

Cambodian Center for Human Rights

The Cambodian Center for Human Rights (“CCHR”) is a non-aligned, independent, non-governmental organization (“NGO”) that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout the Kingdom of Cambodia (“Cambodia”). CCHR’s vision is of a non-violent Cambodia in which people can enjoy their fundamental human rights, are empowered to participate in democracy, and share equally the benefits of Cambodia’s economic development. CCHR promotes the rule of law over impunity, strong institutions over strong men, and a pluralistic society in which variety is welcomed and celebrated rather than ignored and punished. CCHR’s logo – a dove flying in a circle of blue sky – represents the twin principles of peace and freedom.

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Queries and Feedback

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1 Introduction

In March 2013, CCHR published a report entitled, “Politics in the Kingdom: Increasing Female Representation” (“the Report”). As is the case in a number of sectors in Cambodia, women continue to be discriminated against and underrepresented in political decision-making. While this is not a problem specific to Cambodia, the World Economic Forum’s Global Gender Gap Report 2013 ranked Cambodia, out of 135 countries, at 103rd overall,¹ slipping one place from last year and being the lowest in the region.

A number of recent national policies have established targets specific to female representation in politics, which indicate an acknowledgement of, and commitment to, the issue by the RGC. Despite such positive intentions however, there is a discrepancy between the development of such policies and their implementation. Cultural and traditional attitudes towards women contribute to this discrepancy, hinder progress and maintain the gender gap. Narrowing this gap – both generally and specifically with regards to political representation – is crucial to the equitable development of Cambodia.

With a focus on the problem of gender inequality in political decision-making, the Report provides an overview of the situation of female political representation in Cambodia. This includes an in-depth analysis of data on female candidates and politicians at the national and sub-national levels of Cambodian politics. Following the National Assembly (“NA”) elections held on 28 July 2013, this Supplement provides an analysis of the data resulting from these elections with regards to female representation in the NA as well as with appointed positions. The Supplement also provides a brief overview of the information included in the Report, including a summary of the legislative and policy frameworks, the barriers to women’s political representation and the recommendations made to the Royal Government of Cambodia (the “RGC”), political parties and civil society. For further information and a more detailed assessment of gender inequality in political decision-making in Cambodia, readers are encouraged to refer to the relevant chapters of the Report.

¹ World Economic Forum, ‘Global Gender Gap Report’ (2013) 134
<http://www3.weforum.org/docs/WEF_GenderGap_Report_2013.pdf>

2 Background

2.1 Legislative and Policy Framework

There are a number of factors which can directly and indirectly affect the extent to which women are able to participate in politics. In Cambodia, legislative and policy frameworks – nationally, regionally and internationally – shape the environment within which women are able to engage in politics, and to what level.

Cambodia has developed a number of national and sub-national laws and ratified important international treaties which commit the RGC to the promotion and protection of women’s rights, including the right to political participation and representation. However, although some legal documents contain specific provisions requiring that certain decision-making and administrative positions are occupied by women, there is no legal mechanism that ensures equal representation of both genders in politics.

The Constitution of the Kingdom of Cambodia (the “Constitution”), Cambodia’s supreme law, provides the framework for women’s rights, namely in Articles 34, 35 and 45. Articles 34 and 35 are related directly to women’s participation in politics while Article 45 prohibits discrimination against women. Further, the right of both men and women to stand as candidates for elections is reiterated in the respective chapters of the Constitution on the NA and the Senate.

In addition, Cambodia’s national and sub-national electoral laws permit that both genders are equally allowed to participate in politics. Nationally this includes the Law on the Election of the Members of the National Assembly and sub-nationally, the Organic Law and the Law on Elections of Capital Council, Provincial Council, Municipal Council, District Council and Khan Council 2008.

Furthermore, Cambodia has adopted and ratified several international treaties which commit Cambodia to promoting and protecting women’s rights, including the right to participate in politics. These include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of all Forms of Discrimination against Women (“CEDAW”) and the ASEAN Human Rights Declaration.

Alongside this legislative framework there are a number of global and regional policy initiatives which contribute to the overall policy framework in Cambodia and which refer specifically to increasing women’s political participation. These include the Beijing Declaration and Platform for Action (the “BPFA”), adopted by Cambodia in September 1995, the Millennium Development Goals (“MDGs”) and the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children.

Cambodia’s national policy framework also includes a number of initiatives which aim to achieve gender equality in the political sphere. Cambodia adapted the MDGs to better reflect the country’s unique background and local challenges by setting up the Cambodian Millennium Development Goals (“CMDGs”) in 2003. The third CMDG (“CMDG3”) includes Target 7, to “eliminate gender disparities in public institutions” and CMDG3, Target 3.8, to increase the proportion of seats held by women in the NA from 12% in 2003 to 30% by 2015. Further initiatives include the Rectangular Strategy for Growth, Employment, Equity and Efficiency, the National Strategic Development Plan, Neary Rattanak and the Cambodian National Council Five-Year Strategic Plan.

