code states that, “No party shall be tried without being heard or summoned,” and “The court shall, in all cases, preserve the principle of ‘La Contradiction’.”

### **Paragraph 3**

232. The Kingdom of Cambodia recognizes and respects equal rights between men and women and seeks to eliminate all forms of discrimination against women.

- Article 45 of the Constitution states that, “All forms of discrimination against woman shall be abolished.” Based on this principle, all standard legal documents must abolish all forms of discrimination against women.
- Article 158 of the Constitution states that, “Laws and standard documents in Cambodia that safeguard State properties, rights, freedom and legal private properties shall, in conformity with the national interest, continue to be effective until altered or abrogated by new texts, except those provisions that are contrary to the spirit of this Constitution.” Therefore, all contracts and all kinds of private instruments that restrict women’s legal capacity cannot be used because they are contrary to the spirit of Article 45 of the Constitution, which eliminates discrimination against women.

233. A contract that is linked to human trafficking and sexual exploitation is automatically nullified. Article 45 of the Law on Suppression of Human Trafficking and Sexual Exploitation states that, “A contract shall be null and void if it is made for the purpose of selling/buying or exchanging a person for sexual exploitation. A loan contract shall be null and void if it is made in connection with the act of selling/buying or exchanging a person for sexual exploitation.”

### **Paragraph 4**

234. In the Kingdom of Cambodia, men and women have equal rights and freedom to travel, reside and settle. This right is guaranteed and protected by Article 40 of the Constitution of the Kingdom of Cambodia, which states that, “The freedom of citizens to travel, far and near, and to legal settlement shall be respected. Khmer citizens shall have the right to travel and settle abroad and return to the country”. In accordance with the principle of Article 40 of the Constitution, women have full rights to travel within the country and abroad. All women, whether single or married, have the right to apply for and hold a passport, and to leave and enter Cambodia through border checkpoints.

## **Article 16: Marriage and family life**

### **Paragraph 1**

235. In the Kingdom of Cambodia, discrimination against women in all fields related to marriage and the family is prohibited by law. Article 45 of the Constitution of the Kingdom of Cambodia states that, "All forms of discrimination against woman shall be abolished. Men and women have equal rights in all fields, especially in marriage and family life." In accordance with this principle, and to ensure that women have the same rights as men in marriage and family relations, the Royal Government has enacted a number of different laws, as stated below.

### **Paragraph 1(a)**

236. In the Kingdom of Cambodia, women and men have equal rights in marriage, as determined by law. Article 4 of the Law on Marriage and Family states that, "Men and women reaching legal age have the same rights to decide on marriage. One party may not force another party to marry against his/her will. No one can be forced to marry or can be prevented from marrying as long as the marriage is in compliance with standards provided for in this law."

### **Paragraph 1(b)**

237. According to the aforementioned Article 4 of the Law on Marriage and Family, women reaching legal age have the right to choose their partner and to marry of their own will and without coercion from any other party. Article 948 of the Civil Code states, "Men and women not reaching the legal age cannot get married. But, in the case that one party reaches the legal age and another party is a minor aged over 16 (sixteen) years old, the two parties can be married by obtaining agreement from powerful persons, parents or guardians of the said minor."

### **Paragraph 1(c)**

238. Article 3 of the Law on Marriage and Family states that, "A marriage is a solemn contract between a man and a woman in a spirit of love in accordance with the provisions of law and with the understanding that they can not dissolve it as they please." Based on this, women and men have equal rights to enter into a marriage contract. A legal condition of marriage, as stated in Article 14 of the Law on Marriage and Family, is that, "Marriage shall be considered as legitimate only when a man and woman who voluntarily take each other as husband and wife enter into a marriage arrangement before the registrar in the jurisdiction where the bride resides."

239. While having equal rights in marriage, women also have equal rights to men to dissolve the marriage. Article 39 of the Law on Marriage and Family states that, "A husband or wife may file a complaint for a divorce if there are enough grounds which indicate that she or he can not continue the conjugal cohabitation." If a wife cannot continue to live with her husband with proper reason, she can file a complaint with a competent authority for divorce. Article 978 of the Civil Code states that, "A husband or wife can bring a suit for divorce only in the following cases:

- a. If the other spouse has committed an act of infidelity;
- b. If he or she has been deserted without good reason by the other spouse;
- c. If it has been unknown for a year or more whether the other spouse is alive or dead;
- d. If the other spouse has been living apart contrary to the spirit of marriage for one year or more continuously; or
- e. If the matrimonial relationship has otherwise broken down and there is no prospect of reconciliation."

