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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT  
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Initial reports submitted by States parties under  
articles 16 and 17 of the Covenant**

**CAMBODIA\***

[10 November 2008]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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## **Introduction**

1. Cambodia was devastated by civil war for more than two decades. Cambodia, which used to enjoy great civilization and prosperity, had dramatically moved downhill in almost every field. The country rehabilitation and development had been through many stages with a lot of complicated challenges and obstacles.
2. The Royal Government of Cambodia, formed after a fair general election in 1993, and has been in a heavy burden for country rehabilitation and development by exercising the principles of liberal democracy and pluralism.
3. According to articles 16-17 of the International Covenant on the Economic, Social, and Cultural Rights that the Kingdom of Cambodia recognized and joined as a member on 20 April 1992, the Royal Government of Cambodia is pleased to show some results of the implementation on this Covenant.
4. A significant instance to show that the above mentioned rights have been observed and used to make reflections in the report is that the 1993 Constitution and other regulations in the Kingdom of Cambodia. Moreover, the data from government institutions, international organizations, and other NGOs are also the references for analysis in this report.
5. Despite the existing laws and regulations, the Government acknowledges the lack of crucial standard documents and certain prioritized practical activities which ensure the respect of economy, social, and cultural rights, which the Royal Government has to resolve continuously and promptly in order to strengthen the democracy.

## **I. GENERAL SITUATION**

### **General features**

6. Cambodia is officially named as “The Kingdom of Cambodia”, exercising the principles of liberal democracy and pluralism.
7. The Kingdom of Cambodia is made up of 20 provinces and 4 municipalities. These provinces and municipalities are made up of 185 districts/Khans comprising 1621 communes/sangkats and 13, 890 villages. Phnom Penh is the capital of the Kingdom of Cambodia.<sup>1</sup>
  - Population: 11,437,656 (census 1998)
  - Population: 12,824, 000 (investigation between the census March 2004)
  - Population: 13,091,000 (estimated at the end of 2004)
  - Population: 14,080,000 (estimated at the end of 2006)

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<sup>1</sup> National Strategic Development Plan (NSDP) 2006-2010 p. xxii.

## Geography

8. Cambodia covers an area of 181,035 sq km,<sup>2</sup> and is situated in the Indochina peninsula in South East Asia between 10°-15° N latitude and 102°-105° E longitude.
9. Cambodia is bounded on the north by Thailand and Laos, on the east by Vietnam, and on the west by Thailand and the gulf of Thailand. Cambodia has in land border of 5/6 and a coastline of 1/6 of its total 2,600 km border length. Cambodia's distance from the north to the south is about 440 km and from the east to west is about 650 km, forming an almost-same angle polygon.
10. The geographic land is divided into three forms: middle plain area, mountain-plateau, and coastal area. The plain covers one third of the total land size of Cambodia. This area is generally for population and business activities.
11. In addition to this, the plain area is the biggest place, Tonle Sap Lake, to provide fish, and the flooded areas around Chak Tomuk plain area are the biggest rice producers such as Battambang, Kampong Thom, Kampong Cham, Takeo, Prey Veng, and Svay Rieng provinces.
12. The plateau and mountainous areas lie in the north, east, northeast, and southeast of the country. There are two major mountainous areas. The Cardamom Mountains situated at the southwest of the country lying from northwest to southeast along the coastline and are teeming with forest and wildlife. Moreover, black basalt and precious stones are found around the area of Kirirom. Near the Cardamom Mountains, Mount Oral, which is 1813 metres high, is the highest mountain in Cambodia. The Dang Rek Range lies in the north along the Cambodia-Thai border and is richly forested with valuable timber and a variety of wildlife.
13. Plateaus lie in the north, east and northeast of the country. Some parts of the north plateau have small mountains or hills in separate places, and some other parts are the land for sparse forest and crops. The east and northeast high land in Kampong Cham, Kratie, Stung Treng, Rattanakiri, and Mondulakiri provinces are covered with sparse forest and red land. Kampong Cham and Rattakiri provinces are now becoming rubber plantations.
14. The Coastal Areas, in the southwest of the country between the coast and Cardamom Mountains, are rich in industrial crops and fruits such as oil coconut, green pepper, and durian plantations. Cambodia's 440-kilometre coastline stretches from Koh Kong Province to Kampot Province, with a seaport in Sihanouk Ville. Kampot and Sihanouk Ville are tourist attractions.
15. The Cambodian gulf has a flat seabed which is not very deep, averaging about 30 metres with a maximum depth of 75 metres. This area has islands. The biggest island is Koh Kong (80 square kilometres and 410 metres above sea level). On this island, the people do fishery, cropping, and run businesses.
16. Cambodia has many waterways since the lowlands in the central area are surrounded by high ground, so water flows downhill everywhere. The biggest river is the Mekong River that

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<sup>2</sup> NSDP 2006-2010 p. xxii.

flows 500 kilometres from the north to the south through five provinces (Stung Treng, Kratie, Kampong Cham, Kandal, and Prey Veng). In Phnom Penh, this river has four effluents which is called "Tonle Chaktomuk". The four effluents are upper Mekong called Great River, lower Mekong called outer river, Tonle Bassak called inner river and Tonle Sap. The Mekong River is a major waterway for all seasons, brings in arable alluvium in the lower land areas along the river, is the fishing lot in the dry season, is the irrigation for rice fields during the dry season, provides pebbles and sand for construction, and can be used to build hydroelectricity plants at Sambo District, Kratie Province.

17. In the northwest of Cambodia, a great basin called "Tonle Sap" is surrounded by five provinces, viz. Kampong Thom, Siem Reap, Battambang, Pursat, and Kampong Chhnang. It has an area of 3,000 sq. km in the dry season and 10,000 sq. km in the rainy season. Tonle Sap is the place providing the biggest amount of fish in Cambodia, and it is the waterway during rainy season, bringing in arable alluvium for the nearby areas. Tonle Sap Lake can absorb flood from the Mekong River; therefore, the central plain is rarely affected by flood during the rainy season.

18. On the southwest lie gulf, creeks, and streams flowing from the Cardamom Mountains to the gulf. In the gulf, we can build modern seaports because it is not deep there and there is a natural wave barrier. In the gulf area, there are a diversity of fishes, and marine lives. Besides this, the gulf area is salt producer (salt fields in Kampot province). However, the streams or creeks in the gulf area are not important for the national economy; they are just freshwater resources, fishery lots, and pebbles producer. In addition to this, there are plenty of tributaries across the country.

### **Weather**

19. Cambodia undergoes the tropical weather (warm) and Monsoon (humid), which causes warm and humid weather. The variation of the weather is from 25° C to 30° C on average, the maximum 27° C is in April and minimum is 16° C in December and January.

20. Monsoon is the cause of rainfall regime in Cambodia which has two distinct seasons; dry season from November to April, and rainy season from May to October. Rainfall varies in different parts of the country as well as from year to year. The central basin and Mekong plains area, the agricultural areas, receive less rainfall; whereas the country's heaviest rainfall occurs on Gulf. The central areas usually suffer drought and inundations that are favourable to the agricultural sector.

### **Forest and wildlife**

21. With favourable land and weather, Cambodia is rich in forest. According to the 1960s statistics, the forest covered 73 per cent of the country, which is equivalent to 13, 227,000 ha, but it now is estimated that the forest covers only 50 per cent or 60 per cent of the country. The decrease of the forest results from the log business without technical skills and illegal logging. To prevent these acts and to ensure the continuity of the forest resources, the Royal Government has taken up immediate measures to preserve the forest, to ban log and plank exports, and called for the neighbouring countries such as Thailand, Vietnam and Laos to block the log exports from Cambodia.

22. The provinces containing more forests are Kratie, Steng Treng, Rattanakiri, Mondulkiri, Kampong Thom, Kampot, Pursat and other provinces in the north of the country. The importance of the forest products in Cambodia is to offer woods for common consumption (woods for furniture and construction), woods for industry (woods for train tracks, matches, boards and boxes and so on and so forth), woods for burning and for making coal. Other products besides forests are bamboo shoots, rattan, vine and rubber.

23. Cambodia is also a country containing several kinds of animals. Ground animals consist of wild cows, wild buffalo, wild ox, tiger and heron. Creatures in the water (fresh water) such as lake and river are fish; and the gulf is full of sea creatures. With the lack of care, environmental pollution and a war-torn country make the natural resources suffer damages remarkably.

### **Mineral resources**

24. According to earth and mineral research, Cambodia plentiful reserves of minerals but so far little exploration research has been undertaken to exploit these reserves. The mineral reserves include:

- Silver: found around the edge of Cardamom Mountain, north of Kampong Chhnang and some hills in Siem Reap
- Iron: found in Kampong Thom, Siem Reap, Preah Vihear, and Stung Treng Provinces
- Bauxite: found in Chhlong Loeu, Kratie Province and Sam Pov mountain, Battambang Province
- Coal: found in Koh Kong, Sihanouk Ville, the plateau of Ream and Rattanakiri Province
- Copper: found in Krouch Chhmar (Kampong Cham), Lum Phat (Rattanakiri), Anlong Chey (Stung Treng), northern plateau, and Kampong Thom Province
- Underground crude oil: found in the gulf of Cambodia. Foreign companies are currently exploring in order to exploit these reserves with Government permission

25. Mining operations have been undertaken by people and the State as follows:

- Garnet and sapphire in Pailin
- Diamond in Bokeo
- Iron, gold and tin in Kampong Thom
- Marble in Pursat
- Limestone (for making cement) in Kampot
- Phosphates (for making fertilizers) in Kampot and Battambang
- Black basalt in Koh Kong, Preah Vihear and Stung Treng

26. Besides limestone and phosphates which have been managed by the State, other mines has been commercialized by the people with the use of wrong technology and against the Law on Treasures. Nowadays, the Government is taking action to curb the problems.

### Population and family status

27. 1962 was the last year that Cambodia conducted the population census. Since then until 2005, the observation between census showed that: Total population was about 1,380,000 men compared to 93.5 per cent of women (2004).<sup>3</sup> The nationwide population density was 74 per square kilometre (2004).<sup>4</sup> Most people live in the plain area. In the whole country there is an estimate of about 2,530,000 families.

28. The average size of the families living in towns (5.4) is higher than the rural areas (5.0).

### Age, sex and marriage

29. In the whole country, the percentage of the people has been classified into these age groups:

- Children 0-14 years old (39 per cent)
- Age 15-64 (57 per cent) is the economic activist group
- Age above 65 (4 per cent)

Sex	Never married	Married	Widowed	Divorced	Separated
Total	30.7	60.6	6.1	2.6	0.4
Male	34.6	62.9	1.6	0.9	0.2
Female	27.4	58.5	10.8	4.03	0.5

30. According to the above table, the proportion of those who are single (never married) and married is that men are more than women. The proportion of the widows who lost their husbands or living separately from their husband is higher than men because most of the women never re-marry. This shows that the death rate of men is higher than women. The classification of the people's marriage status in town is the same as in rural areas except the percentage of men and women who never marry. In the town, the percentage is 39.2 per cent and 30.6 per cent higher than the percentage of men and women who never get married; and in the rural areas there is 31.5 per cent for men and 28.5 per cent for women. The first average marriage age for men and

<sup>3</sup> Progressive report 2006 on the implementation of NSDP, p. vii.

<sup>4</sup> Ibid.



women in Cambodia is 24.2 and 25.2. Generally, men do not marry at young age as women. So, the first marriage average age for men is higher than women in the town. The first marriage average age is high and is 26.6 for men and 23.6 for women.

### **Education**

31. Educational network, technical and vocational training and skills are established to serve men and women equally, especially the poor, the disabled and vulnerable people in order to respond to the short and long-term market requirements. In 2006, the students graduated from public professional technical training institutions were 10,686 excluding the students receiving trainings through non-governmental organizations and private schools. This number increased in comparison to 2005 figure which equalized 9,073. Observation on gender inequality and professional training<sup>5</sup> was carried out in many municipalities and provinces, and gender mainstreaming in the professional training was also conducted. In city like Phnom Penh, students have better opportunities to learn than those in the rural areas.

### **Economic status of the people**

32. Based on the observation made during the period between general censuses in 2004, the percentage of the economic activist rate among the people aged 7 and above:

- Total 55.5 per cent
- Male 66.3 per cent
- Female 64.6 per cent

## **II. BRIEF POLITICAL BACKGROUND**

33. Cambodia had been a great and glorious nation in its history and had been a country with grand prosperous civilization in the past.

34. However, the prosperity and glorious fame of Cambodia fell gradually after Cambodia experienced many wars.

35. After gaining independence from the French colony (1863-1953), Cambodia entered another regime adhering to the principles of Constitutional Monarchy with Preah Bat Norodom Sihanouk Varaman as the King and Head of State. During the era, Cambodia had better economics and culture compared to the neighbouring countries.

36. In 1970, Marshal Lon No I plotted a coup to topple Preah Bat Norodom Sihanouk Varman and turned Cambodia into a Republic State.

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<sup>5</sup> Progressive report 2006 on the implementation of NSDP 2006-2010.

37. From 1975 to 1979, Cambodia fell into the hand of Pol Pot, a genocide regime, which brought down the economics and culture to zero point. Moreover, under its harsh dictatorship, more than three million innocents were killed during a period of 3 years, 8 months and 20 days.

38. On 7 January 1979, Cambodia was completely liberated from Khmer Rouge genocide regime, but civil war still dragged on more than two decades that made Cambodia suffer from tragic disaster, separation, poverty, and serious misery.

39. In the 1990s, International Community paid a particular attention to Cambodia and provided support to bring the four Khmer parties (State of Cambodia, Khmer Liberation Front, Cambodian Reconciliation Front and Democratic Kampuchea) to a negotiation table to put out the war which dragged for a long time.

40. On 23 October 1991, the Paris Peace Accords on the peace in Cambodia was welcomed by the four Khmer factions and in that spirit they created a Supreme National Council (SNC) that represented national territory and had its role to lead and to make a national compromise.

41. Temporary authority of the United Nations presented in Cambodia in order to monitor the implementation of the agreement and helped organize the national election on 23-28 May 1993. After the election, a permanent committee of the National Assembly in the first session on 30 June 1993 was created in order to compose a constitution that embodied the whole Khmer people's will and was adopted on 21 September 1993. The National Assembly was established with the Government ruled by two Prime Ministers from 1993 to 1998 and continued up to the second national election (1998-2003); and in the third mandate, the National Assembly created a new government ruled by one Prime Minister.

### **III. STATE INFRASTRUCTURE**

#### **Governing form of the State**

42. After the national election in May 1993, Cambodia changed its name to "Kingdom of Cambodia" under the motto "Nation, Religion, King" and it continues to this day.

43. The Kingdom of Cambodia is a Constitutional Monarchy with Samdech Preah Boromneath Norodom Sihamoni as the Head of State. The King is the Head of State for life. The King rules according to the Constitution, which is the supreme law of the Kingdom of Cambodia.

44. To lead and rule the State, the Kingdom of Cambodia has classified power into three branches: legislative power, executive power and judicial power. The three bodies have different powers and functions that are defined by the law.

#### **Organizational form of the State**

45. Cambodia is a Kingdom with a King who rules according to the Constitution and to the principles of liberal democracy and pluralism. The Kingdom of Cambodia is independent, sovereign, peaceful, permanently neutral and non-aligned country. It is a State that has a unified territory, complies with the only one provision, has one government, has one court system and is indivisible.

46. The territory of the Kingdom of Cambodia divided into twenty provinces and four municipalities ruled by provincial and municipal governors. Provinces or municipalities are divided into 185 Districts/Khans ruled by the District/Khan Governors. Districts/Khans have been divided into 1621 Communes/Sangkats ruled by the Chiefs of the Communes/Sangkats.

#### **Political form of the State**

47. Cambodia is a Kingdom with a King who shall rule according to the Constitution and to the principles of liberal democracy and pluralism. The people choose their representatives through free and fair elections. Citizens exercise their powers through the National Assembly, the Government and all levels of courts.

48. The Kingdom of Cambodia ensures all rights and all kinds of freedom for the citizens. These rights include political, economic, social, and national cultural rights.

#### **IV. GOVERNMENT STRUCTURE**

49. The Prime Minister heading the Government is a member of the National Assembly. Other governmental members are chosen from amongst the National Assembly members or from outside of the National Assembly provided they are members of a party represented in the National Assembly. All governmental members are appointed by the King after receiving confirmation from the National Assembly.<sup>6</sup>

50. All members of the Government are collectively responsible to the National Assembly for the general policies of the Government. Each members of the Government is individually responsible to the Prime Minister and the National Assembly for their own personal conduct.<sup>7</sup>

#### **V. LEGISLATIVE, EXECUTIVE AND JUDICIAL AUTHORITY**

51. The supreme authority of the Kingdom of Cambodia is divided into legislative, executive and judicial branches of authority.

##### **Legislative authority**

52. The National Senate of the Kingdom of Cambodia is the upper legislative house. The Senate was established after the national election in 1998. The Senate is led by a chairman, a first vice-chairman and a second vice-chairman. The National Assembly of the Kingdom of Cambodia is the only one top body that gets the legislative power. With this power, the National Assembly cannot hand it to any institution or individual.

53. The National Assembly was established after the free and fair elections in 2003 which consisted of 123 members coming from the three-victory political parties. Seventy-three

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<sup>6</sup> Article 5 of Law on the Organization and Functioning of the Council of Ministers (1994).

<sup>7</sup> Article 121 of the Constitution.

members of them were from Cambodian People's Party, 26 members from Funcinpec Party and 24 members from Sam Ransy Party. The National Assembly is led by one chairman, a first vice-chairman and a second vice-chairman.

### **Executive authority**

54. The Royal Government of Cambodia is an executive body led by a Prime Minister and followed by Deputy Prime Ministers, Senior Ministers, Ministers, and Secretaries of State as members. All members of the Government have common responsibility before the National Assembly for general policies of the Government. Each member of the Government has individual responsibility before the Prime Minister and the National Assembly for their own actions.

55. The Royal Government of Kingdom of Cambodia is a mixed-component government joining with other winning parties and has been adopting a policy of Liberal Democracy and Pluralism in conscience of independence, integrity, neutrality, and national unity as mentioned in Paris Peace Agreement on 23 October 1991.

### **Judicial authority**

56. The Judiciary is one of the three supreme State bodies and is a sole body that exercises judicial power. Judiciary power is independent that ensures and safeguard all rights of citizens. This power is given to the Supreme Court and courts of all levels.

57. The courts in the Kingdom of Cambodia are divided into two levels: courts of first instance and higher courts. The first level courts refers to the lower adjudicate courts including provincial and municipal court and also military court which are responsible for proceeding trials and opening access to appeal court.

58. Appeal court has competencies to hear appeals against judgments of the provincial and municipal court and military court, by opening access for grievance complaints.

59. Supreme Court has competencies to proceed hearings of the grievance complaints against the judgments of the appeal court by considering only erroneous of law but not facts. But in the lawsuit where there is a second grievance complaint submitted, such court shall proceed a hearing in joint groups by considering at the same time on both erroneous of law as well as of facts. The decision of the Supreme Court has an absolute power which means further complaints can not be made, except the revision complaint of crime cases.

## **VI. GENERAL JURISDICTION FRAMEWORK TO PROTECT HUMAN RIGHTS**

### **A. Jurisdictions and other competent organization for respect of human rights**

60. In the Kingdom of Cambodia, respect for human rights is one of the main duties, to which the Government has been paying attention in order to show an effective rule in response to the

political position of liberal democracy, which the Government has upheld. In this conscience, the Government has established Jurisdictional Administration Institutions and other organizations to protect human rights of all kinds. Those jurisdiction institutions include as follows.

### **Judiciary**

61. This institution has judicial power, which is an independent power for ensuring and maintaining the future and protection of citizens' rights and freedom. Judicial institutions in the Kingdom of Cambodia include:

(a) Provincial and municipal courts and military court are the lower court. Provincial and municipal court has competencies which are extended on the territory of each of those provinces. The military court located in Phnom Penh has competencies which are extended on the whole territory of the Kingdom of Cambodia;

(b) Appellate court and supreme court are the upper court located in Phnom Penh and have competencies which are extended on the whole territory of the Kingdom of Cambodia. These upper courts have the duty to deal with all kinds of lawsuits including administration lawsuits according to their jurisdiction and legal procedures.

### **National Assembly and Senate Commissions for Protection of Human Rights and Receiving Complaints**

62. These parliamentary commissions function to protect the legitimate rights of citizens on behalf of the National Assembly and Senate respectively in response to requests from any citizen whose rights have been violated. The National Assembly is one of the nine commissions of National Assembly.

### **Cambodia Human Rights Committee**

63. This committee acts on behalf of the Government and functions in investigating and collecting information related to the implementation of human rights in order to develop reports for the United Nations. On its own behalf, the Committee observes the practice of human rights in order to develop appropriate measures aiming to improve the practice of human rights.<sup>8</sup>

### **Non-governmental organizations (NGOs)**

64. In the Kingdom of Cambodia, aside from jurisdiction State institutions, there are non-governmental organizations responsible for human rights. They participate actively in monitoring the practice of human rights and provide mental, materials and technical support to improve the practice of human rights in Cambodia.

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<sup>8</sup> Refer to the Royal Decree dated 18 January 2000.

## **B. Protection of human rights through judiciary**

65. Every citizen has the right to be protected through the judiciary. Every citizen has the right to file complaints to the court so that this institution safeguards their rights being violated in terms of physical, property, reputation, and other rights.

66. Attention is paid by the court in solving Citizen's complaint in legal form in order to condemn the offenders and to handle the reasonable damages.

67. All human rights stipulated in international instruments are guaranteed by Constitution and other laws of Cambodia.

68. In contrary, there is no point in Constitution or other laws of Cambodia stipulated against human rights principles, which set out in the international instruments.

69. The dispositions stipulating in international instruments have not been used as direct evidence for protection of human rights before the court and administration authority; however, those dispositions are quoted as the main principles to incorporate into the regulations and laws of the State and they are the essential tools for the protection of human rights in Cambodia.

70. Courts of all levels are responsible for controlling and safeguarding human rights. Judiciary system has its own explicit mechanism in controlling, observing and preventing all violations made by the competent authorities.

### **Article 1: Self-determination**

71. The Kingdom of Cambodia is a country that has been adopting the free market economy system.<sup>9</sup> In this principle, citizens have implemented nationwide in conformity with the policy guideline of the Government. State properties comprise land, mountains, sea, underwater, airspace, islands, rivers, canals, lakes, forests and natural resources.<sup>10</sup> Culturally, the State has obligation to preserve and extend national culture, ancient monuments, and artefacts, and restore historic sites,<sup>11</sup> and the citizens have the right to ownership and they are eligible to own and sell their assets freely.<sup>12</sup>

72. Every citizen has the right to do investment on Cambodia territory and the Government encourages the investors to commercialize the following realms:

- (a) Leading industry or high-tech industry;

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<sup>9</sup> Article 56 of the Constitution.

<sup>10</sup> Article 58 of the Constitution.

<sup>11</sup> Article 69 of the Constitution.

<sup>12</sup> Articles 60 and 44 of the Constitution.

- (b) Creating jobs;
- (c) Increasing the exports;
- (d) Building tourism industry;
- (e) Producing agro-industrial products and industrial processing products;
- (f) Building physical infrastructures and producing energy;
- (g) Protecting environment;
- (h) Making investments in developing areas, especially economic sector.

### **Agriculture**

73. Kingdom of Cambodia has 85 per cent of its population making their living through farming and hunting and 1 per cent through fishing. The total land for growing crops of all kinds is about 3.117.102 hectares (land for growing rice, mixed-crops, and industrial crops).<sup>13</sup>

74. The population growth rate is about 2.5 per cent. In order to prepare appropriate produce in response to the population growth of all time, it is necessary to increase food supply to 2.8 per cent per year by extending the cultivating land, or increasing the productivity and developing agriculture and other sectors.

75. At the present, the whole cultivating land in Cambodia is only 3,117,112 hectares. Even though there is population growth, the main obstacle factor to agricultural development is the mines lay on the land field. And now the government and other non-governmental organizations have helped and worked together to clear those land and the problems have been reduced step by step.

76. In Cambodia, the development speed of family rubber plantation both in and out of the project have been progressively moving due to the trend of high price of rubber as well as political stability, good security, potential of appropriate land and liberalization policy.

77. In 2007 the development of natural rubber is made on approximately 82,000 hectares of land which increases 17 per cent comparing to last year, which rubber plantation of the State was 39,500 hectares, and rubber plantation of private companies was 6,200 hectares. Private companies have the rubber planted on economic concession land of 66,600 hectares. Family rubber plantation within the Family rubber plantation development project and small and medium scale family rubber plantations with their own plantation is about 36.300 hectares in total.<sup>14</sup>

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<sup>13</sup> Progressing Report of Ministry of Agricultural Forestry and Fishery achieving result in practicing the Government's Rectangular Strategy 2004-2008, pp. 5 and 8.