2.2 Barriers to Women’s Political Participation

Despite the various legislative and policy initiatives described above, the low level of women’s political representation between 1993 and 2012, as shown in the Report, indicates the necessity to examine the myriad of barriers – cultural, historical, socio-economic, institutional and political – to such engagement in Cambodia. Many of the following barriers do not only impact women’s ability to pursue careers in the political sector but rather limit women’s ability to pursue a wide range of opportunities.

Traditionally, Cambodian behavioral norms were guided by the chbab, a set of moral codes which attach certain statuses and behavioral expectations to individuals and relationships within society. The Chbab Srey is the moral code for women. It sets out a woman’s obligation to her husband and a daughter’s obligation to her father. Although not incorporated into official law, the chbab’s influence is widespread and traditional cultural norms depict the Cambodian woman as unassertive, diligent and pure.

Such entrenched cultural expectations and stereotypes have had significant consequences on the socio-economic status of women in Cambodia, particularly for education levels and literacy rates.² Furthermore, women's disproportionate level of responsibility within households delivers a tendency to engage in occupations which allow them to combine work and domestic responsibilities or which can be completed before marriage and children. Careers in politics, which demand time and financial resources, are therefore far less attainable. High rates of gender-based violence in Cambodia also indicate the low social status of women and limit women's economic, political and social empowerment.

Despite the prohibition of gender-based discrimination in the Constitution, there are still gaps in the domestic legal framework which allow for prevalent discrimination against women. This is highlighted by the discrepancy between the number of policy initiatives dedicated to gender equality and the failure to fully protect women's political involvement from prejudicial stereotypes – there is a clear mismatch between the policies themselves and their implementation.

Furthermore, the nature of political hierarchy in Cambodia requires a candidate to have many internal supports – such as contacts, financial resources and knowledge of the dynamics – in order to be elected, and once in politics, to be promoted.³ In addition, voters are encouraged to vote for individual personalities rather than on substantive policy issues and party platforms, due to political campaigning revolving around personalities, often amounting to little more than projections of party leaders.

² In 2010 the literacy rate for women was 64% compared with 85% for men: USAID, 'Cambodia Gender Assessment' (2010) 30.

³ Enjambra Contra la Explotacion Sexual and Paz Y Desarrollo, 'Gender analysis of women's political participation in 7 South-East Asian countries: Bangladesh, Cambodia, the Philippines, Indonesia, Sri Lanka, East Timor and Vietnam' (2008-2009) 42.

3 National Assembly Elections 2013

3.1 Directly elected positions

Cambodia's NA elections take place every five years, with the most recent elections taking place on 28 July 2013. The NA elections, as is the case with sub-national elections, use a "closed-list" electoral system based on proportional representation.⁴ Members of the NA are directly elected and play an important role as the NA holds legislative power, being the only body that can make and amend laws. Ensuring that women are adequately represented in the NA is thus of utmost importance, as it is where women politicians can push for the introduction of legislation that can initiate positive change on a wide range of issues of importance to women at the national level. The following data compliments data from pages 20 and 21 of the Report.

Over the last twenty years, the percentage of women in the NA has been steadily increasing. The 2013 NA elections have however, disappointingly ceased this trend. Table 1 below provides the percentages of female NA members since 1993:

1993	6%
1998	11.5%
2003	19%
2008	22%
2013	20.33%

⁴ The "closed lists" electoral system means that the nomination and ranking of candidates is controlled by the political parties, making the latter effectively function as "gate-keepers" in the election process.

⁵ MoWA, 'A Fair Share for Women Cambodia Gender Assessment 2008' (March 2008) 4. It should be noted the exact figures and percentages differ considerably from source to source. The figures from the government's Fourth and Fifth National Report on compliance with CEDAW of May 2010 placed female representation for 1998 as 12.30%, 2003 as 19.51%, and 2008 as 21.14%: Royal decree, sub-decree of RGC on the 4th mandate; MoWA <<http://mwa.gov.kh/en/progress-women-decision-making>>; 2008 statistics taken from the National Election Committee <www.necselect.org.kh/nec_khmer/>. Members can be appointed to the NA throughout the term; bypassing the electoral system altogether. The relatively frequent occurrence of such replacements during the election term may be one of the sources of confusion over the actual number of women in Parliament.

