
CSO Report on Cambodian GENDER ISSUES

April 8, 2009

Reported By:

- | | |
|---|--|
| 1. Gender and Development for Cambodia (GAD/C) | 4. NGO-FORUM On Cambodia |
| 2. SILAKA | 5. Dan Church Aid (DCA) |
| 3. Development and Partnership for Action (DPA) | 6. OXFAM/GB |
| | 7. International Cooperation Peace and Development (PYD) |

1. INTRODUCTION

Women's rights are guaranteed by both the Cambodian constitution and international laws, which Cambodia ratified following the inception of the constitutionally democratic government in 1993. Article 31 of The Cambodian constitution fully acknowledges equal rights between men and women to participate actively in the social, economic, and cultural life of the nation without discrimination¹.

Since 1997, the government has passed many pieces of legislation, and policies to ensure those women's issues are properly addressed. The Ministry of Women's Affair (MoWA) is the leading national institution to facilitate and advocate in engaging for public institutions, the civil society, and the private sector to integrate gender equality into their policies and programs. The Cambodian National Council for Women (CNCW) is responsible for coordinating and providing consultation to the government on issues related to advancing the status of women and eliminating all forms of discrimination against women. Under the light of the Government Rectangular Strategy and National Strategic Development Plan, 15 government institutions have developed Gender mainstreaming action plans (GMAPs) with 23 institutions are being established Gender Mainstreaming Action Groups (GMAGs). The roles of GMAGs are to provide a mechanism for institutionalizing the development and monitoring of ministry-specific gender mainstreaming strategies and plans, and advocating for the integration of gender-responsive measures into sector policies and programs. *However, these focal groups have yet to be active in their plan because of the lack of resources.*

Despite these legal provision and mechanisms, Cambodian women have yet to fully enjoy the same status as men: they are less educated than men. They receive less productive resources and have limited access health services. They are under-represented in public institutions and the private sectors and occupy few senior or key decision making positions. Cambodian women live under the overwhelming influence of the "Chbap Srey", the traditional code of women, which contains moral principles regulating their behavior that perpetuate discrimination against women in many spheres of their life. The Women's Code, particularly through its inclusion in the primary school curriculum, and in local art forms continuously reinforces gender stereotypes and male dominant behavior and thereby restricts women's full appreciation of their human rights.

This report will analyze three interrelated gender issues, namely gender and economy, covering not only the formal but also the informal economy, gender and education, and finally gender and health.

2. KEY ISSUE

2.1. Gender and Economy

Women comprise 52% of the population and make up half of the economically active population. Their earnings cover more than half of household expenditures. 82% of Cambodian women over 15 years old are

¹ Article 31: 'Every Khmer citizen is equal before the law, enjoying the same rights and freedom and fulfilling the same obligations regardless of race, colour, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status. The exercise of personal rights and freedom by any individual may not adversely affect the rights and freedom of others. The exercise of such rights and freedom must be in accordance with law.'

in the workforce (UNIFEM et al, 2004:36-37) and 72% of girls in the age group 15-19 are working (MoP, 2005:5). The income disparity between women and men remains high. Among workers with no schooling, aged 15-19, wages are 75% higher for men than for women (ibid:46). Migration inside and between countries has been increasing because of chronic poverty, landlessness, and natural disasters.

Women in Informal Employment

Women share 80% of the workforce, and 83% of women workers compared to 76% of male workers are self-employed or unpaid family workers in the informal sector. If we closely look into these two categories of employment, women take a huge proportion of unpaid family workers, accounting for 60%, compared to 30% of men, whereas in self-employed works, men are involved at 53%, compared to 30% of women². According to 2007 IOM report³ indicated that girls were found working as child domestic workers (CDWs) for 89% of the total domestic workers. Their working conditions were found to be very harsh, as they worked for an average of 13.5 hour per day. Only 64% of CDWs are paid for the work that they do every day. 16% of CDWs reported that they had been 'punished' by their employers, and were sexually abused by their male owners. A substantial number (31%) of CDWs also reported that they never receive their salaries, as they are directly paid to their relatives, most frequently their mother. These informal workers are not entitled to neither legal nor social protection under the current labor legislation, exposing them to unmonitored exploitations.