<sup>14</sup> Ibid., p. 11.

78. Cambodia is fortunate that it has fishery resource, especially not only fresh water fishery such as Tonle Sap Lake, Mekong river, and low land flood, but also sea fishery at the sea and open sea which extends up to Thai gulf. The fresh water fishery is greatly useful especially for market supply and most farmer families in Cambodia.

### **Industrial and handicraft sectors**

79. Industry and business enterprises play a very important role and are essential in complication with the national economic growth programmes through creating jobs, generating more income for improving the living conditions of the people as well as manufacturing good products in terms of quality and quantity for supplying local market and for export. Obviously, this sector can possibly contribute to the national capital with stable price at 27.1 per cent in 2004, 26.9 per cent in 2005 and 28.7 per cent in 2006.

80. The integration of the Cambodian economy into the open world market combined with a consolidation of political stability and the reinforcement of the rule of law have increased confidence among domestic and foreign investors to participate in the industrial development leading to progressive economic growth, this, despite the vibrant competition from imports and the attractiveness for investment of the neighbouring countries that possess a stronger infrastructure and better services.<sup>15</sup>

81. In the Kingdom of Cambodia, the exploration of the oil and gas, resumed in 1991, is the endeavour that has been made since 1969-1975 and has produced a promising result. The total line of 16,000 kilometres of C.I.SMEC data with high quality has been informed of the good terrain for great potential for oil and gas resources.

82. With exclusion of the ongoing export, the main exported commodities of Cambodia include timbers and rubbers. However, there are some other agricultural produces that are also exported in small amount such as soybeans, corns, sesames, cotton, kapok, tobacco, and refined and raw jewels. At the present, the garment export companies have begun within 4 years. That ensures Cambodia the increase of the export volume at a remarkable rate and it can be proud of from one year to another. In 2004, the export increased 23.27 per cent equal to 2,028.67 million US dollars, while in 2005 increased 9.92 per cent equal to 2,229.99 million US dollars. And in 2006 increased 22.51 per cent equal to 2,732.07 million US dollars and also increased 8.51 per cent in 2007 equal to 2,964.62 million US dollars.<sup>16</sup>

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<sup>15</sup> Report on the outputs resulted from the implementation of the rectangle strategy of the Government at the 3<sup>rd</sup> mandate and the future implementing goals of the Ministry of Industry, Mines and Energy, pp. 1-2.

<sup>16</sup> Remark by H.E Cham Praseth, Minister of State, Minister of Commerce stated in National Convention at Chaktomuk hall on 29-30-31 May and 1 June 2008, p. 6.



## **Tourism**

83. Tourism is the non-smoking industry, commerce and service, which is systematically related to all components including direct and indirect participation. Tourism becomes the priority of the economics and a motive force of social development for countries in the region and universal including Royal Kingdom of Cambodia. The flourishing of the tourism has contributed significantly in simulating the growth of national economic, creating and rising the employment opportunity, generating income for people and poverty reduction.<sup>17</sup>

84. Cambodia tourism has been paid much attention and always gained the support in compliance with the Cambodia Tourism Policy, that is, eco-cultural tourism. The Royal Government has regarded Cambodia tourism one of the five national priorities and has encompassed the strategic tourism development in the influential rectangular strategy of the Royal Government at the 3<sup>rd</sup> mandate.<sup>18</sup>

85. The investment on tourism in Cambodia is being obtained the motivation. The tourism revenue becomes the powerful investment regarded as foreign investment through tourists without any interests. The distribution of the tourism output, thus, is made many times in many forms through employment that helps reduce the displacement in order to seek for jobs. The output of the tourism helps generate the additional income for families to improving the living conditions and contribute to poverty reduction. Approximately 300,000 people of direct employment and hundred thousands people of indirect employment have been created in tourism and concerned fields. The tourism revenue helps support the cultural development and environmental protection and maintenance such as at Angkor complex in Siem Reap and at eco-tourist spots, as a good example.<sup>19</sup>

## **Public works and transportation**

86. The Royal Government has determined the communication networks as interlinked blood veins of the Royal Kingdom of Cambodia aimed to ensure the internal, regional and universal integrations. Moreover, for Cambodia economic, the physical infrastructure has an important role as a locomotive of the economic growth and as the most effective means for poverty reduction and for relieving the difficulties and sufferings of the people.

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<sup>17</sup> Remark by H.E Thong Khon, Minister of Tourism at Chaktomuk hall on 29-30-31 May and 1 June 2008, p. 1.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid., p. 3.

87. Based on this perspective, the Royal Government continues to put a high priority on the rehabilitation and construction of the communication and transportation networks of all types including roads, bridges, railways, waterways, ports, ferry docks and airways linking to all regions.<sup>20</sup>

*Public works*

88. Road renovation and construction works commenced during the 2<sup>nd</sup> mandate government and have completed, during the third mandate government, 269.6 km in total with the total expenses in amount of 58.023 million US dollar. Road renovation work commenced during the third mandate government and has completed during the third mandate government in the length of 600.8 km with the total expense in amount of 131.25 million US dollar. The road renovation work commenced during the third mandate government and has completed during the fourth mandate government in the total length of 1,012 km with total expense in amount of 405.15 million US dollar.

89. Bridge construction work: the bridge construction project commenced and totally completed during the third mandate government in the total length of 3,199 m with total expenses in amount of 56.10 million US dollar. The bridge construction project commenced during the third mandate government and has completed during the fourth mandate government in the total length of 2,035 m with loan expense in amount of 74.2 million US dollar.

90. Many rehabilitated roads nationwide have been contributed to the achievement of the Rectangular Strategy 2004-2008 of the Royal Government towards the improvement of economy, job opportunities, guaranty of equity and social justice as stated by Samdech Akka Moha Sena Padei Techo Hun Sen, the Prime Minister of the Kingdom of Cambodia, after the new Royal Government was established in July 2004. Moreover, these rehabilitated roads have broadly contributed to the successful attainment of the Millennium Development Goal of Cambodia.

91. In 2005, the Ministry of Rural Development set a detail strategic plan for roads in rural areas and strategically determined a long-term development plan and rural roads management. One goal of this plan is to ensure a united and serious mechanism for reconstructing and maintaining the rural roads accounted for 2,800 km nationwide, which is subjected to a responsibility of the Ministry of Rural Development. The essential issue is to update and set a precise form of policy for rural roads. Now, the Ministry of Rural Development has completed a draft of policy on rural roads. This policy will be a core guide for substantial development and management of rural roads and provide access to all investments in rural roads which effectively support the development.

92. The investment sector in transport infrastructures at rural areas is a part of general investments in rural areas for development. These investments have apparently been shown through an increase of access to social opportunities and other economies in rural areas that this

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<sup>20</sup> Remark by H.E. Sun Chanthol, Minister of Public Works and Transportation at Chak Tomuk Conference Hall on 29-30-31 May and 1 June 2008.

directly contributes to the poverty reduction of rural people and the integration of national economy, particularly the integration between cities and rural areas, because farmers need to transport their products and produces in all seasons on time to markets where the price is competitive. People in rural areas need roads for travelling to hospitals when they are ill; pupils and students need roads for travelling to schools; and the Royal Government of Cambodia and other NGOs, which work on agriculture sector as well as health staff, need roads for travelling to villages.

### *Transportation*

93. Inland transportation work: After the road network has been renovated progressively for a decade, the inland transportation volume has increased remarkably. The registration of bicycles has increased from 22,600 bicycles in 2004 to 129,900 bicycles in 2007, with annual increase in average of 66.75 per cent, while the registration of cars has increased from 15,520 units in 2004 to 24,470 units in 2007 with annual increase in average of 30 per cent. As of 2007, the total number of registered bicycle is 671,000 units and the total number of registered car is 197,800 units. The total number of registered vehicles of all types has increased 671,000 units. As of 2003, the total number of vehicles is 446,950 units and has increased 868,800 units in 2007 at the increasing rate of 94.3 per cent. With the outburst of large number of vehicles of all types, it is required to provide the prompt and transparent public service in relation to vehicles. The Royal Government has provided the recommendations to delegate the work of vehicles registration and driving license issuance to the department/office of public works and transportation in municipalities and provinces in previous years. The work delegation within a short term has had the shortages and causes the work delayed, so it is required the ministry to continue providing the additional guidance and advice, and to cooperate with concerned institutions in attempt to deal with the lateness and to improve the public service to the people.

94. Port Service: Sihanouk Ville autonomous port and Phnom Penh autonomous port have been committed to the port infrastructure development, working procedures, and modern office supplies and equipments refurbishment in response to the flourishing of the waterways transportation. Phnom Penh autonomous port has also made its effort to encourage the implementation of the cargo shipment through containers and cooperated with Mekong River Committee and Belgium to launch the navigation safety with 56 units of life buoys and 12 sign lights from Phnom Penh to Khaom Samnor, the joint border between Vietnam and Cambodia so as to enable safer transportation and in and out navigation for 24 hours. Meanwhile, both ports in conjunction with Cambodian Shipping Agency (CAMSAP) have made its efforts to improve and promote the quality for service, coordination, harbouring procedures, and quick cargo shipment.

95. As a result, the total number of goods transiting the Sihanouk Ville autonomous port is 1,503,000 tons in 2004 and increased 1,818,000 tons in 2007 at annual growth rate in average of 107.3 per cent. The number of containers transited is 213,000 containers in 2004 and increased up to 252,000 containers in 2007 at annual growth rate in average of 104.5 per cent. The total number of goods transiting Phnom Penh autonomous port is 533,000 tons in 2004 and increased up to 956,000 tons in 2007 at the annual growth rate in average of 121.7 per cent. The number of containers transiting is 30.3 thousand TEU in 2006 and increased up to 38.2 thousand TEU in 2007 at the annual growth rate 126.5 per cent.

## **Article 2: Guarantees for the exercise of economic, social and cultural rights**

96. Generally, all rights set out in the international covenants on human rights are recognized and implemented by the Royal Government of Cambodia. The recognition and the respect for human rights on its territory of the Kingdom of Cambodia have been determined clearly in the Constitution, article 31 articulating that: The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women's and children's rights.

97. It is thus, all the rights as stipulated in the International Covenants on Economic, Social and Cultural Rights has been focused and guaranteed by the Royal Government with its commitments to implementation nationwide on its territory. Guarantees of all rights have been set out completely in the law and covenants stipulating all the rights mentioned above and has been stipulated in the constitution, articles 35-36.

98. Beside the constitution promulgating on 24 September 1993, the Royal Government has focused on designing the law and other regulations in consistence with the constitution. The new laws related to economic, social works and culture which have already gone through the Council of Ministers include:

- Suppression of gambling
- Land management, urbanization and construction (23 May 1994)
- Organization and functioning of the Council of Ministers (19 July 1994)
- Investment (4 August 1994)
- Immigration (26 August 1994)
- Co-statutes of civil servants (21 October 1994)
- Organization and functioning of the Supreme Council of Magistracy (22 December 1994)
- Commercial procedures and registration (3 May 1995)
- Commercial chambers (16 May 1995)
- Statutes of Bar (15 June 1995)
- Press (18 July 1995)
- Retirement pension and benefits for soldiers of the Royal Cambodian Armed Forces with incapability (18 October 1995)

- Suppression of kidnapping, trafficking, sale and exploitation of human persons (29 February 1996)
- Law on Nationality (20 August 1996)
- Environmental protection and natural resources management (18 November 1996)
- Drug control (9 December 1996)
- Management of pharmaceuticals (9 December 1996)
- Labour law (19 January 1997)
- Law on the Election of the Members of the National Assembly (1997-2002)
- Law on the Election of Commune Councils 2001
- Law on Political Parties 1997

99. In addition, there are more laws which article 139 of the constitution determined in legal force by stipulating that, “Laws and standard documents that safeguard State properties, rights, freedom, legitimate private properties and in conformity with the national interests, shall continue to be effective until altered and abrogated by new texts, except those provisions that are contrary to the spirit of this constitution.” Therefore, some regulations prior to the Constitution 1993 still continue to be implemented such as:

- Law on Marriage and Family (20 July 1989)
- Land Law (30/08/2001)
- Transitional Criminal Law (10 September 1992)
- Law on Judiciary System (28 January 1993)
- Law on Criminal Procedures (29 January 1993)

100. Meanwhile, there are more regulations including Decree-Law, Decree, Sub-Decree, Directives, and Declaration which are being implemented and related to the economic, social and cultural rights. The equal rights of the Khmer citizens both sexes shall be guaranteed by the Constitution, article 31, “Every Khmer citizen shall be equal before the law and have the same freedom and obligations.

101. The principle of the Constitution is the rule for safeguarding and eliminating completely the discrimination to women, and for providing women the full rights equal to men in terms of politics, economic, social and cultural activities.

102. In safeguarding the rights, equality of the women, the Constitution also stipulates the elimination of the insult and offensiveness against women:

(a) Discrimination against women and exploitation of women in employment shall be prohibited “article 45”;

(b) The affect to the dignity of the women shall be prohibited “article 46”.

103. Aside from the Constitution, other laws also provide the priority and conveniences to women:

(a) Provide priority and convenience to women in recruitment for State employment “article 11, Co-Statute of Civil Servants”;

(b) Employments for women are safeguarded and provoked the convenience “articles 182, 183, 184, 185, 186, 187, Labour Law”;

(c) Meanwhile, at the present, obviously in regard to employment in independent enterprises, women are prioritized and preferred to men;

(d) Law on protection of selection of marriage partners of women “article 4, Law on Marriage and Family”.

104. In the custody or prison, women are separated from men and controlled by women agent.<sup>21</sup>

105. In conformity with equity of all fields, women participate in all economic, social and cultural activities. The field that most women participate is agriculture which employs at 72.4 per cent, industry at 7 per cent and services at 18.8 per cent higher than men.

106. To ensure the equitable rights of women against men in all realms, the Royal Government established a secretariat in November 1993 and has become the Ministry of Women’s Affairs in January 1996. This institution has a role to educate and advise women to understand about the legal rights in order to reach a real equity against men, to promote the women’s movement in improving their living conditions, vocational capability and ensure the enforcement of their full rights.

107. With support from competent institutions, international organizations and non government organizations and international communities, utmost attention has been paid to help women especially at the villages, communes in the forms of non-formal trainings on the duties and equity of women in the society, textiles, weaving, livestock’s raising and micro-financing without interest for making businesses.

108. The Ministry of Women’s Affairs has made a draft code of women, which will be submitted to the National Assembly for adoption in the near future, and is a legal mechanism to guaranteed and safeguard the full rights of women in all realms.

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<sup>21</sup> Declaration No. 217, dated 3 March 1998 of the Ministry of Interior, provision 4, item 3.

109. Detailed information on the rights and equality is informed in the report on elimination of discrimination of all forms against women that the Royal Government of Cambodia has already sent to the United Nations.

### **Right to proper living**

110. The Kingdom of Cambodia regards this right as an important right that needs to be guaranteed so that all people could have hope in lives and live in prosperity and safety. Moreover, their lives would be filled with sufficiency of capability from birth till they die.

111. To exercise this right and reach the objective, the Royal Government of Cambodia tried very hard and had the Constitution adopted in 1993 which recognizes and respects all rights of the people “article 31”. Especially, the Constitution recognizes that all Khmer citizens of either sex have the right to participate actively in political, economic, social and cultural life of the nation “article 35”. It also recognizes the International Convention on the abolishment of all forms of discrimination against women “article 45” and the protection of children’s right “article 48”. Moreover, it states that the State shall pay attention in order to guarantee a better standard of living for the people “article 63” and that the State shall protect and upgrade citizens’ rights to quality education “article 65” and poor citizens shall receive free basic medical services “article 72”. Based on the Constitution, the State is also responsible for helping support women and children, who have inadequate support “article 73”, and the disabled “article 74”.

112. In addition to being responsible for implementing the Constitution accordingly, the Royal Government has tried to develop the second five-year social economic development plan (2000-2005). The national programme for rehabilitation and developing Cambodia has been implemented, and various institutions have also prepared their respective Development Plans aiming at providing Right to Proper Life to all people living in Cambodia.

113. Although tremendous effort has been exerted, the Royal Government recognizes that some people are still living in poor condition, and the Royal Government has been trying very hard to solve this problem.

### **Right to politics**

114. The Kingdom of Cambodia adopts a policy of liberal democracy and pluralism “article 51”. Khmer Citizens of either sex shall enjoy the right to vote and to stand as a candidate for the election, the right to strike and to non-violent demonstration, the right to establish political parties, and the right to freedom of expression, press, publication and assembly. However, no one shall exercise this right to infringe upon the rights of others, to affect the good traditions of the society, to violate public law and order and national security “articles 34, 37, 41, and 42”.

115. On 27 July 2003, Cambodian people of about 90 per cent voted their representatives for the first time. There were 23 political parties participated in the election. Law on the Election of Members of National Assembly was adopted in July 1998.

116. Other rights related to Right to Politics which have been mentioned in the report on the implementation of civil right and political rights, and which have already been sent to the United Nations.

### **Right to employment and choice of employment**

117. All citizens who live in the Kingdom of Cambodia and all jurisdictional persons shall have the right to employment and choice of employment.

118. Khmer citizens of either sex shall enjoy the right to choose any employment according to their ability and to the needs of the society. Khmer citizens of either sex shall receive equal pay for equal work “article 36”. Co-statute of the Civil Servant of the Kingdom of Cambodia is given to Khmer citizens who have good jurisdictional status, and priority is given to women, people living in remote areas, and ethnic people “article 11 of the Law on Co-statute of Civil Servants”.

119. Besides the Co-statute of Civil Servants, all citizens have the right, without discrimination, to choose private employment according to their ability except for certain jobs which are restricted by laws or contrary to Public Policy. It means that all the citizens have the right to use their personal property, both immovable and moveable assets, freely for business purposes in accordance with the market economy system which is the policy of the Kingdom of Cambodia “article 56.1 of the Constitution”.

120. Private employment contract protected by the Labour Law adopted in 1997:

(a) Jurisdictional status shall not be taken into account for all people of all nationality who have signed a private employment verbal or written contract to work within the territory of the Kingdom of Cambodia “articles 3 and 65”;

(b) Hiring, defining and assigning of work, vocational training, advancement, promotion, remuneration, granting of social benefits, and discipline or termination of employment contract shall be carried out without any discrimination. However, distinctions, rejections, or acceptances based on qualifications required for a specific job shall not be considered as discrimination “article 12”;

(c) Forced or compulsory labour or hiring of people for work to pay off debts is forbidden “articles 15-16”.

121. Due to the limitation of labour market, about 2.5 per cent of people are jobless.

### **Right to own personal property**

122. The collection of property to be commonly owned, as it was done in 1975-1979, was abolished step by step.

123. After the liberation from 1979 to 1985, it was the first time that the Nation had to challenge the worst situation, as it had to start everything with empty hand, hunger, threat, turmoil, and the situation of having both peace and war at the same time. Therefore, in order to help people with or without other family members as labourers, people who had or had not cattle so as to help all of them survive, the Government had to pay special attention to labour needed to produce staple



food which is rice. The Government also prepared and organized farmland to be owned by collective farming groups. In addition to farmland, each citizen had the right to own their respective immovable and moveable assets and other property they had.

124. Within the period of 1986-1991, liberalization of economy had been progressed. Gradually, public-private production was becoming the core production of the whole country. The recognition of land ownership started.

125. Since 1992 until now, the recognition of land ownership has been clearly guaranteed. Cambodian people have fully right to occupy and own land, and they also have right to inherit residential and business land which was given by the State (24).

126. The land title of any individual shall be confiscated if the State requires the land to serve public purpose, and this has to be done in compliance with the law. In this case, fair and proper compensation has to be made.

127. Based on the principles of the above Constitution, all people of all nationalities who legally stay in the Kingdom of Cambodia have the right to be owners of property except land which can only be owned by natural person or legal entity with Khmer nationality.

128. Although Land Law has been reformed, land disputes still exist. This dispute arises out of the land title demand, illegal sales of land, and the violently and illegally occupation of land. To solve this problem, the Government has been continuously implementing the land registration system and land ownership fee.

129. In addition to the ownership of immovable and moveable assets, the Royal Government of Cambodia prepared Intellectual Property Right, Author's Right, Right to Protect Trade Mark, etc. and got them guaranteed by the Transitional Criminal Law which was stated in paragraphs 2 and 3 that any individual who falsifies the Trade Mark that is legally used in Cambodia or in other countries shall be charged with falsified act and shall be sentenced from 5 to 15 years imprisonment.

130. The Royal Government regards education and training as an important factor to develop the country. It also understands that the improvement of education and training is a main contribution to the development of the whole country. This right is guaranteed by articles 65, 66, 67, and 68 of the Constitution.

131. The Royal Government gives priority to the nine-year compulsory education for free as effective education at lower and upper secondary levels are extremely important for economy and society, especially for women. It is acknowledged that educated families have fewer children, and the children receive better care, have good health, and do well at school. However, the poor conditions of families and social norm have become obstacles for women to have access to higher education. Most literate women do not finish primary education. Percentage of female students at higher education is lower than percentage of male students. The problem that all people do not have education in accordance with their ages, school repetitions, school dropouts, especially women, are still the challenges that the Royal Government have to solve.

132. The government institutions are paying special attention to high education and vocational trainings. Meanwhile, many private investors are also investing in this field. However, although joint effort made by the government institutions, private sectors, and NGOs, there is still a lack of human resources to meet the demand of market economy.

133. Detailed information of the above right shall be given in the following articles.

### **Right to marriage and family**

134. Men and women are equal in all fields especially with respect to marriage and family matters “article 45 of the Constitution”. Forced marriages in groups without mutual consent between the couples, as what it was done during the Khmer Rouge Regime, was eliminated. The marriage between a too young couples and marriage by force against willing of marriage shall absolutely be prohibited “article 2 of the Law on Marriage and Family”. A man and woman reaching legal age (20 years of age for man, and 18 for woman) have the right to self-determine the marriage. One party may not force another party to marriage against his/her will “Article 4 of the Law on Marriage and Family”. Marriage without mutual consent between the couples shall absolutely be prohibited “article 45 of the Constitution, and article 2 of the Law on Marriage and Family”. However, marriages are usually arranged by the parents. This act seems like the parents force their children to get married, but, in fact, the parents only facilitate the marriage, and the children are still the ones who decide.

135. Until now, the Royal Government has not imposed child policy for each of the family. There are certain programmes conducted to educate families on birth spacing.

136. The Royal Government has paid its high attention, prepared a policy, and taken measures to uphold the welfare and livelihood of the people and families.

137. Various institutions have been implementing this policy. Ministry of Forestry and Fisheries has paid attention to making sure that there is food security among families. The Ministry of Industry, Mine and Energy has the responsibility of controlling food production in various factories and entrepreneurs. The Ministry of Commerce has the responsibility of monitoring the movement of goods and examination of goods. Ministry of Health has paid attention to the people’s health - protecting people’s health and treating sick people. Ministry of Social Affairs, Vocational Training, and Youth Rehabilitation has paid more attention to vulnerable people such as orphans, widows, street people, the elderly, and the disabled. Ministry of Education has paid attention to providing quality education, etc. In addition, national nutrition programme has been started since 1997 with the purpose of setting the direction to uphold wealth fare and livelihood of the people and families.

138. The Royal Government also uses policy and takes various measures to ensure the presence of the true right of economy, social, and culture within Cambodia as follows.

139. The main aim of the Royal Government is to achieve the equity, justice, and peace in society, and to promote the livelihood of the people through the growth rate of the economy based on the real situation of Cambodia. This programme requires the reform of legal system to

ensure the implementation of laws and that the justice is realized. It also requires the establishment of proper and effective civil service structure and the continuity of the combination of policy and sustainable economy.

140. Based on the statistics of the Ministry of Planning, the growth of Gross Domestic Product (GDP) is about 11 per cent within the last three years (2004-2006). The GDP growth in 2005 was up to 13.5 per cent. However, it dropped a bit to 10.8 per cent in 2006, and 9.6 per cent in 2007. In general, the GDP growth was about 10 per cent between 2003 and 2007. The statistics show the success of the Cambodian economy.<sup>22</sup>

141. The Royal Government recognizes the difficulties and needs of the people, and it has a strong commitment to take all kinds of proper measures and make use of the existing legislative and resources to ensure the respect of human rights, especially the economy, social, and cultural rights of the people. Foreign aids are needed to achieve this goal. Moreover, the improvement of political situation in the country is also crucial. The Royal Government hopes that the International Community will continue to support Cambodia.