Between 1993 and 2003, female representation in the NA increased by roughly 6.84% every five years/election term. Since 2003 however, the level by which female representation increased has become smaller, with female representation only increasing by 3% between 2003 and 2008. Unfortunately, instead of continuing to increase, the percentage of female NA members decreased by approximately 1.67% with the 2013 elections, the first time in twenty years that female representation in the NA decreased. As a result, the current level of female representation in the NA stands at only 20.33%, a highly disappointing result.

This decrease to 20.33% representation is deeply concerning given that the 2013 elections were the last opportunity for Cambodia to reach CMDG3 Target 3.8, to increase female representation in the NA to 30% by 2015. Further, with a legislative and policy framework favorable to increasing gender equality in politics, this indicates a failure at the level of implementation.

In the 2013 elections, a total of 1,898 titular and alternate candidates⁶ ran for election to the 123 NA seats. Of these, 428 were women, or 22.55% of all candidates. Of the 886 titular candidates, 168 were women, amounting to 18.96% of all titular candidates. While this marks an increase from the 2008 elections, when 15.58% of titular candidates were women, it remains significantly less than in 2003, where 27% of titular candidates were women.

The percentage of alternate candidates that were women was significantly higher at 25.69%, with 260 women candidates out of 1012 total candidates – a higher percentage than in the 2008 elections, where only 16.64% of alternate candidates were women. However, the fact that all political parties that ran candidates in the elections listed higher percentages of women alternate candidates than of titular candidates, suggests that political parties tend to regard female candidates as a “second choice” to male candidates.

Table 2 below shows the percentage of women candidates in the 2013 NA elections for each party. Similarly to the 2008 elections, the smaller political parties ran the most titular female candidates, with the Khmer Economic

⁶ Titular candidates are candidates who are listed on election lists, as opposed to reserve/alternate candidates, who are not listed on lists but kept in reserve in case a titular candidate drops out.

Development Party having 44.44% of all titular candidates being women and the Republican Democracy Party having 35.58%. The ruling Cambodian People’s Party (“CPP”) ran significantly fewer female titular candidates, with 16.26% of all titular candidates being female, placing them fifth out of eight parties. The Cambodia National Rescue Party (“CRNP”), the main opposition party, fared even worse, with only 9.76% of all titular candidates being female, bringing them in joint last alongside the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (“FUNCINPEC”).

Table 2: Women Candidates in the NA Elections 2013 by Political Party

Political Party	# of female candidates	% of party list	# of female candidates	% of party list	Total # of female candidates	% of candidate that are female
Cambodian Nationality Party	21	17.07	36	25.53	57	21.59
FUNCINPEC	12	9.76	19	13.48	31	11.74
Republican Democracy Party	37	35.58	52	43.33	89	39.73
Cambodian People’s Party	20	16.26	28	19.31	48	17.91
Khmer Economic Development Party	20	44.44	25	55.56	45	50.00
Khmer Anti-Poverty Party	31	25.41	45	32.61	76	29.23
Cambodian National Rescue Party	12	9.76	19	13.48	31	11.74
League for Democracy Party	15	12.20	36	25.53	51	19.32
Total	168	18.96	260	25.69	428	22.55

A total of eight political parties ran candidates in the 2013 elections, three less than in 2008. Of these, only two received sufficient votes to win seats: the CPP won 68 seats and the CRNP won 55 seats. None of the smaller parties won seats. Of the 68 seats won by the CPP, women were elected to 18 (26.47%). This marks an increase from 2008, where women were elected to 21 of the 90 seats won by the CPP, amounting to 23.33%. Of the 55 seats won by the CRNP, women were elected to seven (12.73%).

3.2 Appointed positions

While the ratio of women to men in elected positions indicates important trends with regards to women's representation in politics, it is also important to examine the level of women's representation in appointed positions. In the case of Cambodia this includes the executive branch, the judiciary and provincial and municipal councils; however, it is the positions in the former that are relevant to this Supplement. Data regarding the remainder can be found in the Report.

The highest-level positions in the executive branch –ministers, secretaries and under secretaries of state – are political appointments selected from the party lists after each election. Such appointments are part of the discretionary powers of the government's core elite and are a good indicator of this elite's full commitment to equal political representation.

By looking at the separate positions within government (see Table 3 below), over the last decade the number of female Senior Ministers has decreased from 6.66% in 2003 to 0% in 2013. This is particularly disappointing as this is one of the more senior ranks in government and female representation was low in the first instance. The number of women appointed to positions as Deputy Prime Minister remains the same as in 2008, at 11.11%. It is also apparent that the number of women who are appointed to a ministerial position has remained virtually unchanged since 1998 (from 7.4% to 7.89%).

