



Joint Submission to the United Nations Human Rights Council Cambodia for the Universal Periodic Review (UPR) of the Kingdom of Cambodia (Fourth Cycle, 46th session of the UPR Working Group

**Gender Equality in Political and Public Affairs in Cambodia
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1. Introduction

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2. Methodology

2.1 This report provides an in-depth understanding of the development, laws, and challenges facing women's participation in political and public affairs in Cambodia, which upholds and safeguards the principle of gender equality.

2.2. The methodology used for this report consists of desktop research, case studies, the result of survey, CSO women working group's advocacy report and the concern and recommendations resulting from Human Rights Committee of concluding observations on the third periodic report of Cambodia (CCPR) and Universal Periodic Review 3rd Cycle recommendations (UPR). The consultation workshops were held on November and December 2021 and March 2023, which co-organized by COMFREL SILKAKA Cambodia, GADC, and Banteay Srei Organization. In addition, excerpted from the monitoring report on *"Empowerment of Women in Politics and the 5th Mandate Commune/Sangkat Council Elections 2022 and the 7th Legislature National Assembly Elections 2023"* are a form of analysis of collected data and opinions of Cambodian women involved in politics, especially in the Commune/Sangkat Council electoral process and recent the 7th legislature National Assembly Elections 2023 and key recommendations for promoting gender equality and women's political empowerment in Cambodia.

2.3. COMFREL coordinated with independent CSOs to train and deploy its 250 women observers during the 2022 Commune Council elections and 2023 National Assembly elections.

3. The Cambodian National UPR Context

Cambodia was last reviewed in March 2019 at the 32nd session of the Human Rights Council. The 44 recommendations that either directly mentioned women or addressed an issue that disproportionately affected women in Cambodia. Cambodia accepted all of these recommendations. However, none of the recommendations specifically addressed women in leadership position in government and political representatives. The closest recommendations "related to overall mechanisms for gender parity and women's empowerment" in the 3rd cycle and the recommendation by Cuba in the 1st cycle to "Continue the implementation of the necessary affirmative measures to achieve gender parity."

4. Update on Implementation Level of Recommendations Made During 3rd Cycle of UPR

- 110.173. Continue ongoing mechanisms for gender parity and women's empowerment (India)
- 110.174. Continue to implement the gender equality policy to ensure gender mainstreaming in all sectors and programmes (Pakistan)
- 110.175. Further strengthen programmes to address discrimination against women and girls, and to promote gender equality (Philippines)
- 110.176. Strengthen the role and status of women, and promote and protect the rights of children and persons with disabilities in society (Laos)

The acceptance of these recommendations by the Royal Government of Cambodia shown the positive indicator in promoting gender equality. Despite this promising commitment, these recommendations have been partially implemented. A National Policy on Gender Equality drafted by the Royal Government of Cambodia (RGC) through a process led by the Ministry of Women’s Affairs (MoWA) with inputs from NGOs and the private sector for increasing gender equality in all fields, but it has not yet been adopted. This policy could provide a long-term policy framework for and further enhancement to the principles of gender equity in the national policies, National Strategic Development Plan (NSDP), and sectoral strategic plans in order to achieve the gender equality that aligns with the Sustainable Development Goals, aiming at “leave no one behind”, and the principles of CEDAW in the development agenda, and to contribute to inclusive and equitable human resources development for building a foundation to achieve the Cambodia vision 2050.

Cambodian women and men have been fully and equally guaranteed by the Cambodian constitution on their political participation and interests. However, women-friendly and enabling environment, policies, election laws and operational measurements have not been realistically responsive to the status of women’s participation in politics. In fact, representation of women in government leadership positions and women Member Parliament for the 7th legislature have significantly **decreased** since the last UPR Review. The gaps of policies and no gender-responsive election laws, operational measurements, and investments have contributed to the inequality of women’s representation and participation. Therefore, gender equality policy in the party and gender-responsive election laws and it’s well implemented will become a powerful and an effective tool for women to claim their rights and grasp equal opportunities as candidates and elected. In addition, the high commitment of leaders and the political will to support women is essential to succeeding in this work.

5. Implementation of recommendations from other UN Human Rights Mechanism

In paragraphs 16-17 of the Committee on Civil and Political Rights (CCPR)’s concluding observations on Cambodia dated 18 May 2022¹ the Committee notes its concern about “the persistent under-representation of women in leadership and decision-making roles at all levels of public life.” It recommended **action to “achieve, within specific time-frames, the full and equal participation of women in political and public life, including in the National Assembly, ministerial positions, regional and local municipalities, and the judiciary, particularly in decision-making positions.”** The UN Committee on the Elimination of all forms of Discrimination against Women (CEDAW) also reviewed Cambodia since the last UPR review. In its November 2019 concluding observations, the CEDAW Committee specifically recommended the use of temporary special measures, including quotas to address the underrepresentation of women in public life, “including in legislative bodies, ministerial posts and local governments, as well as in the judiciary, the police force, the foreign service and academic institutions, particularly at the decision-making level.”² The CEDAW also recommended public awareness campaigns to create an enabling environment for women leaders, particularly those in politics.