142. Cambodia strictly adheres to neutral policy and shall not take part in any alliance, and would live in co-existence with its neighbours and other countries in the world. This is the policy which the Government has been firmly adhered to in order to eliminate all kinds of discrimination and to ensure the freedom of all people living in the Kingdom of Cambodia and to ensure the equity in all fields including politics, economy, social welfares, and culture. The Royal Government of Cambodia has implemented this policy in compliance with various policies which have been stipulated in the international covenants and conventions to which Cambodia is a party.<sup>23</sup>

143. Legal framework of Cambodia has been established based on the principles of human rights protection and the elimination of discrimination with the purpose of ensuring equity right in accordance with the laws for all people.

144. The Constitution in 1993, the supreme law of the Royal Government of Cambodia, was written based on the United Nations Charter and the Universal Declaration of Human Rights with the following articles:

(a) Article 31: The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the Covenants and Conventions related to human rights, women's and children's rights;

(b) Every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, colour, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status;

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<sup>22</sup> Progress Report on achievements of the Ministry of Agriculture, Forestry and Fisheries. pp. 2-3.

<sup>23</sup> Article 31 of the Constitution.

- (c) Article 32: Every Khmer citizen shall have the right to survive, personal freedom, and security;
- (d) Article 38: The law guarantees that there shall be no physical abuse against any individual;
- (e) The prosecution, arrest, or detention of any person shall not be done except in accordance with the law. Every citizen shall enjoy the right to defence through judicial recourse;
- (f) Article 44: All persons, individually or collectively, shall have the right to ownership.

145. Other laws which have been implemented: Article 139 states that “Laws and standard documents in Cambodia that safeguard State properties, rights, freedom and legitimate private properties and in conformity with the national interests, shall continue to be effective until altered or abrogated by new texts, except those provisions that are contrary to the spirit of this Constitution.”

146. Regulations and Policies of the Royal Government, which have been stipulated in paragraph 1, have guaranteed the equality of every individual who lives in Cambodia without any discrimination.

147. Information on discrimination in Cambodia has stated in detail in the report on the elimination of all forms of racial discrimination which had already been sent to the United Nations by the Royal Government of Cambodia.

### **Article 3: Equality between men and women**

148. The Constitution of the Kingdom of Cambodia in 1993 protects and guarantees the equal right between woman and man in the fields of economy, social welfare, and culture:

- (a) Article 36: Right to choose employment; Right to receive equal pay for equal work; Right to obtain social security and other social benefits; A woman shall not lose her job because of pregnancy;
- (b) Article 46: Woman shall have the right to take maternity leave with full payment;
- (c) Article 76: Right to receive social security for workers and employees;
- (d) Article 68: Right to receive education at all levels.

149. The Constitution also does not allow underestimation towards woman:

- (a) Article 45: All forms of discrimination against women shall be abolished;
- (b) Article 46: The Commerce of human beings, exploitation by prostitution and obscenity which affects the reputation of women shall be prohibited.

150. In addition to the Constitution, other laws protect and guarantee the equity between unions (arts. 1-29-31 and 32):

(a) Law on Co-Statute of Civil Servants gives priority to women to apply for work in the cadre of civil servants (art. 11);

(b) Working in private sectors, women are protected by the Labour Law (arts. 182-186);

(c) No laws of the Kingdom of Cambodia have mentioned anything with regards to the discrimination against women or limitation to women's right in any field of work, except certain work which affects women's health. However, women have not fully exercised their rights so far.

### **Economic rights**

151. Within the total population of Cambodia of 12, 824 million, 6,627 million are women, outnumbering the 6,197 million men. 85 per cent of women work in the agricultural sector, compared to only 77 per cent of men.

152. In the last few years, although there have been few women holding high positions in the Government or in civil society, there have been a lot of needs for women to get involved in economic activities outside the home to support their lives such as factories, private entrepreneurs, restaurants, hotels, and products promoters.

### **Social rights**

153. In the real practice, women working in the Government framework receive equal payment as men in the equal jobs, positions, and technical profession. Especially, women receive the benefits like those of men's such as health benefits, the regional incentive for those who work in the remote areas.

154. Women working in a factory or private enterprise are conditioned by the terms in the Labour Law. In factories and private enterprises, employees get their payment with various rates; for example, some factories have different payment - the minimum payment is US\$ 40 per month and the maximum is US\$ 100.

155. Service sector is a broad and growing industry, and it is also the sector that is sensitive for women. Some jobs drive women into prostitution or sexual exploitation though the women serving in this sector earn relatively high wages.

156. According to the report of Ministry of Health, the observation from blood tests in 2003 was estimated that 170,000 Cambodian were infected with HIV/AIDS, equal to 3.3 per cent of the population. Among 3 infected people, there was one woman. In 2000, the infection cases decreased to 2,720 people from 7,726 in 1999. Ministry of Health has been trying to provide health education and promote it via mass media across the country.

157. One striking aspect of daily life of young girls and most women is that they are likely to become goods. They can sell themselves or do anything possible to support their family and

some women fall into debt and have to become servants. Some women have no alternative but become prostitutes, causing devastating impacts on society because of the inflection of HIV/AIDS.

158. According to the observation by some local NGOs, sex workers in Phnom Penh has increased from 80,000 in 2001 to 130,000 in 2002, and 1/3 of them are underage girls. It is shown that 50 per cent of the prostitutes were tricked or sold. 80 per cent of them were sold by their parents, relatives, neighbours, or trusted friends. Most common reason is to pay off the debt or help support the family. Among prostitutes aged under 18, half of them were tricked to be sold by luring that they would get a job as a house servant or would help look for a job, and others were physically abused through the means of beating to make a prostitute or retaining; the attempt to run away will be rewarded with physical assault if caught. To combat those manners, the Government has exerted strong effort to prevent those illegal cases like closing brothels and rescuing the victims to provide education and vocational skills so that they can have the appropriate professions.

159. In addition to the above torment, women also suffer from domestic violence everywhere, towns and countryside alike. Studies by Organizations against Domestic Violence and Ministry of Woman Affairs have shown that some families suffer from violence committed by the husbands. They were beaten when their husbands come home drunk or when they have some argument in their family.

### **Cultural rights**

160. In primary school, there are 2,612,699 students in 2000, increasing 108,069 students comparing to that of 1999. There are 233,610 students in secondary school, increasing 14,822 students comparing to that of 1999.

161. Early Childhood Education: In academic year 2007/08, there are 1,634 State kindergartens that is to say there is one or two kindergartens in almost every commune. There are 79,585 pupils in state kindergartens among which 40,013 are girls, making up 50.27 per cent. There are 3,130 personnel, among which 3,073 are women making up 97 per cent. Besides state kindergartens, there are 100 private and 1,017 community kindergartens. In addition, early childhood home education has played an important role in education service.

162. Primary School Education: in the academic year 2007/08, there are 6,476 primary schools; in average, there are 4 schools in one commune. The number of primary school has increased 296 since the academic year 2004-2005. The actual statistic of study increases from 91.9 per cent to 93.3 per cent. The percentage of female students jumps from 90.7 per cent to 93.3 per cent. In the follow-up reports of UNESCO in 2008, Cambodia is ranked 21<sup>st</sup> among 129 countries on the actual statistic of study in the primary school. The ministry has been implementing child friendly school programmes, and review and update the curricula and text books to strengthen education quality. The Ministry has include basic life skills into the curriculum including the education related to small handcraft and basic agriculture, moral education, food hygiene, and knowledge of gender.

163. Secondary School Education: In the 2007/08 academic year there are 1,006 State lower secondary schools operating in 1,621 communes. There are 637,629 lower secondary school students, of which 296,907 are girls, accounting for 46.56 per cent, and there are 27,240 personnel, of which 8,893 are women. Compared to the academic year 2004-2005, the number of lower secondary schools has increased by 428 schools while the number of students has increased by 20.55 per cent; female students by 29.06 per cent. Educational personnel has increased by 23.90 per cent, of which females by 28.94 per cent. There are 315 State upper secondary schools, an average of 13 schools in each province or city which are attended by 260,965 students, of which 106,782 are female. There are 7,857 educational personnel, of which 2,162 are female. Compared to the academic year 2000/05, the number of upper secondary State schools has increased by 83 schools and the number of students has increased by 47.33 per cent; female students have increased by 61.00 per cent, and educational personnel has increased by 15.05 per cent; of which the number of female educational personnel has increased by 16.68 per cent.

164. Non-formal Education: Percentage of illiterate youths aged 15 to 25 has increased from 67 per cent in 1998 to 73.6 per cent in 2004. 392,904 people, female 251,423, have enrolled their names to join functional literacy programme for adult. Equivalent and re-enrolment programmes have been provided at all levels to 46,665 youths and adults, female 22,528. Short training programmes have also been provided by the community centres to 3,529 people, female 2,202 to gain various skills such as sewing, repairing motorcycles, radio, and television sets, raising life-stock and growing vegetable and basic agriculture, etc.<sup>24</sup>

165. Higher Education: The Ministry has had consideration on improving the quality and the effectiveness of tertiary education. In academic year 2006/07, the Ministry strengthened the capacity of officials in the Higher Education Department, and drafted the strategic plans for 2008-2020 to accelerate the education sector in Cambodia to reach the regional accreditation. Meanwhile, The Accreditation Committee of Cambodia, which is the external institute evaluating the quality of education, has been functioning fruitfully. In academic year 2007/08, there are 99,803 undergraduates, increasing as twice. Among those students there is an increase of 81.31 scholarship students, and the number of private school students has increased as much as three times. There are master's degree candidates of 7,905 and 447 doctoral candidates. Comparing to academic year 2004/05, the number of master's degree students has increased to 7,905 and doctoral candidates have increased to 443 students. In academic year 2004/05, we sent 339 students to study abroad. 16 foreign students came to study in Cambodia. In academic year 2006/07, the number of students going to study overseas increased to 381, and 118 foreign students came to study in Cambodia, which constitutes 6-time increase.<sup>25</sup>

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<sup>24</sup> Participatory speech by the ministry of education Youths and Sports: Equal Access to and Quality of Education.

<sup>25</sup> Participatory speech by the ministry of education Youths and Sports: Equal Access to and Quality of Education.

166. Teacher and pedagogical training: Nowadays, there are 104,095 educational personnel all over the nation, and 38,558 of them are women. The Ministry has reformed the capacity building programmes for teachers at the basic level, and training programmes for kindergarten teachers (12+2 or 8+2), and has compiled the training materials for lower secondary teachers, and training materials for upgrading the basic level teachers to become lower secondary teachers and has published the training materials for training kindergarten teachers and primary school teachers. Since 2007, the ministry has trained school directors and vice-directors for general schools. The Ministry has also trained teachers at basic level on the teaching of multi-grade classes in the rural areas.

#### *Challenges and resolutions*

167. Although we have accomplished great achievements, we still face some main challenges such as the lack of infrastructure which is a key barrier for children from enrolling at all levels. To cope with the problem, the Government has introduced the policies encouraging community, private sectors and development partners to support in all forms. Moreover, the Ministry has been building new schools and extending lower secondary schools close to homes of the citizens as well as training local teachers, particularly in the remote areas. Up to 2008, the numbers of school buildings, announced by the Prime Minister, constitute 3,030 buildings which are equal to 15,510 rooms.

168. The Ministry has modernized and reformed the curricula as well as renovated new, suitable textbooks by trying to ensure that there are core references for students across the country. In addition, the Ministry has been considering building libraries in schools as well as in small towns making it convenient for learners and researchers. The Ministry has also been equipping schools with modern and appropriate technology and facilities so that learners will have capacity to effectively contribute to the development of the country.<sup>26</sup>

#### *Future plans*

169. The Ministry of Education, Youth and Sports has set future goals as follow:

(a) Continue to achieve EFA goal by ensuring equal access to compulsory education for nine years for all children, especially girls;

(b) Expand education for early child in all forms by providing adequate services with equity and quality nationwide. Particularly, combat the lack of school building by expanding schools and constructing more school buildings for primary and secondary levels in the place where educational service has not been yet available;

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<sup>26</sup> Participatory speech by the ministry of education Youths and Sports: Equal Access to and Quality of Education.



(c) Improve quality of educations in all sectors and all levels; continue to strengthen the partnership between private sectors and development partners;

(d) Continue to build up capacity of educational officers through gender mainstreaming strategic plan aiming at practicing decentralization.<sup>27</sup>

### **Measures by the Government**

170. Besides the fundamental laws for promoting women and ensuring the practices of gender equity between men and women, the Government created Ministry of Woman Affairs in charge of protection and promotion of woman rights, and created the National Council for Woman, honourably chaired by Queen Norodom Monineath Sihanouk.

171. The Ministry of Woman Affairs has cooperated with international organizations to found the international literacy programmes, childcare programmes, vocational training for women such as: sewing, silk weaving, mat weaving, protocol, computer skills, saloon, etc. as well as providing credits to poor women who wish to expand their existing businesses.

172. The Ministry of Woman Affairs has cooperated with Ministry of Health and UNFPA along with others international NGOs to function health programmes against HIV/AIDS, birth space programmes, and health programmes.

173. In addition, the Government has cooperated with international NGOs, international donors, and many embassies of friend countries through promotion of human rights, child rights, and roles of man and woman in the family and the society via printing press, radio, television, slogans, pictures, and solved problems caused by domestic violence and other breach of laws.

### **Article 4: Limitation of economic, social and cultural rights**

174. Article 31 of the 1993 Constitution of Cambodia recognizes and respects human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, including economic, social, and cultural rights as well. This means that economic, social, and cultural rights are granted to the citizens to practice freely. But in the real practice, these rights are restricted by laws. The last sentence of article 31 states that “The exercise of such rights and freedom shall be in accordance with the law.”

175. Article 58-1 of the 1993 Constitution states that, “State property notably comprises land, mineral resources, mountains, sea, underwater, continental shelf, coastline, airspace, islands, rivers, canals, streams, lakes, forests, natural resources, economic and cultural centres, bases for national defence and other facilities determined as State property”.

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<sup>27</sup> Participatory speech by the ministry of education Youths and Sports: Equal Access to and Quality of Education.

176. The legislation does not withdraw from the citizens the rights stated in the International Conventions for economic, social, and cultural rights.

177. Article 15 of the land laws in 2001 states that, “Any property that has a natural origin, such as forests, courses of navigable or floatable water, natural lakes, banks of navigable and floatable rivers and seashores. Any property that is specially developed for general use, such as quays, harbours, railways, railway stations and airports; Any property that is made available, either in its natural state or after development, for public use, such as roads, tracks, oxcart ways, pathways, gardens and public parks, and reserved land; Any property that is allocated to render a public service, such as public schools or educational institutions, administrative buildings and all public hospitals; Any property that constitutes a natural reserve protected by the law. Archaeological, cultural and historical patrimonies; Immovable properties being royal properties that are not the private properties of the royal family. The reigning King manages royal immovable properties.”

178. Article 36 of the 2003 Constitution states that, “Khmer citizens of either sex shall enjoy the right to choose any employment according to their ability and to the needs of the society.”

### **The application for civil servants**

179. Article 11 of the Law on Co-Statute of the Civil Servants of the Kingdom of Cambodia states that:

“Candidates of both sexes may not be recruited to work in the cadre of civil servants, unless they have completed the conditions as hereunder:

- (a) Shall have Khmer nationality;
- (b) Shall be at least 18 years old and not above 25, but there are some exceptional cases as follows:
  - (i) For those candidates who got diploma from superior education the limitation of their ages shall be moving to “from 25 to 30 years old”;
  - (ii) For those candidates who have studied for one or many years in the superior educational establishments but still not be graduated, this limitation of their ages from 25, shall be increasing according to the number of years they have attended so far in those establishments of the superior education but should not be over 30 years old;
  - (iii) For those candidates who have fulfilled their obligations in the military compulsory service, the limitation of their ages, shall be increasing according to the number of years they have been in that military compulsory service;
  - (iv) When necessary, the Royal Government may issue a sub-decree to exempt the age limitation of the candidates in order to satisfy the priority needs and interests of the country.

- (c) Shall not be deprived of citizenship, civil and political rights;
- (d) Shall never be convicted of crime or misdemeanour for committed any acts which harmed to the customs, honour or honesty;
- (e) Shall have sufficient physical ability for performing works in conformity with the qualification requirement as set forth in the instructions and regulations in vigour;
- (f) For those who are of ethnic minorities or from far remote areas and of female sex, may be given facility and priority;
- (g) Shall fulfil the sufficient conditions in the field of competence as stated in separate regulations of body which they wish to apply to work there.”

Therefore, the citizens cannot apply into cadre of the civil servants freely; they are restricted by the terms of law.

180. Besides the restriction in the terms of the co-statute of the civil servants, recruitments in private factories and enterprises are also confined by the law as stated in articles 174, 175, 181, and 163 of Labour Law in 1997.

181. In the public health sector, article 72 of the 1993 Constitution states that the health of the citizens shall be guaranteed. The State shall give full consideration to disease prevention and medical treatment. However, the Constitution in 2003 also have some limitations, not to be practiced for everyone in the case of some articles as follows:

(a) Article 72: Poor citizens shall receive free medical consultation in public hospitals, infirmaries and maternities;

(b) Article 73: The State shall establish nurseries, and help support women and children who have inadequate support;

(c) Article 74: The State shall assist the disabled and the families of combatants who sacrificed their lives for the nation;

(d) The limitations in articles 72, 73, and 74 do not divide or cut down the rights making a group better than another. However, this is to promote vulnerable groups to have equal rights as others.

## **Article 5**

182. The 1993 Constitution of the Kingdom of Cambodia recognizes and respects the rights of the people, including economic, social, and cultural rights. These rights are promoted in accordance with the human rights. The jeopardy of the fundamental rights and freedom of the people which are stated in the Constitution and the international conventions shall be prohibited.

183. In Cambodia, only the Constitutional Council has authority to interpret the Constitution and other official laws. The law does not allow any other institutions or individuals to interpret any articles either national or international conventions which adversely affect the legal rights,

honour and dignity of others. Article 117-1 states that, “The Constitutional Council shall have the duty to safeguard the respect for the Constitution, to interpret the Constitution, and the laws passed by the Assembly.” Article 15 of Law on Organization and Functioning of Constitutional Council similarly states that, “The Constitutional Council has competence in guaranteeing the protection and respect for the Constitution, interpretation of the Constitution and laws which have been adopted by the National Assembly, within a framework of controlling the constitutionality of laws.”

184. In Cambodia, provisions stipulated about rights and freedom in articles of laws or conventions are considered, respected, practiced and promoted by national human rights institutions closely cooperated with international NGOs and other relevant institutions in order to win more national building contributions from the people and ensure justice in the society. The Royal Government does not abuse any provisions or interpret any provisions that affect the rights and freedom, recognized or prohibited in the Convention. Article 107 states that, “Each member of the Royal Government shall be liable for punishment for any crime or misdemeanour that he/she has committed in the course of his/her duty.” and article 52 of the Law on Co-Statute for Civil Servants, forbids civil servants from exercising powers to threaten the rights of the people. The breach of this provision shall be punished according to article 40 of this Law and received legal complaint as well.

185. Since the ratification of this Convention, the Royal Government has not taken any actions that are seen as the violation of the provisions as stated in the Convention. The following measures are important in a democratic society aiming at ensuring national security, public orders, and protection of rights and freedoms of the people. They are as follows:

- (a) Law on Suppression of Gambling;
- (b) Law on Suppression of Kidnapping, Trafficking, Sales and Exploitation of Humans;
- (c) Law on the Management of Pharmaceuticals;
- (d) Law on the Control of Addicted Drugs;
- (e) Sub-Degree on the Administration and Control of Explosive Weapons; and
- (f) Other regulations related to deforestation, illegal fishery, and other acts affecting cultural properties, etc.

186. On the other hand, in Cambodia, fundamental human rights that are recognized by the Constitution are not pressed or resisted whether or not they are stated in this Convention, and the terms that are not in the Convention shall not be used as a basis to reduce or constrain rights and freedom of citizens. This means that the Government has supported and encouraged all NGOs and Associations working to serve the people’s benefits around the country so that they can implement some of the projects of the Government, involving the people’s participation. The Government welcomes all local and international organizations to participate in restoring and developing economy and promoting the practice of democracy and respecting rights and freedom of the people. Therefore, there is no reason for the Royal Government to compress and constrain the citizens’ rights and freedom.

## **Article 6: Right to work**

### **Convention**

187. The Kingdom of Cambodia is a member and ratified the Convention on Economic, Social, and Cultural rights and other international conventions in order to guarantee the rights to employment for all the people who live in Cambodia as follows:

- (a) ILO Conventions and Recommendations on the Night Work of Women 1969;
- (b) ILO Conventions and Recommendations on the night work of children and young persons 1969;
- (c) ILO Convention No. 29 (1930) concerning Forced or Compulsory Labour, 1969;
- (d) ILO recommendation No. 111 (1958) concerning Discrimination in Respect of Employment and Occupation, 1971;
- (e) International Convention on the Elimination of All Forms of Discrimination against Women;
- (f) International Convention on the Elimination of All Forms of Racial Discrimination;
- (g) Convention on the Rights of the Child.

### **The Constitution and laws**

188. To effectively implement the covenants and conventions, the Royal Government of Cambodia recognizes the rights of all the people who live and work in the territory of Cambodia. The Government protects all of the rights to work and tries to find the jobs for the people to work according to their freedoms as affirmed in the Constitution of Kingdom of Cambodia hereunder.

189. Article 36, paragraph 1 of the Constitution states that, “Khmer citizens of either sex shall enjoy the right to choose any employment according their ability and to the needs of the society.” In line with article 36, these rights have given to every people so that they have capacity to make their living via free choice and agreement according to their ability in either public or private sectors.

190. Article 13 of the co-statute of civil servants of the Kingdom of Cambodia states that, “In principle, every process of selecting candidates to engage in the cadre of the civil servants shall be proceeding through test exams, except when determined otherwise by the Royal Government.”

191. Labour law in 1997 states hereunder article 258 that: “Any person looking for employment can request to be registered with the Placement Office of the Ministry in Charge of Labour or with the Employment Office of his province or municipality. All employers are required to notify the Placement Office of the Ministry in Charge of Labour or the provincial or municipal Employment Office of any vacancies in his enterprise or any new need for personnel.”

192. Article 259: “No employer is required to accept a worker who has been referred to him by the Placement Office. The priority for accepting certain categories of workers will be determined by special provisions and regulations.”

193. Article 260: “Personnel of a Placement Office are prohibited from demanding or accepting any payment whatsoever for the placement of a worker.”

194. Article 261: “No foreigner can work unless he possesses a work permit and an employment card issued by the Ministry in Charge of Labour.”

195. Article 263: “Enterprises of any kind and professionals such as lawyers, bailiffs, and notaries who need to recruit staff to work in their profession must appeal to Cambodian as a first priority.”

### **Economic activists and labour forces**

196. Labour force refers to those of at or above ten years old that participates in production of goods and services in the country. They can be employed or not in the week before.

197. Results of the 2001 Labour Force Survey (LFS) in November showed that the total economic activists whose age is 10 years old and over in Cambodia are 6,359.2, meaning 17.6 per cent increase on the level a year ago. It consisted of 3,062 (48.2 per cent) male labour force and 3,297.2 (51.8 per cent) female labour force. The relative share of economic activists of Phnom Penh, other urban and other rural areas were 369.2 thousand (5.8 per cent), 562.7 thousand (8.8 per cent) and 5,427.3 thousand (85.3 per cent), respectively (Refer to Table A below).

<b>Table: Comparative distribution of labour force, 10 years old and over by area and by sex, Cambodia</b> November 2000 and November 2001 (number in thousands)						
Area	Both sexes		Males		Females	
	November 2001	November 2000	November 2001	November 2000	November 2001	November 2000
Cambodia	6 359.2	5 408.8	3 062.0	2 593.0	3 297.2	2 815.8
Phnom Penh	369.2	394.6	188.7	194.3	180.4	200.4
Other urban	562.7	454.0	289.3	227.6	282.4	226.4
Other rural	5 427.3	4 560.1	2 593.0	2 171.2	2 834.3	2 388.9

198. Table B shows the distribution of labour force whose age are 10 years old and over. As shown in the Labour Force Population Ratio (LFPR) or percentage of sub-population 10 years old and over who either have jobs or not in Cambodia constitutes 71.7 per cent. The figure shows 6.5 per cent increase from the previous year of 65.2 per cent. One part of the increase is boosted by the new labour force population especially 10-19 age group, which shows the two-digit increase comparing with the previous year.

199. The labour force population ratio in the rural areas constitutes 74.2 per cent, 9.7 per cent and 20.6 per cent higher than other areas and Phnom Penh which constituted 64.2 per cent

and 53.6 per cent respectively. Except Phnom Penh, the rural areas and towns showed an increase in labour force population ratio of 6.1 per cent and 7.3 per cent on top of 58.4 per cent in 2000 and 66.9 per cent respectively.