Progress has been made however, in regards to the appointment of women to positions of Secretary of State and Under-Secretary of State. Appointments of women to positions of Secretary of State has seen a large increase, with women appointed to 20.22% of positions in 2013 compared to 8.08% in 2008. While not

as significant of an increase, appointments of women to positions of Under-Secretary of State increased from 15.12% in 2008 to 18.72% in 2013.

While this is encouraging, it is important to observe that representation within the more senior ranks of government has remained largely unaltered, with improvements only being made lower down the executive ladder.

Table 3: Women in Senior Positions in the Executive Branch by Year

Position	1998		2003		2008		2013 ⁷	
	# of Women	%	# of Women	%	# of Women	%	# of Women	%
Senior Minister	N/A	N/A	1/15	6.66	N/A	N/A	0/15	0
Deputy Prime Minister	N/A	N/A	N/A	N/A	1/9	11.11	1/9	11.11
Minister	2/27	7.4	2/28	7.14	2/28	7.14	38/3	7.89
Secretary of State	3/50	6	9/135	6.66	16/198	8.08	36/178	20.22
Under-Secretary of State	5/127	3.93	11/146	7.53	31/205	15.12	44/235	18.72
Civil Servants	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

⁷ The data was extracted from the lists of members of president, vice presidents, and members of all commissions of the NA and representatives of the RGC for the fifth mandate. The name list was announced by vote package during the first meeting of the NA on 23 September 2013. The number of Under-Secretary of State was taken from the Royal Decree issued by King Norodom Sihamony on 24 September 2013. In mid-November, two new ministries were established by the NA; as such, the number of positions including Minister, Secretary of State, and Under-Secretary of State will change once those ministries begin to function properly.

4 Conclusion & Recommendations

The results of the 2013 NA elections are disappointing, marking a decrease in women's political representation upon the previous mandate, for the first time in 20 years. This is concerning, especially noting that the elections provided Cambodia with a final opportunity to meet, or at least move closer towards, the CMDG target to achieve 30% female representation in the NA by 2015. In addition, the trend of political parties to relegate female candidates to the bottom of candidate lists, effectively ensuring that very few women will be elected, has continued. A similar trend is identified for women appointed to positions within the executive branch, with increases in female representation only occurring in the lower ranks.

Given the relatively positive legislative and policy context, the latest data highlights the importance of combating cultural and traditional gender norms in order to successfully implement such initiatives. Gender inequality in Cambodia has become institutionalized, and until mechanisms are implemented that combat these norms and challenge these stereotypes, gender initiatives will remain superficial and largely ineffectual.

In order to achieve gender equity in politics, concrete action by the RGC, all political parties and civil society in Cambodia must be taken. This should include targeted efforts pertaining to affirmative action mechanisms, anti-discrimination legislation and initiatives, gender-sensitive initiatives and capacity-building and support networks. A summary of CCHR's key recommendations for increasing women's political representation is provided below; for an exhaustive list, please refer to the full Report.

4.1 Affirmative action mechanisms

Recommendation to Political Parties: Pending the implementation at the national level of an electoral gender quota, adopt a voluntary gender quota of a minimum of 30% of women on candidate lists within party policies.

Recommendation to the RGC/NA: Adopt a mandatory gender quota of a minimum of 30% to the candidate lists for direct elections, supplemented by a "zipper list" requiring parties to alternate names of female and male candidates

on the lists. Adopt a mandatory reservation of at least one third of Senate seats for women, with the councilors voting on two separate lists, one for men and the other for women candidates.

4.2 Anti-discrimination legislation

Recommendation to the RGC/NA: Introduce comprehensive, stand-alone legislation to address gender-based discrimination, which includes definitions of both direct and indirect gender-based discrimination in accordance with Article 1 of CEDAW, sanctions for perpetrators of discrimination, and mechanisms for redress for victims of discrimination.

4.3 Addressing gender stereotypes

Recommendation to the RGC/NA: Encourage change in public attitudes towards women in politics, gender roles and stereotypes. Create a political environment and adopt political behavior that promotes gender balance in government.

Recommendation to Civil Society: Undertake media campaigns aimed at changing how citizens perceive women in politics. Provide a more conducive environment to women candidates by raising awareness among voters regarding the current lack of gender balance in the political sphere.

4.4 Capacity building: mentoring and training

Recommendation to Political Parties: Provide training programs for current and future female candidates providing support, advice and training in campaigning, public speaking and media skills. Develop mentor programs between women leaders who have successfully entered elected office and others aspiring to these positions.

Recommendation to Civil Society: Undertake recruitment initiatives to identify and encourage women to run for office. Between organizations, exchange ideas on effective ways for raising public awareness, identifying prospective female candidates and assisting women in running successful campaigns, ultimately increasing participation and effectiveness of women in political life.