Women provide 51% of the primary workforce in subsistence agriculture and 57% in market-oriented agriculture. The vast majority of women farmers is illiterate or has less than a primary school education and they are disproportionately; therefore they are precluded from a variety of opportunities such as access to education, training, land ownership, and so on. Of less than 1 percent of all farmers received agricultural extension services; only 10% of these are women. Information tends to target the literate population yet 36% of women (and 15% of men) are illiterate (CIPS).

Moreover, only 34% of female-headed households own half a hectare of agricultural land, compared to 18% of male-headed households⁴. Furthermore, almost one third of households headed by men own more than 2 hectares of land compared to only 17% of households headed by women⁵. This shows that although RGC has made efforts to integrate gender perspective into legislations and policies pertaining to land reform, still there remain concerns on the implementations of those policies. Ambiguity on the procedure, capacity of the implementing government staff, and of the fees to have land titling create many obstacles for women's rights over land tenure, especially for those households who are run by women⁶.

Migration

With the high incidence of poverty, landlessness and limited employment outside agriculture in rural areas, many women migrate to urban areas in search of jobs. Given the low level of education and skills, employment in garment factories is a notable source of employment for rural women, given that 85% of all garment factory workers are women from rural villages⁷. However, factory management dominated by men and even union leaders are mostly men. Health and safety conditions in the workplace are constantly reported as not meeting basic standards; their earnings are saved and remitted to their family at the expense of their own food, shelter and health care needs⁸. Consequently, the level of vulnerability of females who migrate to urban areas, especially to Phnom Penh, is high and on increase. Recent global economic crisis has taken its toll on the garment industry, with about 70 factories have shut their doors since the economic crisis started to hit Cambodia last August, and more than 51,000 workers have lost their jobs or seen their

² National Institute of Statistic 2005

³ IOM Report 2007: *Out of Sight, Out of Mind*

⁴ CDRI Survey

⁵ Cambodia land titling rural baseline survey report. "Cambodia Development Resource Institute, December 2007.

⁶ HEINRICH BOLL STIFTUNG Cambodia & GAD/C: Women's Perspectives: A Case Study of Systematic Land Registration 2008

⁷ National committee for population and development (2008) *Gender and a right-based approach to labour migration in Cambodia: A background paper*.

⁸ *A Fair Share for Women*. MoWA 2008.

contracts suspended, said industry officials(Phnom Penh Post 16 March 2009). More than 9,000 Cambodians have been registered and sent to work abroad. Of this figure, 5,309 are women⁹.

While this trend is increasing, the Government has adopted a policy of facilitating migration for employment in Thailand, Malaysia and Republic of Korea. The protection of migrant workers, many of whom are women, has been championed by women's civil society organizations, which have used CEDAW to demand Government to provide greater protection¹⁰. The Ministry of Women Affairs responded to CEDAW recommendations by initiating a database to monitor the migration flow. The Ministry of Labor and Vocational Training was created in 2004 to regulate the labor market and provide skilled workers. This ministry has adopted a strategic plan to facilitate legal migration overseas, but protection measures for migrant workers have yet to take shape. ***Furthermore, there is a need for a systematic reporting mechanism to monitor the situation of women working abroad and an affirmative action program to ensure that women have equal access to employment opportunities.***

Women in Public Sector Employment

Men represent 77% and women only 23% of total public sector employment, and there are even fewer in senior positions. There has actually been a decline in female ministers from 8% in 2003 to 7.6% and 6% in 2005 and 2007, respectively. At the same time, there has been a significant increase in the percentage of female secretaries of state from 6% in 2003 to 16% in 2007 and under-secretaries of state from 5% in 2003 to 30% in 2007, and female deputy governor from 0% in 2003 to 11% in 2008. So far there has not been a female provincial/city governor, and fewer than 25% of management positions in provincial and district offices are occupied by women. In the civil service, the number of women is also low. In 14 ministries, women comprise only about 20% of civil servants. In the judicial branch, female judges account for only 8.5% and only 2.7% of prosecutors and prosecutor-generals are women. On the other hand, there are more women who serve as lawyers, accounting for 17.8%. There has also been a remarkable increase in women representatives directly elected to institutions such as the National Assembly and Commune (Sangkat) Councils. Women's representation in the councils increased from 8% in 2002 to 14.6% in 2007 and their representation in the National Assembly increased from 19% in 2003 and 22% in 2007.