<b>Table: Comparative distribution of labour force population 10 years and over by area, sex, and age</b>						
Area/age group	November 2001	November 2000	November 2001	November 2000	November 2001	November 2000
Cambodia	71.7	65.2	72.1	66.2	71.3	64.4
10-14	21.2	8.3	21.3	8.0	21.2	8.6
15-19	67.2	55.1	61.8	47.3	72.4	62.6
20-24	89.2	86.2	89.3	86.4	89.2	85.6
25-29	93.2	91.7	96.6	96.4	89.8	87.4
30-34	94.1	89.3	98.1	97.1	90.5	82.8
35-39	94.6	93.1	98.7	97.4	91.1	89.3
40-44	94.4	92.7	98.9	98.8	90.9	88.1
45-49	94.0	91.7	98.3	98.3	91.2	86.8
10-14	21.2	8.3	21.3	8.0	21.2	8.6
15-19	67.2	55.1	61.8	47.3	72.4	62.6
50-54	92.0	89.2	97.7	94.2	87.6	85.7
55-59	87.1	84.4	93.8	93.0	81.3	77.6
60-64	72.8	68.8	82.2	80.2	65.4	57.5
over 65 years	39.0	32.6	52.1	46.0	27.8	22.4
Phnom Penh	63.6	56.3	57.2	59.4	50.4	53.6
10-14	2.3	11.5	2.8	11.2	1.8	11.9
15-19	25.8	40.6	16.1	31.7	35.1	49.2
20-24	66.1	69.2	64.3	66.7	67.6	71.1
25-29	85.5	78.6	92.8	85.2	75.6	71.2
30-34	85.1	76.0	94.4	92.8	75.6	62.9
35-39	72.9	86.4	91.2	99.5	58.3	74.6
40-44	79.2	88.1	93.6	99.4	64.0	78.1
45-49	75.5	79.5	97.1	97.7	62.6	67.2
50-54		70.6	98.2	77.2	78.3	66.2
55-59	70.6	63.1	90.2	79.5	50.3	47.1
60-64	46.4	53.0	57.2	60.3	38.2	48.7
over 65 years	21.8	19.9	25.7	44.1	18.7	3.6
Urban areas	64.5	58.4	66.5	61.9	62.6	55.2
10-14	13.0	5.0	12.9	4.3	13.2	5.6
15-19	53.4	47.4	47.2	40.6	59.8	53.8
20-24	82.3	76.6	81.7	76.2	82.9	77.0
25-29	87.4	83.2	94.9	93.0	80.5	75.1
30-34	89.9	88.1	98.7	96.9	81.6	73.4
35-39	93.2	87.7	99.2	96.9	86.6	79.6
40-44	90.7	88.1	96.9	99.1	86.5	77.7
45-49	90.6	86.1	97.8	92.7	85.0	81.6
50-54	90.1	81.0	95.4	90.9	85.8	74.6
55-59	76.5	73.5	90.2	89.3	67.3	63.4
60-64	53.4	61.8	68.6	77.6	38.8	46.1
over 65 years	28.1	28.8	42.4	42.8	18.4	18.8

<b>Table: Comparative distribution of labour force population 10 years and over by area, sex, and age</b>						
Area/age group	November 2001	November 2000	November 2001	November 2000	November 2001	November 2000
Rural areas	74.2	66.9	74.2	67.3	74.2	66.5
10-14	25.3	8.4	23.6	8.1	23.4	8.7
15-19	72.8	57.6	68.0	49.7	77.5	65.0
20-24	92.4	89.1	92.5	89.9	92.3	88.3
25-29	94.6	93.7	97.0	97.8	92.2	88.3
30-34	95.4	91.3	98.3	98.0	92.8	86.1
35-39	96.8	94.3	99.3	96.6	94.8	91.7
40-44	96.4	93.8	99.7	98.6	93.8	90.3
45-49	96.8	94.1	98.5	98.9	95.6	90.3
50-54	92.8	92.3	97.9	96.4	89.1	89.4
55-59	89.7	88.0	94.5	95.0	85.5	82.4
60-64	77.0	70.6	85.8	81.4	70.1	59.5
over 65 years	42.1	34.0	55.7	46.5	30.2	24.4

200. The contribution rate of labour forces of people from 35-39 and 45-49 years old is the highest rate of 96.8 per cent in the rural areas. However, in other downtowns and in Phnom Penh, the highest contribution of labour forces is 93.2 per cent among the age groups of 35-39 years old and 87.4 per cent among the age groups of 50-54 years old (referred to Table B).

#### **Employment rate, insufficient employment rate and unemployment rate**

201. The percentage of employment rate among employed people versus the total labour forces was estimated 98.2 per cent, which increased 0.7 per cent comparing to 2000. As shown in Table C, the employment rate was 98.50 per cent for men, which was a bit higher than 97.8 percent for women. In the trend, in Phnom Penh and other downtowns and rural areas, the employment rate was higher for men than women.

202. In some areas where rural men were employed, their employment rate was 0.5 per cent higher than those in other downtowns. This resulted from the high rate of agricultural areas in those areas.

203. In contrast, unemployment rate was estimated 1.8 per cent for both sexes, among which 1.5 per cent for men and 2.2 per cent for women. A proportion of unemployment rate in some downtowns was 2.0 per cent against 1.8 per cent in Phnom Penh and other rural areas. In conclusion, the unemployment rate for women was higher than men in all areas. This result showed that women were difficult to find jobs than those were men (referred to Table C below).



Areas	Employment			Insufficient employment			Unemployment		
	Nov. 2001	Nov. 2000	% (increase/decrease)	Nov. 2001	Nov. 2000	% (increase/decrease)	Nov. 2001	Nov. 2000	% (increase/decrease)
Cambodia	98.2	97.5	0.7	38.1	27.9	10.2	1.8	2.5	(0.7)
Male	98.5	97.9	0.6	39.0	29.9	9.1	1.5	2.1	(0.6)
Female	97.8	97.2	0.6	37.2	26.1	11.1	2.2	2.8	(0.6)
Phnom Penh	98.2	97.9	0.3	24.1	27.9	(3.8)	1.8	2.1	(0.3)
Male	98.6	97.5	1.1	24.1	31.7	(7.6)	1.4	2.5	(1.1)
Female	97.8	98.3	(0.5)	24.0	23.9	0.1	2.2	1.7	0.5
Downtowns	98.0	97.0	1.0	35.3	24.9	10.4	2.0	3.0	(1.0)
Male	98.1	97.6	0.5	33.3	21.7	11.6	1.9	2.4	(0.5)
Female	97.9	96.4	1.5	37.2	28.2	9.0	2.1	3.6	(1.5)
Rural areas	93.2	97.5	0.7	39.3	28.4	10.9	1.8	2.5	(0.7)
Male	98.6	97.9	0.7	40.6	30.7	9.9	1.4	2.1	0.7
Female	97.8	97.2	0.6	38.1	26.3	11.8	2.2	2.8	(0.6)

204. Even though the employment rate in Cambodia has slightly decreased to 0.7 per cent, the number of people who got insufficient employment (were defined as employed people who needed more working hours) increased to 10.2 per cent, so it additionally increased from 27.9 to 38.1 per cent. While the number of men who got insufficient employment was 39.0 per cent among employed men, the insufficient employment rate of women was 37.2 per cent. The highest rate of people who got insufficient employment was 39.3 per cent, which increased 10.9 per cent higher than in 2000 when this rate was only 28.4 per cent. The insufficient employment rate in the same areas was 40.6 per cent for men and 38.1 per cent for women. It is remarkable that the insufficient employment rate of women in other rural areas increased 11.8 per cent while in other downtowns increased only 9.0 per cent, so this rate went up 35.3 per cent or 10.4 per cent higher than the previous year when it was only 24.9 per cent. Meanwhile, it is shown the decrease of insufficient employment rate in Phnom Penh where this rate decreased 7.6 per cent lower than in 2000 when this rate was 31.7 per cent.

### **Employments by sectors**

205. As shown in Table D, the richness or 70.2 per cent of employed people were farmers, hunters, fishermen followed by retailers and wholesalers (10.3 per cent) and factory workers (8.7 per cent). The sectors that provided less employment were electricity, gas, water quarry, and mining (0.3 per cent), hotels and restaurants (0.2 per cent), and finance, non-furniture and other businesses (0.4 per cent).

Sector	Cambodia			Phnom Penh			Downtowns			Rural areas		
	M/F	M	F	M/F	M	F	M/F	M	F	M/F	M	F
All sectors	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Agriculture, fishery, forestry	70.2	70.8	69.7	16.0	15.2	16.8	45.8	45.6	46.1	76.4	77.6	75.4
Factory	8.7	5.6	11.7	12.8	7.7	18.1	10.0	7.3	12.6	8.3	5.3	11.1
Electricity, gas, water, mining, quarry	0.3	0.4	0.2	0.5	0.9	0.1	0.9	1.0	0.8	0.2	0.3	0.1
Construction	1.5	2.7	0.3	3.3	5.8	0.8	3.4	6.3	0.4	1.2	2.1	0.3
Retailer and wholesaler	10.3	5.8	14.5	29.9	17.5	43.0	21.7	12.5	30.9	7.8	4.3	11.1
Hotel and restaurant	0.2	0.1	0.2	0.3	0.0	0.6	0.5	0.5	0.5	0.1	0.1	0.1
Transport and telecommunication	2.7	5.4	0.2	7.6	14.6	0.2	5.7	10.7	0.7	2.1	4.2	0.1
Finance, non-furniture and other businesses	0.4	0.4	0.3	3.0	3.9	2.1	0.7	0.8	0.7	0.1	0.1	0.1
Public administration and defence	2.4	4.4	0.5	13.9	22.8	4.5	5.0	8.8	1.2	1.3	2.6	0.2
Education, health and social affairs	1.8	2.4	1.3	7.0	7.0	7.1	2.8	2.6	3.1	1.4	2.0	0.8
Other sectors	1.5	1.9	1.1	5.7	4.7	0.9	3.5	4.1	2.9	0.1	0.1	0.0

206. In many rural areas, slightly more than three quarter of the employed people (76.4 per cent) did farming, hunting and fishing. Similarly, in other downtowns where almost all employments were in agriculture, hunting and fishing sectors, the rate of all employed people was 45.8 per cent. In Phnom Penh, business sector dominated 29.9 per cent of the total employed people. The dominance of the employed women was in garment factory, retailing and wholesaling. The dominant employment for men were in agriculture, forestry and fisheries, public administration and safeguard, transportation and telecommunication, construction, education social works and other sectors.

### Flexible workers

207. Table E shows the total employed workers who were adaptable to their work conditions. As shown, the number of employees or workers with wage or salary was 1,013.5. Comparing to a proportion of the total number of employed people, the employed people increased 1.0 per cent from 15.2 per cent in November 2000 to 16.2 per cent in November 2001.

208. Furthermore, the number of employers and investors with personal capitals slightly increased 17.2 per cent from 2.3 million in 2000 to 2.6 million in 2001. However, a proportion of the total employed people decreased 9.4 per cent. In the same context, number of workers who voluntarily worked for their families without wages was bigger comparing to the total employed people increased 16.8 per cent from 2.3 million in November 2000 to 2.7 million in the same month of 2001. This proportion comparing to the total employed people in 2001 decreased 0.6 per cent.

Area/sex	Total employed people		Capital possessed employer		Employee		Family worker without wage		Others	
	Nov. 2001	Nov. 2000	Nov. 2001	Nov. 2000	Nov. 2001	Nov. 2000	Nov. 2001	Nov. 2000	Nov. 2001	Nov. 2000
Cambodia	6 243.3	5 275.2	2 551	2 177.3	1 013.6	803.1	2 672.0	2 288.6	6.6	6.2

209. In contrast, the employed people in some downtowns spent more hours (average of 46 hours) comparing to 45 hours and 43 hours of the working hours of people in Phnom Penh and in other rural areas (referred to statistical list 4).

210. Figure 5 shows the working hours of employed people. As seen in both years, it shows the same trend, but, in some extent, they are in different size since the employed people in 2000 worked more hours than employed people in 2001 at the same month.

211. Factors that contributed to unemployment were as follows:

- (a) War took place for more than two decades;
- (b) In this time, investors developed only in Phnom Penh and main urban areas, they had not expanded their investments to the rural areas yet;
- (c) Productions, businesses and agricultures in rural areas always faced natural disasters;
- (d) Wages in rural areas were lower than in cities and urban areas;
- (e) People had no skills and modern techniques in order to meet the current labour markets that kept changing rapidly due to the international markets.

212. In the Kingdom of Cambodia, if we observe the current employment, the rate of employed people is relatively high due to the following sectors:

- (a) The Royal Government has developed the policy of free market and privatization;
- (b) Enforcement of the Law on Investment;
- (c) Rehabilitation of the landmine abandoned during wars for over two decades;
- (d) Good interaction and cooperation with the international communities in donating humanitarian aids and loans;
- (e) Poverty reduction strategy and the rural development direction of the Royal Government;
- (f) Inclusion of the elected parties in the Government tenure.

### **Foreign aid**

213. The NGOs and international organizations have very important role in providing capitals for developing and implementing projects directly, therefore, these tasks have to be coordinated as a joint development programme of the Royal Government. NGOs that provide aids do not have sufficient data about the amount of money donated by those NGOs since the reports have not been made completely. Most of these contributions are handed over by bilateral organizations and multi-organizations through one NGO of aid programme of those organizations. This financial contribution is only a part of participations of NGOs that aim to provide rights to people, particularly victims, to live with dignity and pride.

214. Main sectors supported by NGOs are health, education and trainings, social affairs, community development and agriculture. With main focus on trainings and capacity building, NGOs will extend their supports on activities related to improving the spirit of self-reliance. The planned activities for strengthening the economic capability include micro-loans and income and employment generation.

### **Measures**

215. The Royal Government is now difficult with the unemployment of people with legal ages to work, disabled people, migrated workers, orphans and widows. In order to decrease the unemployment rate, the Royal Government has determined strategy and important goals as follows:

- (a) Provide non-formal trainings on professional skills for generating employment and income in the rural areas;
- (b) Provide short-term non-formal trainings on self-employment in the cities;
- (c) Provide formal education on techniques and vocations for generating employment with wages via modern technology.<sup>28</sup>

216. In order to build up gradual responses, the Royal Government has been striving to develop human resources by focusing on the basis of self-reliance, and, at the same time, encourage the private sectors to help in the fields of cultures, foreign languages, businesses and multi-techniques in the cities, downtowns and rural areas. It is remarkable that in the last period of time the education-trainings have been focused on the demand of labour markets not only in quantity and techniques but the Royal Government also has thought carefully about the levels of skills required by local employment in order to meet the social and regional requirements of the world.

217. During a waiting-period for sufficient human development and reduction of the unemployment rate, the Royal Government has been striving to seek solutions for people in three means as follows:

- (a) Increase investments in various sectors, especially garment sector which absorb a great amount of workforces;
- (b) Increase number of agencies for providing public services to ensure the employment for destitute people by recruiting them to work in the Ministry of Social Affairs and Labour and constructing the infrastructures in rural areas which are supported by foreign aids;
- (c) Collaborated closely with private companies to provide trainings and send Cambodian labour forces to work abroad such as sending them, in the first phase, to work in Malaysia, and the Royal Government is now negotiating with many other countries.

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<sup>28</sup> Action plan for economic and social development 1996-2000.

218. It is a strategy of workforce management which greatly benefits the developing countries like Cambodia and it directly brings income from foreign countries to Cambodian people. Moreover, those people get new skills as well as opportunity to escape the local unemployment.<sup>29</sup>

### **Objective**

219. In principle, the Royal Government and the Ministry in charge of employment sector which are headquarters have determined strategic objectives for effective execution of rights to employment as follows:

- (a) Accelerate the trainings and trainings on Labour Law;
- (b) Strengthen inspection through the conduct of regular monitors at factories and industries;
- (c) Prepare to create a joint convention between the trade union and employers;
- (d) Increase provision of vocational services both in and outside the country;
- (e) Strengthen the management of Cambodian and foreign employees;
- (f) Accelerate the vocational training centres to be well functional;
- (g) Continue cooperation with national and international organizations;
- (h) Conduct monitoring at factories and industries on apprenticeship training;
- (i) Conduct assessment tests to accredit the level of vocation of apprentices who have received training.<sup>30</sup>

## **Article 7: Right to decent working conditions**

### **Constitution and laws**

220. The Kingdom of Cambodia is being built to be a State of Law by creating laws consecutively in respect of the will of all Khmer people together with covenants and conventions relevant to human rights for guaranteeing the selection of labour ability, politics, and the individual rights. They all have been defined clearly in a detail report on the execution of the civil rights and rights to politics which was submitted by the Royal Government to the Secretary-General of the United Nations in 1997.

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<sup>29</sup> Report of the Royal Government submitted to the National Assembly 2002.

<sup>30</sup> Strategic report of the Ministry of Social Affairs and Labour 2001-2002.

221. Article 35 of the Constitution says “Khmer citizens of either sex shall have the right to participate actively in the political, economic, social and cultural life of the nation. Any suggestions from the people shall be given full consideration by the grant of the State”. In respect of this article of the Constitution of the Kingdom of Cambodia, all Khmer citizens shall not be divided and discriminated.

222. Article 36 of the Constitution says “Khmer citizens of either sex shall enjoy the right to choose any employment according their ability and to the needs of the society. All individuals who live in Cambodia whether or not they are Khmer citizens shall enjoy the right to choose any employment according to their abilities.”

### **Minimum wage**

223. The Kingdom of Cambodia has acknowledged the Convention and covenant on the right to enjoy the economy, social affairs and culture, which enable all citizens to enjoy the right to receive salary, severance, wage, regional allowance and other bonus without discrimination.

224. Article 36 of the Constitution of the Kingdom of Cambodia says that “Khmer citizens of either sex shall receive equal pay for equal work” (annex 2, art. 36).

225. Men and women are guaranteed for proper wage, pay for overtime work, commission, retirement pension, perquisite and bonus. Women are entitled to salary during maternity leave, and her minimum wage shall be guaranteed.

226. Article 103 of the Labour Law says that “Wages include, in particular: actual wage or remuneration, overtime payments, commissions, bonuses and indemnities, profit sharing, gratuities, the value of benefits in kind, family allowance in excess of the legally prescribed amount, holiday pay or compensatory holiday pay, amount of money paid by the employer to the workers during disability and maternity leave.”

227. Article 105 of the Labour Law says that “Any written or verbal agreement that would remunerate the worker at a rate less than the guaranteed minimum wage shall be null and void.”

228. Article 107 of the Labour Law says that “The guaranteed minimum wage is established without distinction among professions or jobs. It may vary according to region based on economic factors that determine the standard of living.”

(a) The minimum wage is set by a Declaration (ministerial order) of the Ministry in Charge of Labour, after receiving recommendation from the Labour Advisory Committee. The wage is adjusted from time to time in accordance with the evolution of economic conditions and the cost of living;

(b) Elements to take into consideration for determining the minimum wage shall include, to the extent possible:

- (i) The needs of workers and their family in relation to the general level of salary in the country, the cost of living, social security allowance, and the comparative standard of living of other social groups;

- (ii) Economic factors, including the requirements of economic development, productivity, and the advantages of achieving and maintaining a high level of employment.

229. Article 104 of the Labour Law says 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.”

230. Article 109 of the Labour Law says that “Minimum wages established by virtue of this law must be permanently posted in the workplace and in payment and recruitment offices.”

231. Article 110 of the Labour Law says that “The employer shall include the commissions or gratuities, if any, when calculating remuneration for paid holiday, dismissal indemnity in the event of dismissal and for damages in the event of termination of the labour contract without prior notice, or for an abusive breach of the labour contract.” The calculation is based on the average monthly commissions or gratuities previously received over a period of time not to exceed the twelve months of service up to the date of leave or termination of work.

232. Article 112 of the Labour Law says that “The employer must take measures to inform the workers in a precise and easily comprehensible fashion of:

- (a) The terms regarding wage that apply to workers before they are assigned to a job or at any time that these terms change;
- (b) The terms that make up their wage for every pay period when there is a change to the items.”

### **Practice**

233. In real practice, even though the country is in a difficult condition of socio-economy resulted from great disasters of genocidal acts and wars prolonged over two decades, the Royal Government has set a policy of social security for civil servants and armed forces for facilitating their difficulties when they are old, dead and disabled resulted from danger during employment or mission. Those policies include:

- (a) A Decision No. 245 dated 5 November 1988 on policy of social security for officers and officials, State employees and disabled people;
- (b) Sub-Decree No. 59 dated 6 October 1997 on execution of retirement pension, professional disability pension and youth professional rehabilitation for civil servants.

234. For workers and employees working in private factories and industries, the Ministry of Social Affairs, Vocational Training proposed a prior decision from the Council of Ministers on the draft of law on social security before submitting it to the National Assembly for adoption.

235. In present, the civil servants got lowest salary. In 2002, the average monthly salary per employee was US\$ 30; it didn't meet the requirement of family expense. In order to feed the whole family, a civil servant had to make extra money through work of seller, motor taxi driver, home gardener, etc.

236. In present, workers and employees working in factories and industries got the salary of at least US\$ 40, which was higher than the civil servants'.<sup>31</sup>

237. According to the actuality and evidences raised by representatives of workers and employees and other representatives, the minimum monthly wage was US\$ 40 for workers and employees working in textile sector and shoes factories during their probationary period of one to three months. For workers and employees who received wages according to the actual amount of products they produced, the wages were not limited. If they got more than US\$ 40 per month due to their high productivities, the amount exceeded US\$ 40 and all belonged to them. In contrary, if they deserved lower than US\$ 40 due to their low productivities, the employers had to add that salary up to US\$ 40 per month.

238. After the probationary period, workers and employees, who were accepted to be full-time workers or employees, received US\$ 45 per month, monthly bonuses, and bonuses for long-term employment. For workers and employees who received wages according to the actual amount of products they produced, the wages were not limited.<sup>32</sup>

239. In 2000, in order to provide proper severance pay to workers and employees, particularly those who worked in garment and shoes production sectors, the Royal Government of Cambodia formed a Labour Advisory Committee consisting of relevant components such as the Royal Government, employers, and workers' representatives. This committee has increased the minimum salary of US\$ 40, which had been determined since 1997, to US\$ 45 per month together with monthly bonuses and bonuses for long-term employment. Meanwhile, a new allowance system for public civil servants was being prepared.

240. For more information about the minimum salary, please read the book on Labour Law published by the Ministry of Social Affairs, Labour and Veterans 1988, the book on Judiciary Procedures of Social Affairs and Youth Rehabilitation 2000 and Notice No. 017 of the Ministry of Social Affairs, Vocational Training and Youth Rehabilitation (presently called Ministry of Labour and Vocational Training) dated 18 July 2000.

### **Job discrimination**

241. Article 12 of the Labour Law says that "Except for the provisions fully expressing under the law, or in any other legislative text or regulation protecting women and children, as well as provisions relating to the entry and stay of foreigners, no employer shall consider on account of race, colour, sex, creed, religion, political opinion, birth, social origin, membership of workers' union or the exercise of union activities, to be the vocation in order to make a decision on:

- Hiring, defining and assigning of work, vocational training, advancement, promotion, remuneration, granting of social benefits, discipline or termination of employment contract, distinctions, rejections, or acceptances based on qualifications required for a specific job shall not be considered as discrimination."

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<sup>31</sup> Labour Law of the Ministry of Labour.

<sup>32</sup> The notice No. 017.



242. To promote ranks/grade shall be done in conformity with a basis of equality for both sexes of civil servants in conjunction with provisions stipulated in articles 20 to 22 of the Law on Co-Statute of Civil Servants.

243. Article 11 of the Law on Co-Statute of Civil Servants says “Candidates of both sexes may not be recruited to work in the cadre of civil servants, unless they have completed the same conditions.”

244. In response to article 6 of the Convention on the Elimination of all forms of discriminations against women, the Constitution of the Kingdom of Cambodia has acknowledged and respected the dignity of women.

245. Article 46 says that “The commerce of human beings, exploitation by prostitution and obscenity which affect the reputation of women shall be prohibited.”

246. Even though the Kingdom of Cambodia has laws as mentioned above, under the effect of wars protracted over two decades in Cambodia, women and children have faced sever difficulties. Through observation, women who have become prostitutes due to factor as follows:

(a) Poverty, more members in their families, deteriorated by step-mothers, raped by step-fathers, raped by brother-in-law, cheated by cunning people, sold by their own mothers, physically tortured or deported to sell;

(b) Needed money to seek medical treatment for mothers or fathers, physically tortured by husbands and separated after marriages.

247. To guarantee against the above problems, the Royal Government have set an appropriate measure to protect the dignity of women through creating “the Law on Suppression of Kidnapping, Trafficking, Sale and Exploitation of Human Persons”.