240. At the same time, in the absence of any of the reasons above, a husband or wife can file for divorce on a voluntary basis. Article 979 of the Civil Code states that, “Where both parties to a marriage have agreed to divorce, they may petition the court for divorce. The court may only grant a divorce after confirming that the parties really desire to dissolve the matrimonial relationship.” Article 39 of the Law on Family and Marriage states that, “A husband or wife may file a complaint for divorce if there are enough grounds which indicate that he or she cannot continue the conjugal cohabitation. The grounds for divorce are;
- a. Desertion without a good reason and without providing maintenance for any children;
  - b. Cruelty and beatings, persecution and lack of respect for the other spouse or his or her ancestry;
  - c. Immoral behaviour, bad conduct;
  - d. Impotence; and
  - e. Physical separation for more than one year.

Article 40 of the Law on Family and Marriage states that, “A husband and wife may agree to divorce by mutual consent.”

#### **Paragraph 1(d)**

241. In the Kingdom of Cambodia, men and women have equal rights and obligations to take care of their children. Regardless of the marital situation they are in, they have to ensure that the interests of their children are taken care of. Article 115 of the Law on Marriage and Family states that, “Parents have obligations to love, bring up and take care of their children to develop their spirit of patriotism, love of education, love of work, a spirit of international cooperation and respect for State property and the rights and property of others.”
242. Regardless of the marital situation, Cambodian law requires a husband and a wife always to think about their children’s interests. Article 116 of the Law on Marriage and Family states that, “Parents shall not mistreat their own child, children-in-law, adopted children, or children of their ex-wife or husband.” In the case that a couple is divorced, Cambodia law requires the divorcing party to take care of the children. Article 74 of the Law on Marriage and Family states that, “The divorcing father or mother must support, take care of, bring up and provide money for the children’s education and schooling to the extent that this is possible.” Article 75 of the Law on Marriage and Family states that, “The party who does not receive custody of the children has the right to visit his or her children. The party who is entitled to receive the custody of the children must make it easy for the other party to visit the children.”

#### **Paragraph 1(e)**

243. The Kingdom of Cambodia has no law to define the number of children allowed per couple. The decision to have or not to have children, or to determine the number of children, is the right, freedom and mutual decision of both spouses. Article 29 of the Law on Marriage and Family states that, “In the family, a husband and wife are equal in all aspects.”

#### **Paragraph 1(f)**

244. In the Kingdom of Cambodia, there must be mutual agreement between a husband or a wife to act as a child’s guardian or to adopt children. Article 111 of the Law on Marriage and Family states that, “In cases of adoption, there must be consent by both spouses. In such case, the adoptee shall belong to both spouses.” A woman, as a wife, can be a child’s guardian or adopt children only if there is consent from her spouse. Article 1008 of

the Civil Code states that, “One spouse may not adopt a child unless the other spouse also does so; this shall not apply if one spouse adopts a natural child of the other spouse.” Article 1022 of the Civil Code states that, “If a person with a spouse makes a petition for simple adoption, the consent of such spouse must be obtained.”

#### **Paragraph 1(g)**

245. Men and women, after marriage, have equal rights to choose their family name and can use the family name of either spouse or keep their own family name. Article 965 of the Civil Code states that, “A married couple may use the surname of the husband or the wife, or their respective surnames prior to the marriage, in accordance with their agreement at the time of the marriage.” In the Kingdom of Cambodia, there is no law requiring a change of the family name at a spouse’s request. Each spouse has the right to choose their family name. Therefore, married women can use their own family name and they do not need to change their family name to that of their husband.
246. After marriage, the wife and husband both have equal rights to choose their professions and occupations. Article 967 of the Civil Code states that, “The husband and wife shall be free to choose their occupation and to participate independently in political, cultural and social activities.” Therefore, after marriage women have equal rights in choosing any occupation by which to earn a living to support the family. However, the choice of profession and occupation must be compatible with the intention to help each other as husband and wife, as stated Article 966 of the Civil Code: “A husband and wife shall cohabitate, cooperate and assist each other.”

#### **Paragraph 1(h)**

247. In the Kingdom of Cambodia, spouses have equal rights in managing, controlling, benefiting from and using the family’s common property. Article 974 of the Civil Code states that, “A husband and wife shall have equal rights to use, enjoy the benefit from and manage common property, and each of them shall have the right to use, enjoy the benefit from and manage their own property.” Article 976 of the Civil Code also states that, “Common property may not be sold or otherwise disposed of without the consent of both spouses.”

#### **Paragraph 2**

248. In the Kingdom of Cambodia, a marriage is a traditional and customary ceremony organized according to the traditions and customs of Cambodian society, but without legal enforcement.
249. The law of the Kingdom of Cambodia in this regard only considers marriage a pledge between men and women who voluntarily live together as husband and wife. The law does not define how a marriage should be arranged. However, in order to legalize cohabitation as husband and wife, spouses must enter into a marriage contract before a competent authority. The marriage contract must be registered in the marriage registry book and signed by a civil registration officer, the husband and wife and two witnesses of legal age.
250. According to the above law, men and women have equal rights, when of legal age, in choosing partners for marriage. According to the Civil Code, the minimum age for marriage in the Kingdom of Cambodia, as determined by law, is 18 years old for both men and women.



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