The low level of female representation in politics can be attributed to several interrelated causes but mainly is ***on the nature of male patronage system of the Cambodian politics-as all political gates are kept by men.***

Wage Disparity

The Cambodian Constitution fully guarantees equality in employment between women and men¹¹ and discrimination against women is explicitly forbidden¹². Cambodia is also a signatory to convention No. 100, concerning Equal Remuneration for Men and Women Workers for Work of Equal Value¹³. Article 104 of the Labor Law, states that "The wage must be at least equal to the guaranteed minimum wage, that is, it must ensure every worker of a decent standard of living compatible with human dignity." The Cambodian government fails to fulfill this right. The income disparity between women and men remains high. Among workers with no schooling, aged 15-29, wages are 75% higher for men than for women¹⁴. ***It is estimated that on average women are paid 30% less than men for commensurate work.***

In the formal economy, the disparity of wages is even greater, since men dominate higher paying jobs and managerial positions. So far, no specific policy, no adequate measure and no affirmative actions have been taken to reduce this gap. There has been no complaint to challenge gender-based discrimination in income disparities, and no mechanism exists for a woman to challenge such discrimination. ***Currently, there is no***

⁹ Statistics from the MoLVT 2006

¹⁰ Accountability Needed, 2008 report by Thida Khus, SILAKA

¹¹ Art. 36 of the Constitution states ' *Khmer citizens of either sex shall enjoy the right to choose any employment according their ability and to the needs of the society. Khmer citizens of either sex shall receive equal pay for equal work*'.

¹² Art. 45 of the Constitution states ' *All forms of discrimination against women shall be abolished.*' Art 12 of the Labor Law also prohibits any discrimination based on sex.

¹³ *Convention No. 100* was ratified by Preah Reach Kram No. NS/RKM/0799/02, 23 June 1999.

¹⁴ *Ibid.*

specific policy or law to ensure equal opportunity to promotion, job security and other benefits for women.

2.2. Gender and Education

Human resources development must be a central concern for the Royal Government of Cambodia. Although the situation has improved in the last decades, education enrollment and attainment in Cambodia remains low by regional standards. Female adult literacy, at 64%, is significantly lower than that of males, 84%¹⁵. In 2003, Oxfam GB claimed that only 22% of Cambodian women could read a newspaper or write a simple letter¹⁶. Nearly a quarter of young women 15-24 are illiterate, 40% are women and over 20% of men in the 25-44 years age group. Moreover, CSES 2004 indicated that only 0.30% of male and 0.16% of female are currently enrolled in vocational training, whereas very little of both sexes attended literacy programs.

The adaptation of the Gender Mainstreaming Strategic Plan in Education 2006-2010 and the establishment of the Gender Working Group by the Ministry of Education, Youth and Sport resulted in relative success, especially in primary education. In recent years, the female share of school enrollment has increased at each level of education. At the primary school level, girls comprised 47% of total enrollment in 2007. At the lower secondary school level, girls' share of total enrollment declined slightly to 46%. At upper secondary school level, the rate fell to 40%. In high education, only 35% of students are women. Gender disparity in education is even wider in science and technology. Female student enrollment in science and technology was 17.5%, 31.6%, 35.77% in 2002, 2003 and 2004 as against male student enrollment which was 82.5 %, 68.4% and 64.23% respectively¹⁷.

The high rate of female drop-outs in primary education limits the pool of female candidates to enter the higher education, making gender disparity even wider at higher education. The study has indicated that there are three main causes behind girls dropping out of school. First the girl's labor is needed at home, especially to help care for younger siblings and to do household labor. A second reason is that if a family is just too poor to educate all of their children, they choose to educate their sons. 45% of Cambodian women think it is better to educate a son than a daughter¹⁸.

Another reason is the lack of schools that are near the villages, especially at higher levels of education¹⁹. Added to this, the quality of educational services such as school facilities affects the enrollment and drop-out rates, especially for female adult: 25% of primary schools do not have separate toilet facilities for boys and girls and with 36.6% of female primary students being 12 or older; this presents understandable problems of privacy for them²⁰.