248. Article 3 of the Law on Suppression of Kidnapping, Trafficking, Sale and Exploitation of Human Persons says that “Any person who lures a human person, even male or female, minor or adult of whatever nationality by ways of enticing or any other means, by promising to offer any money or jewellery, even though upon there is no consent from the concerned person, by ways of forcing, threatening or using of hypnotic drugs, in order to kidnap him/her for trafficking/sale or for prostitution, shall be subject to imprisonment from ten (10) to fifteen (15) years. Shall be punished to imprisonment from fifteen (15) to twenty years, for the case if the victim is a minor person of less than 15 years old.

249. Article 46 of the Constitution of the Kingdom of Cambodia says that “The State and society shall provide opportunities to women, especially to those living in rural areas without adequate social support, so they can get employment, medical care, and send their children to school, and to have decent living conditions.”

250. According to the article above, the Royal Government has paid so much attention to women without sex discrimination. In particular, the Royal Government with collaboration with local and international NGOs has been working so actively to combat prostitution and human trafficking through searching for targeted victims and provide them first aids service.

### **Practice**

251. In fact, the Royal Government has taken all measures to eliminate all forms of discrimination against women in employment sector, marriages and maternities by reviewing the legal procedures to ensure equal rights. In recruiting candidates to serve as civil servants through examination in accordance with the skills required by each ministry, all women shall enjoy the right to apply for sitting these examinations due to their abilities and the requirements determined. In private sector, in recruitment of each industry or factory based on personal abilities, women are also allowed to apply for that kind of jobs in accordance with conditions set by those factories and industries. However, in real practice some problems still occur concerning with employment between males and females such as: in construction works, the wage for males is 7,000 riels per day while females get only 5,000 riels. Besides, in factories, restaurants and hotels, majority of employees and workers are females.

### **Right to social security**

252. In article 36 of Constitution of the Kingdom of Cambodia says “Every Khmer citizen shall have the right to obtain social security and other social benefits as determined by law.”

253. The Royal Government issued a Decision No. 245 dated 5 November 1998 on the policy of social security for the retired civil servants and the disabled civil servants at the age of 55 to 60 years who have to retire. However, workers and employees are required to retire at the age of 55 years and their daily working hour is 8 hours or 48 hours per week. They are required to work overtime in case of urgency. All hours of overtime works shall be added extra wage of 50 per cent to their minimum wage/salary. The civil servants, workers and employees are entitled to public holidays and traditional holidays with full pay. For women, in case of child delivery and miscarriage, they are entitled to take leave to consult with doctors at health centres or hospitals.

254. The Law on Social Security for very person subjected to the legislations on labour was adopted by the National Assembly on 15 August 2002. This law talks about the retirement pension, retirement interests, interests of the disabled, interest of other senior people, moreover, it talks about interests related to dangers (danger during working hours). The cost of social security determined by this law is subjected to accountability of the national treasury of social security. The Decree on establishment of the national treasury of social security was promulgated in accordance with the spirit of the Sub-Decree No. 572 dated 20 July 2007 of the Royal Government of the Kingdom of Cambodia under participations from three elements: the Royal Government, employers and employees.

255. Among policies of social security set in the Law on Social Security for all people subjected to the provisions of the Labour Law, the risk-related labour is a priority factor, and after this are pension and other factors which will be determined by the Sub-Decree consecutively in compliance with the actual situation of economy.

### **Right to health protection and safety**

256. The Royal Government has paid much attention to protect health and safety of employees. In practice, health and safety for workers and employees are guaranteed by the Labour Law under a basis of equity. Article 229 says that “All establishments and work places must always be kept clean and must maintain standard of hygiene and sanitation or generally must maintain the working conditions necessary for the health of the workers. The Ministry in Charge of Labour and other relevant ministries shall prepare a Declaration (ministerial order) to monitor the measures for enforcing this article in all establishments subject to the provisions of this Chapter, particularly regarding:

- The quality of the premises
- Cleaning
- Hygienic arrangement for the needs of personnel
- Beverages and meals
- Work stations and the seating arrangements
- Ventilation and sanitation
- Individual protective instruments and work clothes
- Lighting and noise levels in the workplace”

257. Article 172 of the Labour Law says that “All employers and managers of establishments in which child labourers or apprentices less than eighteen years of age or women work, must watch over their good behaviour and maintain their decency before the public. All forms of sexual violation (harassment) is strictly forbidden.”

258. Article 172 of the Labour Law also determines the different types of work that are hazardous or too strenuous and that shall be prohibited to children aged less than eighteen years.

259. Article 229-230 of the Labour Law says that “Women and children shall be prohibited to work where it is dangerous or overloaded that might affect their permanent productive health.”

### **Practice**

260. In real practice, the Department of Labour Inspection of the Ministry of Labour and Vocational Training has duty to conduct inspection on sanitation and labour security at industries, factories, workshops and to monitor infirmities, emergency rooms, necessary medicines, daily use of clean water and beverages, toilet preparations and bathrooms. Furthermore, workers and employees were sent to have medical checks at the Department of Labour Medical Service of the Ministry of Labour. In case of violation of the Labour Law, the violators shall be fined and sued to the court.

### **Equal right to labour benefits**

261. Article 36 of the Constitution says that “Khmer citizens of either sex shall enjoy the right to choose any employment according their ability and to the needs of the society.” So, women are fully entitled to choose any employment according to their ability as men do and to the requirements of the society.

262. To successfully achieve the objective above, the Ministry of Labour and Vocational Training prepared priority strategies for 2006-2010 as follows:

- (a) To generate employment opportunities;
- (b) To ensure better work conditions;
- (c) Enforce the Law on Social Security for every person who are subjected to the Labour Law;
- (d) Develop professional capacities, techniques and vocations for citizens.

263. In the process of recruitment of candidates to serve as civil servants through examination according to the needs of skills of each institution, women shall enjoy the right to apply for taking those examinations due to their own ability and the conditions determined. When private employers or owners of industry need to recruit new personnel, employees and workers in each field of professions, women can apply for those positions required by each factory and industry. Honourable ranks/grades will be provided civil servants of both sexes based on a basis of equity in conformity with the provisions stipulated in article 2 to 32 of the Law on Co-Statute of the Civil Servants. Due to actual condition, women who work in the government institutions will be assessed and promoted their ranks/positions according to their ability. Women who have professional skills can get suitable positions without discrimination.

### **Paid leave**

264. Article 146 in the Labour Law adopted in 1997 says that “It is prohibited from using the same worker for more than six days per week and the weekly time off shall last for a minimum of twenty-four consecutive hours.” Employer has the right to grant his worker special leave during the event directly affecting himself/herself and the worker’s immediate family.

265. In 2000, in order to properly settle severance pay for workers and employees, especially in garment factory and shoes production sectors, the Royal Government of Cambodia established an Employment Council Committee with participation from the Royal Government, employers and representatives of workers. The Employment Council Committee increased a minimum salary from US\$ 40, determined in 1997, to US\$ 45 per month. After July 2000, monthly bonus and long-term employment bonus were granted. Meanwhile, a new allowance system for the civil servants had also been preparing.

266. Article 46 of the Constitution says that “A woman shall not lose her job because of pregnancy.” Woman shall have the right to take maternity leave with full pay and with no loss of seniority or other social benefits.

267. Article 182 of the Labour Law says that “The employer is prohibited from laying off women in labour during their maternity leave or at a date when the end of the notice period would fall during the maternity leave.” After the maternity leave and during the first two months after returning to work, they are only expected to perform light work.

268. Article 183 of the Labour Law says that “Women are entitled to half of their wage, including their perquisites, paid by the employer.”

269. Female civil servants shall have the right to propose her superior for alternating her position in the event where it might cause any harm to her health.

270. Normally, women who work in public position are granted maternity leave for a period of three months with full pay and other allowances. After taking maternity leave, women shall return to hold their normal daily work, and they are entitled to breast-feed their children during a break. Women working in enterprises or factories are entitled to leave of 90 days after a child delivery, and they shall obtain half of their salary and other allowance.

271. In real practice, the civil servant is entitled to 2-day holiday per week, on Saturdays and Sundays. For public holidays and maternity leave are paid leave. Workers and employees are entitled to the same public holidays as the civil servants. It is true that workers and employees are willing to work on holidays with additional wage given by their employers.

### **Obstacle**

272. Even though the Royal Government has paid much attention to the aforementioned challenges, there still existed some problems as follows:

(a) Disputes between employers and workers/employees still existed. Reconciliations have been made focusing mainly on some important goals: labour dispute reconciliation, improvement of the practice of freedom of trade union as well as establishment of some other principles for enforcing the Labour Law. In 2007, the Ministry of Labour focused its tasks mainly on solving labour disputes. After reconciling by professional officials in conjunction with the Labour Law, both parties in the dispute got well with each other;

(b) So far, 186 labour disputes occurred in 173 industries and institutions were reconciled (reconcilable: 103 cases and irreconcilable: 83 cases) among which 103 cases were settled by the Labour Inspectors depending on formal complaints submitted (reconcilable: 52 cases and irreconcilable: 51 cases), and 83 cases which came up with illegal strikes were also settled by the Labour Inspectors (reconcilable: 51 cases and irreconcilable: 32 cases). For the 83 labour disputes, which were irreconcilable, were sent by the Ministry to the Arbitration Committee. 61 individual disputes taking place in 59 industries and establishments were settled (reconcilable: 37 cases and irreconcilable: 24 cases);<sup>33</sup>

(c) The execution of the Labour Law is likely ineffective yet.

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<sup>33</sup> Report on work achievements 2008 of the Ministry of Labour and Vocational Training: pp. 4-5.

## **Measures**

273. To solve the foregoing disputes, the Royal Government of the Kingdom of Cambodia through the Ministry in Charge of Labour has set some measures as follows:

- (a) Accelerate the execution of laws together with administrative reform and judicial system reform;
- (b) Take all actions to eliminate discriminations in employment practices in order to ensure the equal right between men and women;
- (c) Strengthen the effective execution of the Labour Law;
- (d) Prepare Declarations on minimum wage for other sectors;
- (e) Prepare Orders in advance for the execution of the laws on social security;
- (f) Provide trainings on capacity building to inspection officials;
- (g) Provide trainings on building technical capacity to the civil servants in charge of social security;
- (h) Conduct inspection and monitoring the dangers existing in industries;
- (i) Provide trainings on sanitation and labour security to doctors in industries;
- (j) Stabilize the vocational training centres which are now in operations;
- (k) Issue Declarations on holidays, limit of working hours, time off in public holidays.

## **Article 8: Right to form trade unions**

### **Covenant and convention**

274. The Kingdom of Cambodia has become a member and extradited on covenant and international convention for guaranteeing the right on forming the trade union as the following:

- (a) The International Covenant on Civil and Political Rights (26 August 1992);
- (b) The Convention of the International Labour Organization (ILO) Convention No. 87 (1948) concerning Freedom of Association and Protection of the Right to Organize (23 August 1999);
- (c) ILO Convention No. 98 (1949) concerning the Application of the Principles of the Right to Organize and to Bargain Collectively (23 August 1999).

### **Constitution and laws**

275. The Constitution of the Kingdom of Cambodia shall guarantee the freedom of Khmer citizens to form and to be member of trade unions (art. 36 of the Constitution).

276. This right to form a trade union shall be guaranteed and defended by the Labour Law in 1997. In Chapter 11, article 266 of the Labour Law says that “Without distinction whatsoever and prior authorization, the employee and employer shall have the right to form professional organizations of their own choice for the exclusive purpose of studying, promoting the interests and protecting the rights, as well as the moral and material interests, both collectively and individually, of the persons covered by the organization’s statutes.”

277. Article 269 of the Labour Law says that “The members responsible for the administration and management of a professional organization shall meet the following requirements:

- (a) Be at least 25 years of age;
- (b) Be able to read and write Khmer;
- (c) Not have been convicted of any crime;
- (d) Have engaged in the profession or the job for at least one year.”

278. Article 270 of the Labour Law says that “Foreigners who are eligible to be candidates for the election of the management of a professional organization of employers must meet the following requirements:

- (a) Be at least 25 years of age;
- (b) Be able to read and write Khmer;
- (c) Have the right to permanent residence in accordance with the Immigration Law of the Kingdom of Cambodia;
- (d) Have worked for at least two consecutive years in the Kingdom of Cambodia.”

279. Article 271 of the Labour Law says that “All workers, regardless of sex, age, nationality are free to be a member of the trade union of their choice.”

280. Article 272 of the Labour Law says that “All members of a trade union can participate in the management and administration of the union if they meet the requirements laid in article 269 and 270 above. The union’s statutes, however, can possibly limit the conditions for participations of retirees in the functions.”

281. Article 273 of the Labour Law says that “The trade union freedom of individuals also implies freedom of not joining workers’ union or employers’ association and freedom of withdrawing at any time from the organization in which they join.”

282. Article 279 of the Labour Law says that “Employers are forbidden to take into consideration union affiliation or participation in union activities when making decisions concerning recruitment, management and assignment of work, promotion, remuneration and granting of benefits, disciplinary measures and dismissal.”

283. Article 280 of the Labour Law says that “Acts of interference are forbidden. In the senses of the present article, acts of interference are primarily measures tending to provoke the creation of worker organizations dominated by an employer or an employers’ organization, or the support of worker organizations by financial or other means, on purpose to place these organizations under the control of an employer or an employers’ organization.”

### **Right to trade union operation**

284. Besides, on 22 November 2001, the Ministry of Labour issued a Declaration No. 305 on the representativeness of the workers’ professional organizations at industry or establishment level and right to hold collective negotiation for creating a joint treaty at industry and establishment levels, where article 3 says “All workers and employees who are candidates to be elected as a leader of the trade union shall be protected from dismissal from employment as the same as the personnel delegation.

285. In real practice, many trade unions at factories and industries have enjoyed their rights to freely and fairly select its representative without any coercion. The trade unions established have a smooth operation at their factories and industries in defending and increasing the common interests of workers since those representatives of the trade unions were selected through election made by personal wills and intentions of workers/employees without suppression.

### **Practice**

286. Obviously, in 2002, the Ministry of Labour issued a Declaration No. 277 on professional organizations. According to reports of the Ministry of Social Affairs and Labour, there are 14 unions and 392 based trade unions among which 13 unions are in garment sector and another one trade union is of the construction workers based in Siem Reap in 2003.

287. In present, the trade unions above are well-functional in protecting interests of workers together with good collaboration with representatives of the Ministry of Social Affairs, Veterans and Youth Rehabilitation, in solving problems with employers via peaceful means for defending and improving rights of workers in conjunction with the Labour Law of the Kingdom of Cambodia.

### **Right to strike**

288. In the Constitution, the right to strike in article 37 says that “The right to strike and to non-violent demonstration shall be implemented in the framework of a law.”

289. Strike is an act of suspension from work by workers/employees through a reciprocal consent among workers/employees in a particular industry or establishment, aiming to seek a just solution from their employers to their protest, and it is also a condition for which they will return to work normally. Article 319 of the Labour Law says that “The right to strike and lockout are guaranteed. It can be exercised by one of the parties to a dispute in the event of rejecting the arbitral decision.”

290. Article 32 of the Labour Law says that “A strike shall be declared according to the procedures set out in the union’s statutes, which must state that the decision to strike is adopted by secret ballot.” Procedures prior to strike of the Labour Law are precisely specified through



submitting prior notice about minimum service and essential service articles. 324, 325, 326, 327, 320 and 329). Articles 330 to 335 of the Labour Law determine the effect of a strike. Articles 336 and 337 of the Labour Law define the illegal strike. The Ministry of Social Affairs has also issued a Circular No. 005 on the right to strike.

291. Since 1998, small number of workers and employees in Phnom Penh has gone on strikes to claim proper wage from their employers. To solve these problems, the Ministry has met with garment trade unions and employers for many times in order to reach an agreement on determining minimum wage of US\$ 40 per month for apprentices and US\$ 45 for workers and employees. Reports on remarkable achievements of the Royal Government in the second mandate (1998-2003) showed that since 1998 to 2003 there had been 658 strikes, among which 345 cases were held without authorization. These acts showed the freedom of workers and employees to strike.

292. For Khmer Royal Armed Forces, police forces and civil servants who want to exercise the above rights shall follow other legal procedures. The Law on Co-statute of Civil Servants does not prohibit the civil servants from becoming a member of the trade union.

293. In the regime of the State of Cambodia in 1993, the Cambodian Trade Union was formed with its structures from the national level to grassroots level. State workers and employees could willingly join as member and in activities at all levels, in particular, the unions at the grassroots levels paid attention to improving livelihoods of employees as well as workers through means such as providing financial supports or materials when members had any special event in his/her family, mainly sickness, death or other accidents. Besides the aforementioned activities, members of the trade union at all levels were always aware of laws on national policies and a guarantee of the State, through leading their own unions directly. At that time, principles of the trade union were focused mainly on participation in defending benefits of workers and personnel and encouraging members who had good performances in their works, the State's affairs and morality.

294. After the election in 1993, even though the trade union had been formed with no new legal principles, this image has continued up to now. However, the members of this trade union have made no remarkable activities.

295. Concerning with rights, obligations, duties and responsibilities of employees, article 9 of the Law on General Statute for the Military Personnel of the Royal Cambodian Armed Forces says that "Military personnel may enjoy the same rights and freedom as other citizens. However, the exercise a certain rights and freedom shall be limited according to conditions as stated in this laws. Military personnel shall be neutral in their function and work activities, and the use of functions/titles and State's materials, for serving any political activities, shall be prohibited."

296. Military personnel may not joint together to form a professional group which has a character of a trade union or as membership of any professional group which is not in conformity with the military discipline. Military personnel may freely join as membership in those assembling groups which are not stated in paragraph 1 of this article. However, the assumption of any position in those groups or associations, shall he required to have authorization in advance from the competent military authority.

297. The Minister of National Defence may order the concerned persons to renounce those above positions and responsibilities, and in necessary cases may order them to abandon those groups. Particularly, for those who had formerly been members of political organizations or trade unions who are to fulfil the compulsory military services for the defence the motherland in term as military personnel, they may still remain as members of those organizations or trade unions as before, but shall cease all activities with those political parties or trade unions during the period of serving in the Royal Cambodian Armed Forces (art. 12-1.2.3.4 of the Law on General Statute for the Military Personnel of the Royal Cambodian Armed Forces says that).

298. The exercise of the rights to demonstration or the rights to strike shall be prohibited for military personnel (article 13 of the Law on General Statute for the Military Personnel of the Royal Cambodian Armed Forces).

### **Practice**

299. In real practice, the Ministry of Defence is enforcing the execution of the above law.

300. Totally, the exercise of the Laws related to the formation of trade union is not broad yet. In this case, the Royal Government is spreading the awareness to all people, particularly at industries and factories in Cambodia. As a result, the Labour Law has been seriously exercised.

### **Measure**

301. In order to effectly exercise the laws above, the Royal Government has taken actions as follows:

- (a) The Royal Government has supported the right to freely join and form trade unions;
- (b) The Royal Government has taken serious actions to ensure the safety for members of the trade union to strike;
- (c) The Ministry of Social Affairs has broadly disseminated information about the laws on strike to workers and employees who are members of the trade union;
- (d) The Ministry of Social Affairs has paid attention and taken actions to protect the operation of the trade union;
- (e) The Ministry of Social Affairs has set up absolute measures and interventions to prevent the interferences of employers in the trade union;
- (f) Established the Labour Court.

### **Article 9: Right to social security**

302. In the aim to strengthen the social security as well as to acknowledge the human rights, the Royal Government has actively strived to draft laws in accordance with the Constitution of the Kingdom of Cambodia as well as the International Covenant and has consecutively submitted them to the National Assembly for adoption.

303. In this sense, the security insurance for all people of both sexes has been stipulated by the Constitution of the Kingdom of Cambodia as the following:

- (a) Every Khmer citizen shall have the right to obtain social security and other social benefits as determined in (art. 36-4);
- (b) A woman shall not lose her job because of pregnancy. Woman shall have the right to take maternity leave with full pay and with no loss of seniority or other social benefits;
- (c) The State and society shall provide opportunities to women, especially to those living in rural areas without adequate social support, so they can get employment, medical care, and send their children to school, and to have decent living conditions. (art. 47-2.3);
- (d) The health of the people shall be guaranteed. The State shall give full consideration to disease prevention and medical treatment. Poor citizens shall receive free medical consultation in public hospitals, infirmaries and maternities;
- (e) The State shall establish infirmaries and maternities in rural areas (art. 72);
- (f) The State shall give full consideration to children and mothers. The State shall establish nurseries, and help support women and children who have inadequate support (art. 73);
- (g) The State shall assist the disabled and the families of combatants who sacrificed their lives for the nation (art. 74);
- (h) The State shall establish a social security system for workers and employees (art. 75).

304. In response to the decrease of the social value resulted from a crisis of protracted wars over two decades, the Royal Government of the Kingdom of Cambodia has accelerated the concerned ministries to pay much attention on creating laws and efficiently executing the laws promulgated by the Kingdom of Cambodia to ensure the social security. Ministries have given their high consideration on exercising national policies, aiming at bettering the living standard of the former civil servants in conjunction with the possibility of the national economy. The social security system was set up in which all civil servants are guaranteed with regard to the availability of the national economy, as well as the national strategy of financial sector towards the improvement the living standard of the civil servants by providing retirement pension to retired civil servants together with allowance to disabilities, maternity leaves, sicknesses, labour dangers and deaths. The retirement pension has been adjusted to fit a new salary system and the gradual increase of salary has also been made through modifying the unit price of the basis salary index of the civil servants for four times. The Ministry of Labour has subjected the civil servants of both sexes to retirement and professional disability according their respective frameworks.

305. Until 2007, there were 26,486 retired civil servants (died: 3,527) and 6,217 professional disability civil servants (died: 1,376). The Royal Government spent 2,804,325,700 riels. The Ministry has adjusted the system of social security for three consecutive phases and has created a national cash box and a social security for the civil servants in the purpose to enhance the existing policies and to provide good welfares to the civil servants together with the profit

sharing policy of equal development. In the last five years, the Ministry has decided to compose a payroll for 12,594 retired civil servants and duplicate list of 1245 people. Moreover, Allowances have been paid to 9,341 wives of retired men and 17,594 children.<sup>34</sup>

306. Social security is a new issue for the Royal Government. Even though it is likely short of budget and techniques, the Royal Government has focused its attention on bettering the legal framework and exercises as follows:

- (a) Provide care and medical treatment;
- (b) Provide supports for maternity;
- (c) Provide supports for labour related dangers;
- (d) Provide supports for emergency;
- (e) Provide supports for elderliness;

### **Health care and treatment**

307. The health of the people shall be guaranteed. The State shall give full consideration to disease prevention and medical treatment. Poor citizens shall receive free medical consultation in public hospitals, infirmaries and maternities at national, provincial, district/Khan and Commune/Sangkat levels nationwide (art. 72 of the Constitution in 2993).

308. Civil servants, retired people and professional disabled people who are sick shall enjoy the right to free medical treatment at the public hospitals. For three years of medical treatment, the civil servants shall have the right to full monthly salary and other allowances as they were holding their positions.<sup>1</sup>

309. For workers and employees working in factories, industries and private establishments shall have the right to medical treatment provided by medical services at factories, industries or public hospitals under accountabilities of employers when they are sick or get injury during working hours. In 2007, the Ministry continued to focus its attention on the implementation of the Labour Law through the dissemination, education and training, and labour inspection on working conditions, hygiene and health, and safety, child labour, and usage of foreign labourers at factory, enterprise, and other institutions nationwide.

310. Besides paying attention and insurance for workers and employees, when they are sick, the Ministry of Health in cooperation with employers shall take action to prevent contagious diseases through vaccination injection by an established group of Diseases Preventive Chemists at the selective places (stipulated in article 245, Labour Law).

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<sup>34</sup> Report on progresses of people through implementation achievements of the Rectangular Strategy of the Royal Government 2004-2007 of the Ministry of Social Affairs, Veteran and Youth Rehabilitation, p. 7.

### **Support for work-related accidents**

311. The Royal Government of Cambodia in cooperation with employers has paid attention on workers and employees in the event of work-related accidents and set out measures to prevent work-related accidents. Article 250 of Labour Law 1997 articulated, “Every manager of enterprise shall manage or have someone taken all appropriate measures to prevent work-related accidents.”

312. In case of work-related accidents happen, the employer or the manager of the enterprise shall bear the obligation to provide the compensation to fix the work-related accidents as follows:

- (a) Taking care and healing the injury;
- (b) Providing daily compensation;
- (c) Providing annuity or allowances;
- (d) Covering the cost for funeral and annuity for dependent people of the victim.<sup>35</sup>

313. Meanwhile, the employer and the manager of the enterprise have obligation to provide support for medical treatment and care during hospitalization, and also during post hospitalization after healing such as:

- (a) The cost for medical treatment;
- (b) The cost for medicine and other medical treatment accessories;
- (c) The cost for hospitalization or other places such as clinics;
- (d) The supply, repairing, or adjustment of artificial prosthetics, cane, and cart for cripple;
- (e) The cost for mobilization of the victim from the accident scene to the hospital or to the residence;
- (f) The cost for coordination to revive the function or for vocational training for the victim’s physical rehabilitation.<sup>36</sup>

314. In this event, the victim or his beneficiaries is entitled to receive compensation from the manager of enterprise or the employer during absence from work caused by work-related accident; however, this compensation can be received in the condition that work-related accident

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<sup>35</sup> Article 6 of the Declaration No. 58 dated 12 February 1998 on the notification of the work danger, order, allowances and the rate of physical incapability.