6. Current Situation of Gender Equality in Political and Public Affairs

6.1. Cambodia has deepened its pronounced inequality of representation among men and women in public and political affairs – including in political parties, being part of inclusive law-making process, as candidates

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https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR%2FC%2FKHM%2FCO%2F3&Lang=en

² Paragraph 31 of the CEDAW Concluding Observations, 8 November 2019.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2FC%2FKHM%2FCO%2F6&Lang=en

and elected representatives. At the local level, Cambodia has **22 percent** elected women and **78 percent** elected men as Commune Councilor for the 5th mandate Commune Council Elections 2022. The sex distribution of elected is the most uneven between the sexes at the national level. Members of parliament for the 7th legislature in 2023 are dominated by men, **87.2 percent** men and only **12.8 percent** women in the parliamentary seats. At the same time, the full official authority of women to perform their duties still faces discrimination and is limited. This point does not yet include the analysis of other diversity of women, including women with disabilities, indigenous peoples, homosexuals, etc., partly due to a lack of data.

6.2. In 2019, **female civil servants** accounted for **42 percent** of total civil servants in Cambodia but a much lower number of women in decision-making level at both national and sub-national levels. Recently, the sex distribution of the leadership position is the most uneven between the sexes. With the position, we have only **10 percent (3) women** are ministers while the men ministers have an overwhelming percentage of **90 percent** out of the total 30 ministers. This is the same number as during the last UPR session. Only **15 percent, equal to 108 women and 85 percent (613) men** are serving in ministries as secretary of state of the total 721, and **15.9 percent (108) women and 84.1 percent (570) men** as under-secretary of state of the total 678 of the new government for the 7th Legislature of National Assembly.

6.3. Women's political participation in the 5th Mandate Commune/Sangkat and the 7th Legislature National Assembly Elections 2023 still encountered many challenges, ranging from getting opportunities to stand as candidates, to participating in the electoral process, and to advancing their political life as elected women. There were fewer opportunities, **only 12 percent to 18 percent** (when all parties' candidate lists were combined) for women to be listed at the first rank on the political party candidate lists. Further, there were wide gaps between female and male candidates. There were **32.3 percent** women candidates while the men candidates have an overwhelming percentage of **67.7 percent** for the 5th mandate Commune Council Elections 2022 and **32.4 percent** women candidates and **67.6 percent** men candidates for the 7th Legislature National Assembly Elections 2023.

6.4. These problems resulted from the fact that Cambodia **has no written policies and laws to require larger numbers of women to be included in leadership roles and candidates. There is no specific written gender equality policy within political parties in place**, which is a special measure. **The election laws are not gender-responsive**, to support and provide opportunities for both women and men to equally participate in decision-making role and in the politics in accordance with the CEDAW Convention and the Sustainable Development Goals (SDGs) commitments Cambodia has taken on. **Lack of political will** of the political parties, especially the parties with highest potential and **lack of the high commitment of the leaders** in promoting gender equality in politics and decision-making level and **financing issue is one of the biggest barriers** for women to enter politics. In addition, women political party activists and women politicians continue to **face all forms of discrimination and violence**, hindering their participation in political activities as well as access to gender justice and the benefits of taking part in politics. **Some cultural and social norms that have a negative mind-set** in promoting women's leadership are at the root-cause, creating barriers to the women politicians' participation and all women as a whole in quality and effectively.

6.5. The result of COMFREL's 2020 survey on "Women Political Activist's Participation in Politics in Cambodia" reveals that women politicians still face many forms of discrimination and violence against them in their political participation and interests. **71%** of the survey respondents daily experienced violence against women; **82%** faced threats; **70.9%** experienced psychological violence; **34.5%** suffered from physical abuse; and **9.1%** experienced sexual harassment.

7. Recommendations

- 7.1 Amend the election laws at the local and national levels by 2026 to require the sandwich system, alternating women and men candidates on all party lists, with women at the top of half of the lists and women representing 50% of all candidates.
- 7.2 Amend the relevant laws and policies by 2025 to require quotas of 50% women in all top ministry positions, including ministers and deputy ministers, in every ministry.
- 7.3 Ensure the inclusive and protection of women and LBT in relevant law and polities to be free from discrimination and violence especially in political engagement
- 7.4 Continue engage with relevant stakeholder include women rights organization to ensure the effectiveness in changing the negative norm toward women leaders
- 7.5 Ensure the state investment both technically and financially on develop concrete plan to build capacity and feminist supporting system

8. Advanced Questions

- 8.1 When will the new Royal Government of Cambodia adopt regulations requiring gender parity in ministry leadership positions?
- 8.2 When will the articles of the elections laws including the Law on Election of Members of National Assembly (LEMNA) and the Law on Election of Members of Commune Council (LEMCC) - be changed to require affirmative measures to ensure gender-responsive election laws?
- 8.3 Will the winner parties of the election leaders and the Royal Government of Cambodia leaders commit to set up the sandwich system, with women at the top of half of the party lists and women representing 50% of all candidates and women in leadership positions?

9. Sources

- COMFREL's and Women Working Group's Report on The Empowerment of Women in Politics and the 5th mandate Commune/Sangkat Council Elections 2022, published by December 2022
- COMFREL's and Women Working Group's Joint Statement on the Monitoring Result: Women Candidates and Elected Women for the 7th Legislature National Assembly (NA) Elections 2023, Press Conference and Released the statement on 9 August 2023
- The result of COMFREL's 2020 survey on "Women Political Activist's Participation in Politics in Cambodia", published by June 2021
- The official result of the registration of political parties and the list of candidates for the 5th Mandate Commune Council (CC) Elections 2022, released by the National Election Committee (NEC) on April 29, 2022
- The official CC elections result announced by NEC on June 26, 2022
- The official result of the registration of political parties and the list of candidates for the 7th legislature NA Elections 2023, announced by the NEC on 6 June 2023
- The official NA elections result announced by NEC on 5 August 2023
- Universal Periodic Review 3rd Cycle recommendations in January 2019
- Concluding observations on the third periodic report of Cambodia-CCPR, released by Human Rights Committee on 30 March 2022