2.3 Gender and Health

Although some health indicators have improved since 2000, the health status of Cambodians remains far below that of their more prosperous neighbors in the region. This report will highlight two women's health issues, namely maternal and child health and HIV/AIDS.

Cambodia is among the highest in maternal mortality and mortality of infant under the age of five in the region. Although contact with professional health care services during pregnancy and childbirth increased in the period 2000-2005, there was no significant decrease in the maternal mortality rate. The maternal mortality rate actually increased from 432/10,000 in 2000 to 472/10000 live birth in 2005, while the infant mortality rate was 65/1000 live births and the rate was 83/1000 live births of infants under the age of five (CDHS 2005). This burden are placed upon mainly for rural women living in remote areas. Only 68

¹⁵ World Development Indicator.

¹⁶ *The situation of women in Cambodia* (LICADHO 2002).

¹⁷ *The situation of Women in Cambodia* (LICADHO 2004).

¹⁸ *A Fair Share for Women*, Ministry of Women's Affairs, April 2008

¹⁹ Judy Ledgerwood, *Women in Cambodia Society*. Online: <<http://www.seasite.niu.edu/khmer/ledgerwood/women.htm>> (accessed on 23-07-2008).

²⁰ *A Fair Share for Women*, Ministry of Women's Affairs, April 2008

percent of rural pregnant women receive antenatal care and only 17 percent give birth in a health facility while in urban areas, the figure is 79 percent and 50 percent respectively. They do not have access to health care as they are too costly to go to health clinics. Misconceptions about nutrition during pregnancy and wrong beliefs and practices after delivery also contribute to high maternal and child mortality in Cambodia.

Although termination of pregnancy has been legal in the Kingdom of Cambodia since 1997, a number of barriers to safe termination services persist and many women continue to induce their own terminations or seek unsafe services that result in complications requiring 'post-abortion' care. Abortion has reportedly increased from 5% in 2000 to 8% in 2005 of Cambodian women aged 15-19. Safe abortion services are not readily available in Cambodia and only 47 percent of public hospitals and about 15 percent of health centers offer any kind of abortion services.

Recommendations

1. Expand public awareness on girl's education, and perception about role of women in technology, and to encourage families to enroll their children on time. Develop strategies for widening discussion of this issue at the community level.
2. Cambodian government should continue to put in place temporary special measures to keep girls in schools and expand non-formal education programs, particularly for out-of-school girls and women of child bearing age.
3. Government must allocate resources to meet gender priorities. Plans are useless if they have no resources to operate.
4. Laborers in the informal economy should be protected by labor law to ensure the protection from exploitation. Pay attention to child domestic worker working conditions;
5. Link gender equity to policies of privatization, as well as social protection and safety net for women workers;
6. Apply CEDAW principles in all aspects of the implementation policies, especially in improving social and economic opportunities for women.
7. Promote women's participation in all agriculture diversification project. Support value-added and agro-processing activities. Secure access to information and technical input women farmers and productive resources.
8. Provide basic reproductive health to all women and health care to all children; Sufficient supplies and health infrastructure with particular emphasis on community-based healthcare, increasing the skill of birth attendants, and emergency medical obstetric care services.
9. Government should strengthen the enforcement of all laws as rights are violated when there is no law enforcement.

CONCLUSION

It is recommended to our government take steps to restore rights to women by assuring gender equality in Cambodian society. First step, there should be a proper allocation of resources for gender related programs. This is in relation to state women machinery, Ministry of Women Affairs, and other Gender Mainstream Working Groups.

Secondly, Government should enforce of existing laws as rights are only protected in the state of law and order. Thirdly, strengthen the mechanism to collect gender related information. Widening dedicated professional public servants with Gender related issues.

Finally, women mechanism should move to set up a check and balance system in gender equity in the public institutions. The current women mechanism has served as mobilizing force to work on gender issues. A higher and separate body is needed to monitor their effectiveness and compliances of state actors to secure Cambodian women enjoying their rights so they can be effective contributors to the development of peace and prosperity in the country.

Contact Information: Mrs. Sopheap Ros sopheap_gad@online.com.kh
or Mrs. Thida Khus thida_khus@silaka.org