<sup>36</sup> Article 16, Drafted Law on Social Security/Article No.7, The Declaration No. 58.

causes absence from work more than four days. If work-related accident causes absence from work for only four days or less, the victim will receive normal wage (stipulated in article 252, Labour Law). Besides the event above, the victim is entitled to receive daily compensation which the employer has to start paying from the day 5th. During the first eight days, the compensation is equal to normal wage. But from day 9th until the victim fully recovers, daily compensation will be cut off at two third (2/3) of the average daily wage.<sup>37</sup>

### **Support for maternity**

315. For women civil servants within maternity, the Government shall allow them to take leave for 3 months and they shall receive the salary as usual. For a period of 12 months starting from labouring day, those mothers shall be entitled to take an hour break per day for baby feeding.<sup>38</sup>

316. Woman workers and employees who serve for the enterprise and factory shall be entitled to take a maternity leave of 90 days and shall receive the salary as normal. After the maternity leave and during the first two months after returning to work, they are only expected to perform light work (stipulated in article 182, Labour Law).

317. One year after maternity, breast feeding women are allowed to have one hour break per day in order to feed the babies during working hours. Duration for baby feeding shall be separated and shall not be deducted from normal holiday leaves under the law (stipulated in articles 182 and 185, the Labour Law).

### **Support for old-aged people**

318. The civil servants who reach 55 years of age or above and have worked for at most 20 years shall be entitled to receive the retirement pension at maximum 60 per cent of the salary. In case of over 20 years, they shall receive 2 per cent bonus. Those who have 30 years experience are entitled to receive 80 per cent of the net salary. Besides, the retired person is entitled to receive the regional pension (according to the region of their own residence), health benefit as they are performing their past work, and monthly allowance for dependent wife and children until 15 years and over if the academic certificate is issued by the competent institution.<sup>39</sup>

319. Obviously, the former Ministry of Social Works, Vocational Training and Youth Rehabilitation has provided the retirement pension to 16,929 people between 1987 and 2001. Until now, at the first semester of 2008, there are 26,486 retired people (about 3,527 people deceased), 6.1217 disabled people (about 1,376 people deceased) that the Royal Government has provided annual budget in total about 28.043.255.700 riel. Whilst, the budget under social

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<sup>37</sup> Article 8, Declaration No. 58.

<sup>38</sup> Article 4, The Decision made by the Council of Ministers No. 245, dated 5 November 1988.

<sup>39</sup> Sub Decree No. 59 dated 6 October 1997.

insurance policy for civil servants has been adjusted such as budget for those who died caused by diseases approximately from 1.800 Riel to 1.200.000 Riel, and by work-related accident and decease during the performance approximately from 2.00 Riel to 600.000 Riel.<sup>40</sup>

320. The Government issued the directive No. 15 dated 12, September 2000 on the establishment of the old age help action at the community and Retirement Association aiming to relief the difficulty toward each other. Previously, the National Committee for Organization of the International Day for Old Ages in cooperation with the International Old Age Organization has conducted the fact findings of old age living condition in the community on the purpose of drawing up a future policy for old aged people in Cambodia. The old aged people policy has been developed and paid attention on the implementation. International Day 1 October for Old Aged People has been celebrated annually in order to show gratefulness to them who have left their achievements and good experience for younger generation. About 331 Old Aged People Associations have been established to mutually help tackle the difficulty.<sup>41</sup> For Old Aged People who are not the Government Officials, the Government has no policy to provide monthly financial support to improve their living condition yet.

321. The soldiers of Royal Cambodian Armed Forces shall be entitled to receive the retirement pension, but they shall have to fulfil the conditions as follows:

- (a) Men shall reach 55 years of age and official working duration is at least 25 years;
- (b) Women shall reach 50 years of age and official work duration is at least 15 years.

322. The soldiers who work in the difficult area, danger or health risk, the age condition is 10 years for men and 8 years for women and the whole official work is 5 years reduced compared to normal condition. If the soldiers have worked for 5 years as required, but out of the requirement, then the age condition shall be 15 years for men and 10 year for women and other official work duration in Royal Cambodian Armed Forces shall be about 20 years for men and 15 years for women.

323. The soldiers who have fulfilled the condition above are entitled to receive the monthly retirement pension at the minimum 50 per cent of the salary at the last rank. The bonus shall be added 2 per cent each year commencing from the 5<sup>th</sup> year of military work duration or from 6<sup>th</sup> year of working duration, but not exceeded 80 per cent the maximum of retirement pension.

324. The soldiers shall be entitled to receive the monthly retirement pension 80 per cent of the last salary, thus they shall have to fulfil conditions as follows:

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<sup>40</sup> Information on Socio-economic, Veteran and Youth Rehabilitation of Semester I, 2008 produced by the Ministry of Social Works, Veteran and Youth Rehabilitation.

<sup>41</sup> Report on the Progress of the people through achievements made under the implementation of the rectangular strategy of the Royal Government of Cambodia 2004-2007 produced by the Ministry of Social Affairs, Veteran and Youth Rehabilitation, p. 08.

- Men shall be 55 years of age and working duration in Royal Cambodian Armed Forces is about 20 years and women shall be 50 years of age and working duration in Royal Cambodian Armed Forces is about 15 years
- Men shall be 50 years old and working duration in difficult area, danger or health risk is about 15 years in Royal Cambodian Armed Forces. Women shall be 45 years of age and working duration in difficult area, danger or health risk is about 10 years in Royal Cambodian Armed Forces
- The Generals or national heroes in Royal Cambodian Armed Forces who fulfil as soldiers' condition are entitled to receive the retirement pension at the minimum
- For disabled veterans who have served the Royal Cambodian Armed Forces till the retirement, in addition to the retirement pension as mentioned above, the retired veterans shall obtain other benefits such as bonus equal to 8 months of the last salary<sup>42</sup>
- For labourers and employees who are employed at the private sector, at the present, there is no policy stipulating the provision of retirement pension for retired persons yet

### **Support for physical disability**

325. For civil servants who are no longer able to work due to lack of physical capability and fulfil the retirement requirements shall be entitled to obtain the retirement pension due to lack of physical capability under the condition of serving the Government job from 20 years upward. If the past civil service is under 20 years, the civil servants shall be entitled to obtain the allocated pension and other allowances once (stipulated in article 39, paragraph 1-2 of the Law on the Co-statutes of the civil servants in 1994).

326. The pension for physical incapability is determined at the minimum 50 per cent of the net salary. This pension shall be implemented for those who are lack of physical capability and are incurred by diseases or accidents and they shall be given proportional pension of 1.5 per cent per year added to the net salary in case of serving the past work duration more than 20 years.

327. The pension for physical incapability is determined at the maximum 65 per cent of the net salary. This pension shall be given to those who are seen lack of physical capability and are incurred by accidents during work performance and mission.

328. The pension for physical incapability for each servant shall include allocated allowance, health benefit, benefit for spouses and children, and other allowances similar to the retired person (stipulated in article 11-12, Sub decree 59, dated 6 September 1997).

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<sup>42</sup> Article 1,2,5, Law on Retirement and Soldier with physical incapability of Royal Cambodian Armed Forces in 1994.



329. The veterans who are entitled to obtain the pension for lack of working capability include:

(a) Those who have chronic diseases, old age, other accidents during work performance, but do not severely harm any physical body and not considered to be disabled veterans as having not enough criteria to be selected; and the total period of work experience for government service is at least 15 years for men and 10 years for women;

(b) Those who perform the duty or work at the difficult areas, hazardous works, or health risk work and fundamentally serve for the Government. Lack of working capability is categorized into three levels (level 1: lack of working capability 80 per cent, level 2: lack of working capability over 60 per cent and lack of working capability level 3: over 40 per cent).

330. The veterans stated above shall be entitled to obtain pension for lack of physical capability 50 per cent of the salary at the last rank, as stated under the condition “a” above and the veterans who serve difficult work, hazardous work or health affected and risky work in duration of 10 years for men and 8 years for women. This pension shall be added 1.5 per cent per year counting from year four of military service term or from year six of the government service. However, the total amount shall not exceed 60 per cent over the pension for loss of working capability.

331. The veterans who are eligible under condition “b” mentioned above shall be entitled to obtain the pension for lack of working capability as follows:

- Level 1: 100 per cent of the monthly salary at the last rank
- Level 2: 80 per cent of the monthly salary at the last rank
- Level 3: 60 per cent of the monthly salary at the last rank

332. The veterans at level 1 shall be provided the monthly allowance, for self-employed business, amounted to the minimum salary and bonus for each combatant. The commanding officers of the Royal Cambodian Armed Forces shall obtain the allowance at the rate of 10 per cent of the salary at the promotional rank (stipulated in articles 9-12, the law on the retirement pension and the benefits for lack of working capability for soldiers of the Royal Cambodian Armed Forces).

333. Aside from the benefits mentioned above, the soldiers who have lost working capability shall be entitled to receive the additional allowances as follows:

- (a) The added bonus at each time is equal to six months of the last month salary;
- (b) If no dwelling, the Government shall bear the burden to seek for the accommodation at the Governmental centres. Under this circumstance the soldiers shall receive the bonus mentioned above only 50 per cent;
- (c) In cases of sickness, accident or death, the social insurance benefit shall be borne as civil servants (stipulated in article 13, the law on the retirement pension and benefits for lack of working capability of the Royal Cambodian Armed Forces in 1994).

334. At the present time, the 22,801 disabled persons (as the report in 2001 produced by the Ministry of Women's Affairs and Veterans) have been handled under the policy guidelines by providing the monthly allowances including the dependent family members and the Royal Government has issued the directive No. 79 on the Compensation Guidelines for Disabled Persons and Deceased Soldier Family for the Departments/Offices of the Women's Affairs and Veteran in the municipalities and provinces and has issued a Directive on 10 per cent Bonus added on the monthly salary for disabled person.

<b>Table 1: Compensation guidelines for deceased soldiers and people with disability in 2001</b>							
Deceased soldiers				Disabled			
Deceased	Dependents	Children	Salary	Disabled	Spouses	Children	Salary
50 685	94 721	131 320	822 021 800	23 982	21 740	86 601	2 125 540 038

<b>Table 2: Statistic on the entry of dependents and disabled person in payment list (from January to December 2001)</b>					
No.	Province-Municipality	Spouse	Children	Salary	Other
1	Phnom Penh	02	102	428 500	
2	Kandal	12	107	481 300	
3	Kampong Cham	09	211	907 400	
4	Battambang	03	138	512 700	
5	Takeo		34	129 500	
6	Kampong Chhnang	04	252	1 065 600	
7	Kampong Speu	08	332	1 337 100	
8	Mondul Kiri		32	140 500	
9	Banteay Meanchey	01	55	137 500	
10	Prey Veng		49	204 500	
	Total	39	1 312	5 344 600	

335. Even though the Royal Government has not yet provided the unemployment benefit to people, the Government encourages the national and international investors to launch the investments in Cambodia such as factories, enterprises and businesses that can absorb remarkable employment rate.

336. To promote the social security to the next phase and in compliance with the regulations and the law on the social security for individuals under the framework of the Labour Law, the Royal Government has issued a sub decree No. 16 on the establishment of the national budget for social security and another sub decree No. 572 on the establishment of the advisory panel for national budget for social security in the purpose to ensure the social safety system for labourers, employees in the private sector, in which some arrangements are available for hazardous work insurance, health insurance and pensions.

337. In order to implement the guidelines mentioned above, on behalf of the national coordinator of the Government, the ministry has been developing and proceeding the national budget for social security and made some achievements such as setting up the legal instruments for the functioning of the national budget for social security, building capacity of the civil servants in cooperation with development partners such as International Labour Organization,

and designing the data management system for social security (the works will be proceeded from 2008).<sup>43</sup> Besides, to improve the enforcement of regulations pertaining to the dangerous work issues, the ministry has rectified the Declaration No. 58 S.R.K dated 12 February 1998 on the notification of the dangerous work, allowances and rate of loss of work capability.

338. Meanwhile, the Royal Government has also paid attention to other disabled persons throughout the country. Based on the socio-economic observation in 1999, it showed that the total number of disabled person is 169,058 people including 99,506 men and 69,552 women (based on the report from the former ministry of social works, labour, vocational training and youth rehabilitation).

339. For civil disabled person, the Royal Government has not set up the monthly support policy yet due to lack of national budget. However, the Government stays focus on promoting and supporting that disabled person in conjunction with the communities and NGOs in order to raise the fund and support them to have proper occupations and better living condition.

340. The policy guidelines for protection and promotion of the disabled person and elimination of the discrimination have been implemented comprehensively and fruitfully and have created the opportunity for disabled person to participate in all social activities. The draft law on the protection and promotion of disabled person's rights has been rectified and passed by the office of the council of ministers and is ready to forward to the National Assembly and Senate for approval and adoption.

341. The Kingdom of Cambodia has signed the United Nations Convention on the Rights of Persons with Disabilities.<sup>44</sup> This Law encompasses the following objectives:

- (a) To protect rights and freedom of disabled person;
- (b) To protect the disabled person's benefits;
- (c) To prevent, reduce and eliminate the discrimination on the disabled person;
- (d) To rehabilitate physical ability, mentality, and professionalism to ensure the possibility for full and equal participation of the disabled in the social activities.

342. Social security is a concerned issue that the Royal Government has been putting its focus, but given the national budget constraint, the Government can not support people financially for

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<sup>43</sup> The Remarks on 1. Jobs creation and vocational training for poverty reduction, 2. Human resource development for job growth and career development in the Kingdom of Cambodia, developed by the Ministry of Labour and Vocational Training, pp. 2-3.

<sup>44</sup> Report on the Progress of the people through various achievements made under the implementation of the rectangular strategy of the Royal Government of Cambodia 2004-2007, developed by the Ministry of Social Affairs, Veteran and Youth Rehabilitation: p. 6.

proper living condition. Most of the international assistance aid focuses on development of economy, education, and health, except the social security due to financial constraint to fully achieve the rights as articulated in article 9.

#### **Article 10: Protection of mothers and infants**

343. The Kingdom of Cambodia is a party to and has ratified the following international pacts and treaties as follows:

- (a) The International Covenant on Civil and Political Rights (26 May 1992);
- (b) The Convention on the Elimination of All Forms of Discrimination against Women (15 September 1992);
- (c) The Convention on the Rights of the Child (15 October 1992);
- (d) ILO Convention concerning Minimum Age for Admission to Employment No. 138 (1973) (23 August 1999).

#### **Marriage and family law<sup>45</sup>**

344. In Cambodian context, “family” refers to parents and dependent children (Khmer Dictionary Part I and II). Parents are obliged to nurture and educate their children. In the ancient time, building a family is under the responsibility of the parents who make all arrangements for their children, that is, the children do not have any rights and freedom for selection of their partners. The policy on family has been implemented at the first phase since 2005 through organizing the Family International Day on 15 May. The day is celebrated at the national, provincial and municipal levels with participation from all family representatives of farmers, labourers, businesspersons and civil servants. Family is the cell of the national society whose role is significantly contributed to the socio-economic development, human resources development, and national tradition, custom and culture upholding.<sup>46</sup> At the present time, as the evolution of the economy, society, freedom, the selection of partners for the marriage has been uphold under the law for men and women. However, generally, Cambodian society recognizes the marriage tied family while non-marriage tied family is still criticized. Even though article 45 of the national constitution and article 3 of the Law on Marriage and Family have acknowledged that “the marriage is fully and legally effective, provided that it is adhered to the norms as stated in the law under the condition of single spouse”, there still families exist without marriage, having single husband with two or more wives, and those families live as happily as others. Moreover, the Law on Marriage and Family, articles 90, 91, 92, 93, and 94 recognize that non-marriage born children (illegitimate children) have the same rights and duties as marriage born children.

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<sup>45</sup> Draft law on the protection and promotion of the people with disability’s rights, article 2.

<sup>46</sup> Report on the Progress of the people through various achievements made under the implementation of the rectangular strategy of the Royal Government of Cambodia 2004-2007, developed by the Ministry of Social Affairs, Veteran and Youth Rehabilitation: pp. 3-4.

345. Men and women have equal rights and freedom for setting up a family and the responsibility between husband and wife upon family which are similar to the rights for divorce.

346. According the interval result of the census in 2004, it is indicated that in Cambodia there are 2,188,663 families in total including 25.7 per cent women as head of the family. Women workforce actively engages in living condition, economic sector and society, of which represented 55 per cent of the national workforce.

347. To take part in the implementation of the poverty reduction policy, the Ministry of Women's Affairs and Veteran has provided support in order to promote the women capacity in improving the family's living condition through income generating activities, cow bank, vocational training skills and education such as textile, weaving, hairdressing, carving, culinary, computer and English language in the women affairs offices and centres throughout the country. Meanwhile, the Ministry of Women's Affairs and Veteran has also provided trainings for women on literacy class, women's and children's health, STD and anti-violence through Neary Rattanak programme ("Women are precious gems") and Gender programme.

348. Domestic violence is the major case, frequently occurs in the society and causes sufferings both physically and mentally and loss of family dignity. Due to the embarrassment and fear, victim women seldom disclose this problem and that is the reason of no accurate statistic on the rate of the domestic violence. Based on the observation of the Ministry of Women's Affairs and Veteran in 1996, it showed that men who committed the violence over women are amounted to 95 per cent. Children are also the victims of domestic violence too. The observation shows that 71.6 per cent of women and 57.3 per cent of men find that beating the children is to educate them though.

349. The Government has paid particular attentions on the legal advocacy for women and this has been actively implemented in various ways that leads to the accountability in implementing and promoting the laws. The Ministry of Women Affairs had drafted laws against domestic violence in the family and was approved by the National Assembly. The Cambodian National Council for Women was founded to charge with examining and revising the laws, policies and implementing programmes promoting women.

### **Maternal health-care system**

350. The State provides full health care support for pregnant women nationwide. Some of the laws approved by the National Assembly and have been presently being enforced covers the maternal leave both antenatal and postnatal periods (see art. 7 of the Covenant).

351. Female jailed prisoners receive special supports for care-taking and medical treatment before and after delivering the baby, being allowed to go outside the prison for hospitalization and to have one nurse to attend to the necessity of the mother and the child.<sup>47</sup>

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<sup>47</sup> Article No. 4, Point No. 18 of The Decision No. 217 Rb k on The Management of Prison dated 31 March, 1998.

352. Article 72 of the 1993 constitution of the Kingdom of Cambodia states that the health of the people shall be guaranteed. The State shall give full consideration to disease prevention and medical treatment. Poor citizens shall receive free medical consultation in public hospitals, infirmaries and maternities. The State shall establish infirmaries and maternities in rural areas. The State shall give full consideration to the training of midwives, nurses and doctors and regularly provides antenatal services as well as any special treatment for women with problems during the pregnancy. Infirmaries and maternities have been established at all provinces and municipalities for providing antenatal checkups, baby-delivery services and the pregnancy care consultation and free Tetanus vaccination and educating women the bad impact of abortion as well.

353. Freedom to abortion is under the National Abortion Law which was enacted on 6 October 1997. Abortion can be done only for those who are pregnant within less than 12 weeks. For more than twelve-week pregnancy period, the abortion is allowed only if the diagnosis shows that:

- (a) The pregnancy is abnormal, unusual growth of baby or creates a risk to the woman's life;
- (b) After birth the child can have a serious incurable disease.

354. In the case of pregnancy caused by rape, the abortion can be done taking no account the above criteria but must be requested by the woman if she is more than 18 years of age or continuously requested by her parents or her guardians if she is less than 18 years of age.

355. The law also sets harsh penalties for those who do not have responsibility on their professionalism by practicing illegal procedures. Those who harm women during illegal procedures will serve up to five years in prison if a woman is injured and up to ten years if she dies. If the person is not a medical doctor or a medical assistant or a secondary midwife, he/she shall be imprisoned from one month to one year. Any person who forces a pregnant woman to have an abortion or provokes abortion voluntarily shall be imprisoned from one year to five years. If the forcing or voluntarily provoking of abortion to the pregnant woman is resulting to her chronic illness or disability or death, the person shall be imprisoned from five years to ten years (see art. 12).

356. Although measurements and plans for maternal health care supports have in place, the remote areas still has inadequate services for every child birth because of the lack of medical doctors and midwives and high-tech facilities. Some women still practice the traditional ways of taking care of and delivering baby and other superstitions. Moreover, most poor women have very limited education let alone the health care knowledge and proper treatment. Some women have weak health as they do the housework and work outside as well as get infected from their husbands especially HIV/AIDS (details in art. 12 of the present report).

#### **Age of legal persons and health care for children and youths**

357. A juvenile is a person whose age is under 18 years old, but a legitimate person is at or above 18 years of age.

358. Article 34 of the 1993 Constitution states that “the citizens of either sex shall enjoy the right to vote and to stand as candidates for the election”.

359. Article 97 of Law on Marriage and Family states that “A legitimate person is the one who is or above 18 years old.”

360. Article 14 of the Decree No. 38 on Contract and Responsibility outside Contract states that “A person whose age is at or above 18 years old can make a contract by oneself at any time.”

### *Child labour*

361. Rights and freedom of children are protected by the Constitution. Article 48 of the 1993 Constitution states that, “The State shall protect the rights of children as stipulated in the Convention on Children.”

362. Article 177 of the Labour Law says that “The allowable minimum age for wage employment is set at fifteen years.” The minimum allowable age for any kind of employment or work, which, by its nature, could be hazardous to the health, the safety, or the mortality of an adolescent, is eighteen years. For children from twelve to fifteen years of age can be hired to do light work that is not hazardous to their health or mental and physical development, and the work that does not affect their regular school attendance, their participation in guidance programmes or vocational training approved by a competent authority. Articles 174 and 175 of this law says that “Minors from sixteen to eighteen years old cannot be employed in underground mines or quarries or night work in any enterprise covered in article 1 of this law.”

363. According to some data from economic and social investigation in 1999, it shows that the highest proportion of the child labour is children of 14 to 17 years of age constituting 42 per cent; the children between 10 to 13 is 10 per cent and the children of 5 to 9 has 3 per cent. The percentage of child labour in the rural areas is greater than the urban. The greater percentage of child labour is not a surprise as the family farm work is a form of child labour in most developing countries.

364. There is disparity of child labour varies depending on the geographical locations. The large proportion exists in the plateau area (such as Ratanak Kiri, and Mondul Kiri provinces) which 2/3 of the girls and 1/2 of the boys aged 14 to 17 engages in economic activities. On the other hand, only 9 per cent of the boys and 21 per cent of the girls work.

365. The data shows that 80 per cent of the children work in agricultural, fishery and forestry sectors and 4 per cent to 6 per cent of the children work in business sector as sellers or street vendors. 3 per cent to 4 per cent of the children work in manufacturing factory and construction sites. In Cambodia the children work average 44 hours per week. There is 1/3 of children aged 10 to 13 and 2/3 of the children aged 14 to 17 work more than 40 hours per week.

### *Forms of child labour*

#### *Children working at homes*

366. Cambodian children usually work as housemaids doing the cooking, cleaning, laundry, babysitting the small children and selling things. Housekeeping has certain unique features than

other forms of child labour such as irregular and lowest payments. Those children work from 12 to 14 hours a day and seven days a week. Their salary has to be given to their parents or their superintendent. Beside above form, children do the work such as cleaning, cooking, laundry, collecting water and looking after the cattle etc. in their own home as well.

367. Child labour is the main challenge that the Government have fought all the time. Article 368 of the Labour Law punishes employers by charging the payment for 31 to 60 days to those employers who employ children under 18 years of age against the terms in article 173, 174, 175, 176, 177, and 178 of the Labour Law.

#### *Child prostitution*

368. Trafficking and sex exploitation on children is an intolerable form of child labour and it has started since 1990s and it is spreading because human traffickers and the pimps are ruthlessly deteriorating the child rights and devaluing the traditions and customs. According to some observation, it has shown that among all the prostitutes in Cambodia amount for 80,000 to 100,000, there is 35 per cent of them are under 18 and some of them are even 12 years old. (The observation of Human Rights Organizations in Cambodia 1998.) Those girls have become prostitutes because of the poor living standard, being traded, and being lured by others. The new studies on prostitutes have defined the certain factors that make girls vulnerable to sex trade such as:

- (a) Sisters, relatives, friends, lovers are involved in sex business;
- (b) Divorced or separated parents;
- (c) One of the parents or both of them died;
- (d) One of the parents or both of them are alcohol addicted;
- (e) Extremely poor family;
- (f) Girls of suitable age for sex industry.

369. Most of the sex trades have been conducted within Cambodia, and Cambodia also is a place where the opportunist traders can go across.

370. In line with article 46 and 47 of the Constitution which states that, "The commerce of human beings, exploitation by prostitution and obscenity which affect the reputation of women shall be prohibited."

371. The Government has been trying to prevent and eliminate the commerce of sex. The Government issued Declaration No. 1, dated 6 April 2000 of A Five-Year Plan Against Trafficking and the Commercial Sexual Exploitation on Children, forming the following objectives:

- (a) To prevent the trafficking and commercial sexual exploitation on children;



(b) To increase the effectiveness of the enforcement of the constitution, laws, and other international conventions enacted by Cambodia ratified in Stockholm in 1996;

(c) Relevant ministries and Government officials at all levels shall take measures in order to facilitate anti-human trafficking; educate people the impact of this social problem, and initiate the community movements to control through various services;

(d) The National Council for Children shall have main responsibilities over the matter in order to protect children and implement the five year plan of the Government and report the progress to the Government.

372. The Law on Suppression of Kidnapping, Trafficking, Sale, and Exploitation of Human Persons states that the involved person and the perpetrators shall be sentenced from ten (10) to fifteen (15) years imprisonment. If the victim is under 15 years of age, the perpetrators shall be sentenced from fifteen (15) to twenty (20) years in prison (article 3). Any male or female pimp or head of prostitutes shall be sentenced from five (5) to ten (10) years in prison.

373. Articles 7 and 8 of this Law state that “Any person who opens a place for committing a debauchery or obscene acts, shall be punished to imprisonment from one to five years and with a fine penalty of from five million (5,000,000) Riels to thirty million (30,000,000) Riels. In case of repeated offence, the above punishment terms shall be doubled.” Any person who commits debauchery acts onto a minor person of below 15 years old, even if there is or there is not consent from the concerned minor person, the offenders shall be subject to punishment from ten to twenty years in prison. In case of not giving up, the maximum punishment term shall be applied.

374. In the mean time, Ministry of Social Affairs Veteran and Youth Rehabilitation has cooperated with nine others NGOs to find a project to provide services to poor families in the communities; for instance, The Home of Hope in Kampong Cham has received 29 girls for cosmetic and sewing class training. Centre of New Ship of World Vision promotes the prevention of child trafficking in the community (see the summary of status report 2001 and objectives for 2002 of Ministry of Social Affairs).

375. Meanwhile, Ministry of Women Affairs cooperated with various NGOs have implemented three principles:

- (a) Train human resources;
- (b) Seek for support and principles;
- (c) Launch promotion campaigns.

376. These programmes have been implemented in 6 municipalities and provinces along Thai and Vietnam border, having conducted 34 courses. Ministry of Women Affairs have hold the conferences promoting the prevention of woman and child trafficking and then these programmes continue to be promoted in various municipalities and provinces to provide information of the impacts of the human trafficking to the public.

### *Vulnerable children*

377. Poverty, family break up, and HIV/AIDS is the factors that cause tragic to children. Vulnerable children are deserted orphans, homeless children, handicapped children and children with HIV/AIDS. Those children are vulnerable to all forms of exploitation and they tend to be ready to commit any illegal activities.

#### *Orphans and deserted children*

378. The Government has had firm consideration for children. Ministry of Social Affairs have collected 237 orphans, 112 boys and 125 girls, and re-integrate 141 children, 93 boys and 48 girls. The Statistic shows that there are 1,795 children - 1,099 boys and 696 girls - in the 20 centres across 16 provinces. Recently, the Government has sponsored 10 per cent more for each of the child in addition to the support from the international organizations, the NGOs and the generous individuals. For instance, ASPECA/CIAI have granted the material supplies and fund to 1,385 foster-children who receive from US\$ 13 to 15 per month each as their incentive. Komar Angkor Organization helps feed 20 adopted-children and sponsors the individual orphans in Kampong Speu US\$ 15 per month. World Food Organization provides rice, canned fish, cooking oil quarterly to all the centres. In addition, The Prime Minister and his wife sponsor three of the centres:

- Kien Klang Orphans Centre: rice: 12 tons, Cash in riel: 24 million riel, Cash in US\$: 1,500 dollars, and other 2 million riel for a new-wedded couple
- French-Hungarian Child Centre: rice: 12 tons, Money: 12 million riel
- Child Centre Kolap IV: Money: 12 million riel

379. Beside the above supports, we also have other NGOs which are over important partners to sponsor and support those children as well.

### **Child health care and youth rehabilitation**

#### *Support and protection of child rights*

380. Fundamental freedoms and the inherent rights of children as stated in the United Nations Convention on Rights of the Child have been promoted widely and the rights of the child have been protected. The Ministry of Social Affairs, Veteran and Youth Rehabilitation has been trying to strengthen the activities of the National Council for Children and extend the network in the communities. The situations of children in Cambodia have been improved, for example, the child mortality rate has reduced, the child sanitation has been improved; the rate of children entering school is 91.0 per cent.

381. Meanwhile, the Ministry has a commitment to take all measures to prevent violence and the trades of all forms on the child including illegal use of child labour, child sexual exploitations, child trafficking, and other forms of obscenity on children in the communities.

### *Orphan care*

382. Up to the present, there are 200 orphanages and 20 of them are State-run, accommodating the total of 8,759 orphans, handicapped children, and children with HIV/AIDS. The orphans received housing, education, and care so that they can study general knowledge, receive vocational trainings, and then re-integrate themselves into the community. Beside that, the orphans and the vulnerable children receive feeding and other sponsors from the community by their relatives, god-family, and foster-family through pagodas and other programmes of the national and international NGOs. The Government has increased the monthly nutrition support to children and the vulnerable people staying in the State centres according to Sub-decree 116 dated 26 October 2006.

### *Alternative child care*

383. The Royal Government has set the principles to have alternative care for children and the Social Affairs, Veteran and Youth Rehabilitation set the minimum standard for caring for the children in the centres has been practiced. The policies emphasize on the children and put the advantages of the children in the top priority, and encourage to raise in the community rather than in the centre. The minimum disciplines states the duties of the centre management and the care-givers to fulfil in organizing, controlling, and looking after the children in abide with the four fundamental rights of our children.

### *The function of the child protection network in the community*

384. The child protection network programmes have been implemented in trial in Prey Veng and Svay Rieng provinces in 6 selected districts, 38 communes, and 480 villages. Through the network, we have trained 13,220 children in the villages, and 10,000 of the received supports from the child protection network.

### *The functions of international child adoption*

385. The Kingdom of Cambodia has just ratified the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. The draft Law on International Child Adoption had been ready. Sooner, the Office of council of ministers will review and approve for forwarding to the National Assembly and the Senates to approve them. Previously, the Ministry has received adoption application and the council of ministers has approved 912 of them.

### *The functions of the National Council for Children*

386. The functions of the National Council for Children are continuously strengthening activities. It is the constitutions that coordinates and outreach the cooperation among the Ministry and the concerned institutions to unify and formulate actions beneficial to children. Cambodia hosted the seventh Minister forums on children in East Asia and the Asia Pacific in Siem Reap province on 25 May 2005, with participants from 26 countries. It came up with the Siem Reap Angkor Declaration on the effort to narrow the gaps among children and the consideration on youth development and the focus on the livelihood of the child and child development. Through this, international and regional responsibility of Cambodia on children

has been strengthened. The International Children's Day, 1 June, and World Day against Child Labour is celebrated every year. The National Council for Children reports the violence on children, the implementation of the Declaration and action plans on "A Suitable World for Children", and human trafficking and sexual exploitation, set up the second national action plans against trafficking of human beings, sexual exploitation and principles for protecting children affected by trafficking, and file other documents.

387. The second national action plans includes the following points, establish a taskforce against human trafficking, smuggling and trade on human beings, and commercial sexual exploitation on women and children, chaired by the Deputy Prime Minister and Minister of Interior H.E Sar Kheng.<sup>48</sup> The establishment of the national level task force is to enforce the agreement and the Memorandums of Understanding between Cambodia and other involved countries in preventing against the human trafficking and rescuing victims of human trades, chaired by the Secretary of State H.E Madam Yu Ay.<sup>49</sup> The establishment of the secretariat for high level taskforce on the Prevention, Protection, and reintegration, revision of law enforcement as well as the mechanism at the provincial level.<sup>50</sup> The transfer of responsibility on the second national action plan against trafficking on human persons and sexual commerce (2006-2010) from the National Council for Children to the taskforce leaders. Implementation of new strategies against trades, smuggling, commerce of human beings and commercial sexual exploitation on women and children including the establishment of provincial level taskforce to implement the campaigns.<sup>51</sup> The approval of a new law on prevention against human trafficking and commerce of sex.<sup>52</sup> The approval from the Royal Government of Cambodia on action plans of the second sub-regional of COMMIT (SPA II 2008-2010) with the cooperation with the six member countries of COMMIT in the Greater-Sub region of Mekong.<sup>53</sup>

388. The progress, mentioning above in the detour against human trafficking and sexual commerce in Cambodia enable the Royal Government of Cambodia a solid plan for continual efforts against human trafficking and sex business.

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<sup>48</sup> Established by the approval 2815 signed by Samdech Akak Moha Senabadey Techo Hun Sen, the Prime Minister of Kingdom of Cambodia dated 8 August 2007.

<sup>49</sup> Established by the Decision No. 13 signed by Samdech Aka Moha Senapadei Techo Hun Sen, the Prime Minister of Kingdom of Cambodia dated 12 March 2006.

<sup>50</sup> The Decision No. 2815 signed by Deputy Prime Minister H.E. Sar Kheng dated 15 August, 2007.

<sup>51</sup> The Decision No. 012 signed by Deputy Prime Minister H.E. Sar Kheng dated 17 July, 2007.

<sup>52</sup> Signed by His Majesty the King dated 15 February 2008.

<sup>53</sup> *COMMIT SPA II 2008-2010*, approved by senior officials of *COMMIT* in the fifth Summit, and the second Summit of Ministers held from 12 to 14 December in Beijing, China.

### *Youth rehabilitation*

389. Youth rehabilitation has educated adolescents from various social problems step by step and has contributed to the promotion of morality and protection of child rights and child delinquents. Rehabilitation centre has been created one after another. Children and adolescents who violate the laws and illegal drug-consuming children amount for 1,244 have been being treated, given nutritious support, and provided non-formal education of general education and vocational skills, and 838 of them have been re-integrated back into the community. In the mean time, the Ministry has cooperated with the authorities to educate unlawful adolescents and illegal drug consuming children totalled of 31,166, cooperated with Ministry of Interior to protect the rights of the child in prisons.<sup>54</sup>

### **Article 11, paragraph 1: General conditions of the right to a decent standard of living**

390. This right is protected by the Constitution of Cambodia made in 1993. Article 63 of the Constitution states that “The State shall respect the managing of the market in order to guarantee a better standard of living for the people.” In accordance with the Constitution, the Royal Government of Cambodia is committed to reducing poverty and the gender gaps in order to improve the Cambodian people’s living standard along with the rapid population growth.

391. The Royal Government of Cambodia considered the immediate alleviation of the poverty as the part of its strategy. The vision of the Royal Government of Cambodia was to have a society of strong solidarity, education and lively culture without poverty, hunger, ignorance, and deteriorating health. To achieve this vision, the Royal Government of Cambodia would implement the second plan of economy and social work and the National Strategy to alleviate the poverty with the support of the national and international communities.

392. Meanwhile, the Royal Government of Cambodia has supported the Decisions made by the United Nations on Children’s Rights, the declarations and the action plans of the world summit conference for children in 1990, the declaration of eliminating hunger and reducing all the forms of shortages of nutrition, the international conference in 1992 and the summit conference on world food in Rome, and the Millennium Declaration approved at the United Nations General Assembly in September 2000.

### **Multiple scopes of poverty in Cambodia**

393. In 1990, that was the first year when the report of human resources development and the index of human development in Cambodia were calculated at 0.501, which was the rank of low human development. In 2002, the index of human development in Cambodia was 0.543, which was the improved rank. It meant that Cambodia was among the countries of average human development and ranked 130<sup>th</sup> out of 173 countries. However, poverty in Cambodia remained

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<sup>54</sup> Report on the progress of people through achievements of the implementation of the Rectangular Strategies of the Royal Government of Cambodia 2004-2007 of Ministry of Social Affairs Veteran and Youth Rehabilitation, pp. 4-6.

large. Thirty-six per cent of Cambodian people were living under the poverty line, which was equal to 0.46-0.63 dollar at the current exchange rate. Poverty in Cambodia took place because of high population growth, lack of opportunities, lack of safety and security, social discrimination, and vulnerability. The possibility of the poor people to use natural resources such as forestry and fisheries remained an obstacle. Most of the poor people (79 per cent) were heads of families did farming.

394. Between 1993 and 2000, the average growth rate of farming was only 1.6 per cent. Job opportunities in sectors of industries and services were limited (only 8 per cent and 18 per cent). The average growth of jobs in service sector was only 1.08 per cent, while the average growth of jobs in industry sector was remarkably much higher up to 43.29 per cent for the period of 1998-2000. Despite the development of the industry sector, only 8.4 per cent of the people benefited from this development.

395. Deteriorating health was the primary cause of poverty and other deprivations of capacity in society (for example, losing changes of education and job opportunities). The cycle of poverty, deteriorating health, and high expenses on health care caused difficulty to poor families.

396. High rate of poverty faced the breadwinners who had no education or who had little education at primary level, whereas the percentage of the expenditure on education of the poor families was below 1.1 per cent.

397. The poor have little access to the service and the basic facility of the social work. Twenty-one per cent of the population was in the handicapped group. The poorest people had spent time travelling more than 5 kilometres to the health centre. About 26 per cent of the poor handicapped people (KIN TAE) lived more than five kilometres away from the nearest roads.

398. Ignorance was a hindrance to the improvement of the poor people's living standard because they were under the discrimination and outside of the circle of development process.

399. Women in Cambodia did not receive equal right to education; they had little pay; and they did not have ownership of the land and other properties. Women also suffered the lack of reproductive health care. They generally were in the position of losing benefits both in the family and in the society.

400. The ethnic minority also lost the benefits because of the lack of their representatives at the administrative and legislative levels and the language barriers.

401. Lack of access to the Government's information and decisions made by the Government had prevented the poor from being able to participate in the community activities, which constituted a gap between the Government's policies and the implementation of all those policies.

402. Lack of access to consumption and rights was also a serious issue because the poor people did not understand the law and their rights, which was easy to be exploited.<sup>55</sup>

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<sup>55</sup> National Strategy for Poverty Reduction 2003-2005 pp. iii-v.

### **Prioritized activities of alleviating poverty**

403. The prioritized activities of alleviating poverty are as follows:

- (a) Stabilizing macro economy;
- (b) Improving the rural living standards;
- (c) Expanding job opportunities;
- (d) Enhancing the people's capacity;
- (e) Strengthening institutions and improving governance;
- (f) Reducing vulnerability and social discrimination;
- (g) Promoting gender equity; and
- (h) Focusing priority attention on population sector.<sup>56</sup>

### **Stabilizing macroeconomy**

404. The objective of enhancing the Government's policies was to promote the sustainable economic growth with a primarily leading role of the private sector. The economic growth was a core factor in increasing the poor people's income. The Government's strategies had achieved real sustainable rate of economic growth from 6 per cent to 7 per cent per year. Realizing such an achievement meant that income per capita (calculated in income values for the year 2000) was about US\$ 320 at the end of 2005. This meant that the annual rate of economic growth per capita had reached to 3.5 per cent.<sup>57</sup>

405. The macro economic data assumed for 2005, which was the base year of SPND 2006-2010 had changed considerably positively with a clearer assumption made after preparation of SPND was completed.

406. Important factors among the most noticeable factors include:

(a) GDP occurring at an unprecedented level was 13.4 per cent in 2005 almost doubled 7 per cent estimated while preparing SPND in spite of unpredictability caused by factors from outside the country for example the continued high prices of oil;

(b) High growth of the agricultural sector (crops) was 28.0 per cent in 2005 higher than the estimate of 8.0 per cent in SPND, which was good for investments in irrigation and favourable for weather;

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<sup>56</sup> National Strategy for Poverty Reduction 2003-2005, p. v.

<sup>57</sup> National Strategy for Poverty Reduction 2003-2005 p. v.

(c) Rapid growth of the agricultural sector making the other sectors grow on the other hand was stable and seemed minimal or less significant, and the proportion of the agricultural sector (crops) had increased from 16.9 per cent compared to 14.2 per cent estimated in SPND.

407. In this sense, the basic figures for the base year of 2005 had increased. Therefore, the heated points for the stage of SPND also had increased although those figures were based on the basic figures, which had already been adjusted.

408. GDP per capita equal to 1.86 million riels was higher than the estimate in SPND equal to 1.40 million riels for the year 2005 and was expected to increase up to 2.888 million riels in 2010 (compared to the estimate in SPND, which consisted of only 2.24 million riels).

409. Considering the proportion of the whole industry and service sectors, the garment industry continued to be the leading sector followed by tourism and construction sectors. The Royal Government of Cambodia generally expected that this high growth would continue further.

410. Thus, all the macro economic figures had been adjusted and completely presented in the table below. In 2006, the growth of GDP was estimated at 10.8 per cent on top of the high growth in 2005. Inflation would be maintained at 4.7 per cent. The budget policy was strict, careful, and advanced for the expenditure and revenue had increased the revenue for the Government from 10.6 per cent of GDP in 2005 to 11.5 per cent of GDP in 2006 and increased the expenditure up to 13.6 per cent of GDP from 13.4 per cent in 2005. The exchange rate remained constant at about 4.10 per cent per US dollar. The gradual improvement in the management of the State's real estates included both intangible and tangible assets such as the State-owned enterprises and enterprises co-owned by the State and the private companies in a way that there were transparency and effectiveness to protect the State's interest and to increase constant revenues. Various actions had been taken to ensure the strict management in compliance with the law aimed at following the public bidding procedures with clarity and transparency in selling and leasing the State's ownership or right and obviously in providing all the State's contracts. The year 2006 was considered as the year of micro finance, and many assemblies and seminars were organized in a bid to promote better understanding of and effectiveness enhancement of the micro finance institutions as well as promotion of public awareness of this sector.

<b>Table of important macro economic data</b> (the percentage of GDP except for other identifications)						
Indicators	2005	2006	2007	2008	2009	2010
GDP expressed in constant prices (per cent changes)	13.4	10.8	7.3	6.6	6.8	7.0
Inflation (average annual - per cent changes)	5.8	4.7	3.0	3.0	3.0	3.0
Revenues	10.6	11.5	10.7	11.0	11.0	11.6
Tax revenues	7.8	8.1	8.3	8.6	8.8	9.0
Expenditure	13.3	14.2	14.4	14.6	14.7	14.9
Streams	7.7	8.0	8.6	8.9	9.2	9.5
Direct foreign investments (million dollars)	375	475	530	573	613	620

411. The long-term goals would continue to achieve the economic growth with a variety of supports for the poor people. The stability of the macro economy achieved recently had played a vital role in building foundation for the dramatic growth achieved in Cambodia for the period of



the past two–three years to reduce poverty. As a result, this growth had to be further maintained and strengthened in the future. With confidence and experience gained from the successful management of the economic situations even under pressure from foreign economic factors such as the Eastern Asian economic crises in 1997, changes in forms of structure and foreign sectors that had occurred since then, the high prices of oil between 2004 and 2005, and all the expectations of pushing the above-mentioned macro economy would be able to be fulfilled completely, and the benefits that were gained would have broad influence on alleviating poverty.

412. Among other essential measures, activities that had to be carried out were as follows:

(a) Additional progress of implementing public finance management reform programmes that made great efforts to establish and ensure the higher-level standard of management and accountability in gathering all the Government's resources, streams, and capital as well as effectiveness of using those resources to implement SPND and other priority programmes of the Government. The framework of medium-term expenditure was expected to be operated for the many-year programmes;

(b) Budget for the programmes had already been put into practice for the PAP in seven ministries (Ministry of Education, Youth, and Sport, Ministry of Health, Ministry of Women's Affairs, Ministry of Agriculture, Forestry and Fisheries, Ministry of Rural Development, Ministry of Land Management, Urbanization and Construction, and Ministry of Justice), which influenced the situation of the poor people. Allowance and time consumption for the budget in these ministries would be carefully monitored to ensure the achievement of the expected results compared to indicators aimed at improving the orientation towards the results;

(c) Subsequent increase in grant and guarantee of providing timely expenses to the prioritized sectors helped support the poor people. Allowance of 0.7 per cent of GDP in 2005 given to the agriculture sector increased up to 0.91 per cent of GDP in 2006. For the rural development sector, grant of 0.19 per cent of GDP in 2005 rose to 0.2 per cent of GDP in 2006. For the health sector, allowance of 0.89 per cent of GDP in 2005 increased to 0.96 per cent of GDP in 2006. For the educational sector, allowance of 1.38 per cent of GDP in 2005 increased to 1.56 per cent of GDP in 2006;

(d) Great efforts with good coordination between the institutions concerned (National Bank of Cambodia and Ministry of Economy and Finance) would be continued to improve and strengthen the results achieved in the financial sector, which played an important role in stabilizing macro-economy for the speed and the target of economic growth as well as for the enhancement of gathering inactive financial resource for the investments that served the production activities. The vision and the development plan of the financial sector were being updated and bought up the development of a good financial system based on the markets for the next five years in order to mobilize the resources for the sustainable economic growth;

(e) Financial sector reforms also focused on strengthening careful management and a judicial framework for the law in the financial sector. Important laws included the approval of consumption law, laws on tradable instrument and payment operation, and draft law on guaranteed operation which had been put forward to the National Assembly for checking and approval;

(f) Reforms are to increase and improve the access to micro-finance. The important actions included encouraging the issuance of the license to and registering the institution of the micro finance and facilitating the adoption of the required conditions of accounting standards and appropriate reports by the associated enterprises. The necessity to expand the framework of this activity into various forms of financial institutions such as cooperatives, financial services, credit communities, and village banks were under study.<sup>58</sup>

413. The achievement of the stability of macro-economy with high economic growth from 6-7 per cent required clear measures to implement reform programmes and other supporting policies including:

- (a) Prevent against budget deficit;
- (b) Appropriate financial management system;
- (c) Further strengthening banking reform;
- (d) Improving the national revenues;
- (e) Increasing the proper expenditure of the budget and treasury on social work and economy;
- (f) Improving the conditions of investments;
- (g) Reform of statute of civil servants;
- (h) Judicial and legal reforms.<sup>59</sup>

### **Improvement of rural living standards**

414. The policies of stabilizing the macro economy and the appropriate financial sector were very important, but these could not ensure the improvement of living standards of the rural people, most of whom were poor. The national strategies to reduce poverty had defined barriers and set political platform with goals in order to increase income for the people who lived in rural areas: land, water, farming, forestry, fisheries, and transportation. The improvement of these sectors had contributed to alleviating poverty in other sectors through improving access to basic services. There was also an important relationship between the decentralized activities of other sectors with the rural living standards. Rural living standards improved, also depending on a decrease in the scope of poverty. Deteriorating health, lack of education, lack of agricultural infrastructure, and low productivity caused the rural people to live in poverty.<sup>60</sup>

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<sup>58</sup> Report of development on the implementation of the National Strategy for Development 2006-2010. pp. 15-19.

<sup>59</sup> National Strategy for Poverty Reduction 2003-2005. pp. v-vi.

<sup>60</sup> The National Strategy of Reducing Poverty for 2003-2005 pp. v-vi.

### **Increasing job opportunities**

415. There was long-hour work, but income was little; the productivity was low; and the security was limited. Therefore, changes in working conditions were a key factor to reducing poverty. The Government had had the policies to improve job opportunities through:

- (a) Private Sector Development;
- (b) Expansion of Exports;
- (c) Expansion of tourism sector.

416. Dimensions of these policies would bring about actual effectiveness resulting in success in enhancing the capacity (for example, skill and health education) for the people as well as the improvement of governance and transparency.<sup>61</sup>

### **Improving the capacity of the people**

417. The national campaign for reducing poverty reflected the priority that really had an influence on the poor Cambodian people in the areas of education, health and nutrition.

418. To achieve education for all - namely the attainment of nine years of basic education for all people- the educational sector would deal with supplies, demands, and quality by focusing special attention on the poorest group and the vulnerable group.

419. The educational policies would facilitate the economic growth through the increased equity in receiving the quality of education and changes in the system to help the poor people.

420. The statement of 2003-2007 health policies sought to provide high-quality health service based on equal evidence without the discrimination against sex, age, location, residence, or ability to pay for service, relying on trust between service providers and service buyers.

421. To solve the specific problems of lack of nutrition, attention and orientation was provided to prevent the lack of nutrition at an early age of life by early intervention before birth, and nutrition was provided to women of reproductive ages and pregnant women to make their health good and to prevent late miscarriage in the reproduction system.<sup>62</sup>

### **Strengthening institutions and improving governance**

422. The Royal Government of Cambodia was committed to implementing governance action plan, which was the framework of the moving strategy that provided an appropriate, transparent measure to facilitate the efforts in the eight priority areas:

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<sup>61</sup> The National Strategy of Reducing Poverty for 2003-2005 p. vi.

<sup>62</sup> National Strategy for Poverty Reduction 2003-2005 p. vii.

- (a) Judicial and Legal Reforms.
- (b) Administration and Deconcentration Reforms;
- (c) Local Governance and Decentralization;
- (d) Public Finance Reform;
- (e) Fighting Corruption;
- (f) Gender Equity;
- (g) Armed Forces Reform and Demobilization;
- (h) Natural Resources Management Reform (Land, Forestry and Fisheries).

423. Fighting corruption is the most important factor in reducing poverty. The Royal Government has chosen to deal with corruption with common actions that attack the roots of corruption, but laws, regulations, and codes of conduct are not sufficient to successfully fight corruption. Mechanisms of effective law enforcement and justice are needed to be added to any legal framework. The Royal Government is actively building such activities and finally decides what will be an applicable legal framework.<sup>63</sup>

#### **Reducing vulnerability and social discrimination**

424. The increased environmental sustainability and the improved natural resources management are the key to reducing vulnerability. Key issues include:

- (a) Disaster management, especially floods;
- (b) De-mining that is a legacy of protracted wars;
- (c) Vulnerability of the handicapped, AIDS victims, orphans, street children, deserted children, and homeless people;
- (d) Food security;
- (e) Society and relief programmes that are limited to the budget and the capacity of the Royal Government.<sup>64</sup>

#### **Promoting gender equality**

425. Because 65 per cent of the agricultural labour force and 75 per cent of production in the fisheries sector are in the hand of women, poverty cannot be alleviated if the policy and the

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<sup>63</sup> National Strategy for Poverty Reduction 2003-2005 pp. vii-viii.

<sup>64</sup> National Strategy for Poverty Reduction 2003-2005, p. viii.

programmes have not solved the issue of equality of the Cambodian women. The Royal Government of Cambodia has prioritized the Ministry of Women's Affairs and Veteran (now Ministry of Women's Affairs) as follows:

(a) To reduce the gender differences and to streamline the gender equity in health, education, agricultural resource management, strengthening economic power, social work, policy, and legal protection;

(b) To ensure that women and children receive complete legal protection as well as legal education related to their rights and interests such as access to land ownership and use of natural resources;

(c) To promote gender in all the Government's departments;

(d) To cooperate with the Ministry of Health, Ministry of Education, Youth and Sports for educational affairs, Ministry of Agriculture, Ministry of Water Resource, and Ministry of Rural Development for agricultural work and income generation in the rural areas;

(e) To deal with legal barriers to women's equal rights;

(f) To lead gender education and to promote the understanding of gender for important officials of the Royal Government of Cambodia at all levels.

426. The Royal Government of Cambodia has encouraged political parties to put women into the party lists for various positions that allow them to have the same opportunity as men to stand for parliamentary election. The Royal Government will approve a positive action policy to choose and promote women to decision-makers in public services. The Royal Government will ensure in all the processes of consultation, evaluation and monitoring that the number of women and men has to be equal.<sup>65</sup>

### **Focusing priority attention on the population sector**

427. The national strategy to reduce poverty recognizes the central function and has a broad relationship with the population as reflected in the first three programmes, which focus priority attention on:

(a) Special attention on reproductive health and family planning for the poor people implemented by the Ministry of Health;

(b) Increasing attendance of primary education for the poor people implemented by the Ministry of Education, Youth and Sport;

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<sup>65</sup> National Strategy for Poverty Reduction 2003-2005, pp. viii-ix.

(c) Increasing job opportunities in rural areas for the poor people implemented by the relevant ministries in the rural development sector.<sup>66</sup>

428. The people who have education, good health, and full energy are the wealth and wealth creators of a nation. Therefore, people are the core of all the activities of development and are contributors and users of that development. Good governance enables people to make progress and achieve their full potential for both their own interests and the interests of the society and the nation. The goal of the national population policy changes citizens' trends to make the number of components and population distribution consistent with the necessity of the sustainable development for poverty reduction and promotion of living standards of all the Cambodian people as well as ensure that all the Cambodian people have access to comprehensive use of reproductive health service in 2015. Thus, in the national population policy, the Royal Government has given much importance to support couples to make a free, responsible decision on the number of children at the intervals of each child's birth and set the time to bear a baby in order to have access to information of health service and approaches to perform the will above. The National Committee for Population and Development has been established to implement the national population policy.

<b>Table: Important population indicators</b>			
Important indicators	1993	2000	2005 (estimated)
Population (million)	10.66	12.57	13.66
The proportion of women and men (among 100 women)	91.7 (1996)	93.0 (1998)	93.5 (2004)
People aged 0-1 year (%)	43.9 (1996)	42.8 (1998)	39.0 (2004)
People aged 15-59 years (%)	50.8 (1996)	51.8 (1998)	55.1 (2004)
People aged 60 and older (%)	5.3 (1996)	5.3 (1998)	5.9 (2004)
Population density (per km <sup>2</sup> )	59.1 (1996)	64.0 (1998)	74.0 (2004)
Life expectation: women/men	51.8/55.8	54.4/60.6	57.9/64.1
Total birth rate	5.2 (1996)	4.0	3.3 (2004)
Rate of annual growth (%)	2.49 (1998)	1.81	1.81 (2004)
Married women using modern birth spacing method (%)		18.5	20.1

*Source:* Survey of Citizens for 1996, Census of Population for 1998, Institute of National Statistics.

429. The population of Cambodia dramatically decreased during 1975-1979. However, it gradually increased after this period due to the fall in the mortality rate, the increased long life, and decrease in mortality rate of infants, children under 5 years, and mothers even though one of these indicators remained high, these social phenomena had dropped remarkably for the last 5 years. The table of important indicators above showed a remarkable increase in life expectancy up to 6 years for men and 9 years for women, reflecting the improvement of general welfare. The rate of total birth had dropped considerably. Meanwhile, there were improved trends in sex

<sup>66</sup> National Strategy for Poverty Reduction 2003-2005, p. ix.

balance or the proportion of men and women that fell dramatically in 1979 because of the genocidal regime. An increase in youths was remarkable. In the present, people under 25 years account for 6 per cent, and the group of 10-20 years 36.5 per cent. Thus, youths are a main issue and worry, especially when there are increased unemployment and youth migration and a sign of growing risky attitudes of youths towards drug abuses.<sup>67</sup>

### **Article 11, paragraph 2: Right to food**

430. Eighty-five per cent of the total population of Cambodia lives in rural community, and 75 per cent of the poor people are the families whose household heads are farmers. Therefore, the measure to ensure sufficient food for the people is development of agriculture and other sectors relevant to food security.

#### **Food security**

431. Food security exists when all the people have social physical facilities and economy at all times to get food with nutrition and adequate safety to meet the needs of consumption and food of preference for an active and luxurious life. Cambodia is a country depending heavily on agriculture; therefore, food security and poverty have a close relationship. In rural areas of Cambodia, families who have enough rice and other food supply for the whole year are not considered poor or having food insecurity.

#### *A generally-accepted definition of food insecurity*

432. Food insecurity is a situation that occurs when people have no access to nutritious food with sufficient safety for growth and development to live a comfort and active life. It can result from inability to seek food, insufficient purchasing power, inappropriate food handling, or inadequate domestic food consumption. Food security is a complicated interaction of many factors including existence of food, reception of food, and food consumption. Thus, the effective national strategy to reduce poverty has to identify each of these points and will have to develop a close coordination among the associated member ministries.

#### *Food*

433. Rice is a key factor for food security in Cambodia, but food security is related to a complex interaction of many factors and beyond the agricultural production. Having enough rice at a national level does not mean that all the people have sufficient rice for consumption, especially the poorest people and the vulnerable group in rural areas. Farmers in some areas have surplus rice product, while some others suffer annual lack of food. Agricultural production that restricts access to food is also obstructed by low irrigation system, ownership of small land, infertile land, limited domination of the expansion of agricultural service and low productivity.

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<sup>67</sup> National Strategy for Development 2006-2010 pp. 44-46.

*Diet*

434. For those who live under the poverty line, their expenditure is not enough for food consumption of 2100 calories per person - a recognized international standard set by World Health Organization. They have weak purchasing power and frequently have heavy debts and insufficient loans, so even though food is available, the poor people cannot have a way to get it. Receiving food is also hindered by weak marketing system, instable prices, markets, community infrastructure and weak telecommunications, limited job opportunities for farming and growing crops, and low investments.

*Food consumption*

435. The staple food of Cambodia is rice, which provides 68 per cent of daily power demand, and the rest of the food is fish, tubers, vegetables, fruits, and others. Lack of different diets is one of main factors that contributes to increasing the levels of food consumption and nutrition that is lack of micronutrient in the country. Other factors include low education (especially women and young girls) and little knowledge. The weakness of the implementation of developing good health, nutrition, insufficient care for children, and undue weaning of children, high possibility of disease transmission, lack of access to infrastructure, and basic public health care service (DHS 2000). Lack of nutrition and health education, especially it seems to be a primary obstacle that influences the weak conditions of nutrition of the venerable group.<sup>68</sup>

**Policy and strategy to ensure food security**

436. The goals of the Royal Government of Cambodia are to promote food security for all the Cambodian people at all levels (national, community, and family) and reduce skinniness of women and children; therefore, to effectively show the issue of food security to the poorest people, whatever strategy has to focus on efforts of coordination and cooperation to show the problems and the roots of vulnerability and improve the existence of food, reception of food, and food consumption. In this sense, food assistance plays an important role in meeting the average needs of the most vulnerable group on time, which enables them to participate in various activities that help improve access to long-term food security. This example means the investment in human resources sector through vocational training, education enrichment, or community property creation through labour rice to support many activities such as construction and restoration of roads, ponds, canals, schools, or health centres. In the presentation of domestic food security, they have to carefully consider ensuring that women actively participate in and benefit from the measure used and that the demand for food security, especially the household heads as women - the vulnerable group, is provided with priority attention (for example through the targeted programmes such as special programmes about food security).<sup>69</sup>

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<sup>68</sup> National Strategy for Poverty Reduction 2003-2005, pp. 128-131 (point 1-4).

<sup>69</sup> National Strategy for Poverty Reduction 2003-2005, p. 131.



## Summary of important activities of organizations

### *Food and Agriculture Organization (FAO)*

437. The United Nations Food and Agriculture Organization (FAO) in Cambodia helps support the UN observation agencies, which work on the sectors of agriculture and rural development for the sustainability of food security and poverty elimination in Cambodia. In cooperation with the Ministry of Agriculture, Forestry and Fishing, FAO provides technical assistance through special programmes for food security, women projects on the restoration of irrigation system, nutrition, and health aimed at strengthening the agricultural production by contributing to increasing authority and participation of women in management, restoring the irrigation system and water resource, improving the situation of food and nutrition of the local citizens, promoting health care, introducing technology, and saving time for all the local activities.<sup>70</sup>

### *Seila programme*

438. Seila is the programme of the Royal Government of Cambodia that started in 1996 in a bid to eliminate poverty through strengthening the local management in accordance with decentralization and deconcentration strategies. Decentralization supports communes during an increase in communes from 20 in 1996 to 220 and 318 in 2001 of 11 provinces and each provincial town: Banteay Meanchey, Battambang, Siem Reap, Pursat, Rattanakiri, Takeo, Kampong Cham, Uddor Meanchey, and Pailin. In 2005, it was expected that the domination would reach 1,216 communes of 16 provinces. Partnership for local management project has provided support and introduced techniques to Seila Programme in all the provinces and Phnom Penh City.<sup>71</sup>

### *United Nations Children's Fund (UNICEF)*

439. The targets of the UNICEF's programme for cooperation with the Royal Government of Cambodia during 2001-2005 are to improve the situation of food as well as the situation of the poor in rural community. Based on direct support for the nutrition sector, assistance of the UNICEF's programme focuses directly on three strategies:

- (a) Developing the strategy and policy;
- (b) Supporting nutrition sector intervention at both national and community levels;
- (c) Establishing information system of nutrition.<sup>72</sup>

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<sup>70</sup> Cambodian Nutrition Investment Plan, pp. 34-35.

<sup>71</sup> Cambodian Nutrition Investment Plan 2003-2007, p. 35.

<sup>72</sup> Cambodian Nutrition Investment Plan 2003-2007, pp. 36-39.

Beneficiary group	Total population covered by children's right programme	Price/beneficiary/annual (US\$)
Children under 5 years	103 150	16.35
Women and children under 5 years	165 480	10.20
Total population	700 000	2.41

*World Food Programme (WFP)*

440. The World Food Programme has contributed to raising awareness of food security and nutrition in Kingdom of Cambodia and has provided support for various activities to settle these issues. WFP and unit of analysing position-setting and vulnerable people take care of the process of organizing information for targeting the areas of food insecurity through surveys, existing data, and contributing basic knowledge of food security in Cambodia. WFP has actively cooperated with UNDAF presently and works as a leader of working group on food security and nutrition, coordinating with the local donors about other social problems. They have expected a strategic plan for food security and a clear programme of food safety.

441. World Food Programme has been working towards development programme through a common method towards the commune integration in the commune cluster that provides a bundle of activities of restoring a distinct possibility as well as food programme for work supported by WFP's social support project, especially for the vulnerable group. Moreover, benefits are provided to some communes on top of other areas such as schools, access to markets (roads), and irrigation projects. It has participated in commune development plan through the Seila Programme, which is the decentralization process of the local planning. As rural development partner in cooperation with the Royal Government, WFP will widen the relationship with various working partners, including the UN agencies, World Bank, Asia Development Bank, European Union, and non-governmental organizations.

442. WFP started its supplementary nutrition project in September, 2000 to deal with the several-generation impacts of the shortage of primary nutrition among the vulnerable group in Cambodia (especially, pregnant women, breast-feeding women, and children under 5 years) at some time of their life. About 35,000 of children under five years and 6,500 pregnant and breast-feeding women benefited from the monthly diet, growth monitoring, and education on nutrition. In the present, the project has been implemented at 30 health centres of 6 provinces (Battambang, Banteay Meanchey, Siem Reap, Kampong Thom, Kampong Speu, and Kratie). This project is the cooperation of NGOs, provincial authorities, and WFP, which enables the beneficiary to receive the intervention related to health and comprehensive nutrition.<sup>73</sup>

*World Health Organization (WHO)*

443. WHO's advisors of nutrition have been working with nutrition units of the National Centre for Maternal and Child Health Care since the early 1999. WHO has made strong commitment to supporting the national personnel capacity building, working on the nutrition sector by providing full-time technical assistance and giving training to nutrition units of the Centre for Maternal and

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<sup>73</sup> Cambodian Nutrition Investment Plan 2003-2007 pp. 39-40.

Child Health Care. WHO's national nutrition experts on food safety mix nutrients in food and advice on breast-feeding and lack of micronutrient and also provide much advice and training to support and develop work of the National Centre for Maternal and Child Health Care as well as the Ministry of Health.

444. WHO has also supported the Ministry of Health on the National Strategy of Integration Programme for Child Treatment (IMCI), National Vaccination Programme, Reform of Health System, Human Resources of Health Sector, Fighting Malaria and Dengue Fever, Fundamental Drugs, AIDS, Environmental Health, Blindness Prevention, Mental Health, Leprosy, and Blood Donation Service.

445. WHO has planned to support the Royal Government's efforts to solve the issue of nutrition in Cambodia through support of technical assistance for nutrition units, particularly for the development of policy, programme plan, implementation of monitoring, and key evaluation relevant to the lack of micronutrient promoting breast-feeding and the prevention of the lack of nutrition for children under 5 years and women as well as the support for the integration programme for child treatment. WHO has a close cooperation with various departments of the Ministry of Health, UNICEF, WFP, FAO, and other NGOs related to the intervention of nutrition.<sup>74</sup>

#### **Key issues and intervention sector**

446. Based on the project analysis, the intervention in six areas has been developed:

(a) Agricultural production and livestock for the prevention of low rice production (the shortage frequently lasts more than six months) with the promotion of the proper implementation of cultivation including growth in a variety of crops and through the creation of self-financing groups;

(b) The promotion of the opportunities of income generation for the families through skill training courses in an attempt to better the low-income situations of the families;

(c) Loans are provided in kind to their members through self-governed rice banks in the villages in a bid to meet demand for food and short-term loans to help address the growth in poverty and debts including the village budget for food support;

(d) The development of the village infrastructure, especially rural roads, water supply, small structure of irrigation system and fish ponds through the provision of food for work with the emergency interventions during the shortage of food and long-term investments;

(e) Health service and nutrition education in an attempt to improve the situation of drinking water and sanitation (wells, toilets, etc.) including the promotion of the improved food particularly to children (education of nutrition and home-grown vegetable gardens, etc.). Family planning has been included in response to the comprehensive needs of the citizens;

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<sup>74</sup> Cambodian Nutrition Investment Plan 2003-2007 pp. 41-42.

(f) Strengthening the villagers' capacity of self-reliance is essential for the sustainable development through the meeting of collaborative village planning, the support of village development committee, and the democratic election of selecting the user groups of this plan.<sup>75</sup>

*Agricultural sector*

447. Agricultural sector is the backbone of the national strategy for poverty reduction and the national sustainable economic development of the Royal Government. Agriculture is the priority sector that the Royal Government has set in the Rectangular Strategy, which is an integrated structure of interlocking rectangles, as follows:

- (a) Improved productivity and diversification of agriculture;
- (b) Land reform and clearing of mines;
- (c) Reform of Fishing and Fisheries;
- (d) Forestry reform.

448. Agricultural sector during 2004-2007 was noted as follows: favourable weather and no serious natural disasters like the period of 2000-2001 and 2002. The outbreak of bird flu in 2007 and the outbreak of pests destroying rice crop in 2007 in 12 provinces and towns were prevented from spreading and heavy losses. Forestry, fisheries, land, especially anarchic forested land such as grabbing of forest-cleared land, mangroves, and other offences. However, the Royal Government will be taking serious actions to stop the activities of these crooks.

449. According to the data from the National Institute of Statistics, the percentage of GDP of the agricultural sector, in general, had a tendency to fall from 44.8 per cent in 1999 to 28.5 per cent in 2007, which was a common progressive competition of the three economic sectors of Cambodia. By the GDP of the main sectors for 2007, the agricultural sector contributed 28.5 per cent of the agricultural GDP expressed in percentage, the production of all kinds of crops 52.2 per cent, fishing sector about 24.8 per cent, the production of livestock and domestic birds 15.6 per cent, and forestry sector only 7.3 per cent. The agriculture had annual GDP growth of average 5.2 per cent.<sup>76</sup>

*Land registration programme, development of land registration system and conflict resolution*

450. The main goal of this sector is to strengthen the safety of the private land ownership as well as to strengthen the State land management through land registration, conflict resolution, eradication of illegal land ownership, the control of land ownership concentration for speculative purposes and the effective land use.

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<sup>75</sup> Cambodian Nutrition Investment Plan 2003-2007 pp. 42-43.

<sup>76</sup> The remark of the Ministry of Agriculture, Forestry and Fisheries, on achievements of the Ministry of Agriculture, Forestry and Fisheries in implementation of the Rectangular Strategy of the Royal Government 2004-2007 (Chaktomuk Conference Hall June 2008).

451. Important outcomes were achieved in the areas of land administration, measurement concentration, and land registration for both private and State lands. By the end of 2007, the systematic land registration accomplished the collection of data of over one million plots of land beyond the target more than 60,000 plots of land (target of one million plots) and the distribution of land titles of 700,000 plots, whereas the registration of separate plots implemented until the end of 2007 achieved about 590,000 titles. For both procedures, around 1,600,000 plots were registered.

452. Apart from the registration of small plots, the Ministry of Land Management, Urbanization, and Construction registered both private and State large lands including six State rubber plantations of 37.495 hectares, seven places of the national parks and homes of wild animals, the State's private land of more than 5,000 hectares for the land distribution programme for social work, economic development, 10 places of private land of 3,463 hectares for special industrial and economic areas, and 1,175 plans equal to 2,712 hectares of family rubber plantations.

453. To serve the land registration, the Ministry of Land Management, Urbanization, and Construction still achieved much technical work such as building earth-analysis networks, horopito map, globe, expert map, and participated actively in technical work of the country border demarcation.

454. Contributing to reinforcing the land safety, the three-level cadastral commission (national, province, and district), conducted resolution following the reconciliation method outside the judicial system to thousands of unregistered land conflicts. Besides, in the process of the systematic land registration, the administration commission implemented the recompilation method to solve small conflicts, most of which were related to thousands of land border cases. In short, the conflict resolutions following the reconciliation method realized the results in relation with the citizens of 10,000 families, which helped relieve a large burden of the administration and the court.

455. In addition, cadastral work that was endless work also contributed to increasing the State budget revenue through cadastral service and seal tax. The total achievement from 2004-2007 was 130,000,000,000 riels equal to US\$ 30,000,000. By 2007, this revenue had increased three times for 2006, namely 89,000,000,000 riels equal to US\$ 23,000,000 - over 85,000,000,000 of which was seal tax. To increase the effectiveness of the markets in line with the principle of good governance, the Ministry of Land Management, Urbanization, and Construction with the support of the Royal Government was implementing the trial project in two places in Phnom Penh, which had already been systematically registered, to construct an appropriate evaluation system of land prices on the basis of the evaluation and research of land markets, develop a map of land price areas, and inform the public of the evaluation of land prices.<sup>77</sup>

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<sup>77</sup> Main achievements in implementation of the Rectangular Strategy of the Royal Government on land reforms (2004-2007) pp. 17-19.

*Social land concession*

456. Distributing lands for the socio-economic development, the national committee of social land concession and the Ministry of Land Management, Urbanization, and Construction were implementing the pilot project on social land concession in two communes of more than 4,000 hectares and were preparing practice plans for other seven communes. To encourage the implementation of the plans of distribution of social concession lands until 2008 to 10,000 families (equal to 416 families in a province/town), the committee of the provincial/town land distribution and utilization was studying to define the land zones and conducting a census on real landless families. In addition, because it was one of the social measures and poverty reduction, the Royal Government had dealt with the distribution of lands to the real landless citizens in the framework of new village construction, new settlements, implementation of plan of de-mining land use, and regulations of land owned illegally by the poor citizens. By 2007, such implementation had distributed land of more than 12,000 hectares to more than 20,000 families, most of which was land for residence, but the problem here was when the Royal Government had sufficient plans and procedures of the proper distribution of social concession lands, there were still activities of clearing forests for the continued land ownership in which the Ministry requested the authorities of all provinces/towns to prevent and encourage the implementation of Sub-Decree No. 118 on the State land management and Directive No. 06 dated 8 November 2007, on the distribution plan of social concession lands coupled with the reinforcement of Directive No. 02 dated 26 February 2007, on illegal State land ownership in order to have land and distribute the social concession land to the real landless citizens, which was the Royal Government's efforts to complete the exiting work of its third mandate successfully.<sup>78</sup>

*The protection of land tenure rights of the ethnic minorities*

457. The Royal Government recognized and protected the traditional land tenure rights of the ethnic minorities and village boundary demarcation with the agreement of the local community and authorities. The provincial rural development commission and the existing village commission had to monitor the land utilization and constitute actions to ensure the method of the sustainable use of natural resources. The Royal Government had to acknowledge the method of cultivation and appropriate harvest of forest produce that the tribal people used to do for their traditional livelihood. The improvement of their traditional cultivation method was studied and supported by the Royal Government. The Royal Government respected the special relationship of the mountainous and highland tribal people in terms of the use of land and natural resources that the community was using.

458. In the objective of protecting land tenure rights of the community of the indigenous ethnic minority, the Royal Government through advisors of land policy has been encouraging the process of completing discussions about draft policy of land registration of the indigenous ethnic minority before making a request for approval from the Royal Government. The policy has been approved but has not had Sub-Decree on this kind of registration. With the Royal Government's

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<sup>78</sup> Main achievements in implementation of the Rectangular Strategy of the Royal Government on land reforms (2004-2007) pp. 2-3.

policy, the Ministry is taking trial actions to protect the land of the ethnic community through the trial project in three villages of Ratanak Kiri province and Mondul Kiri province by defining the land boundary of the community in the sense of Sub-Decree No. 118 on the State Land Management.<sup>79</sup>

### *De-mining*

459. Following the excellent recommendations made by Samdech Hun Sen, the Prime Minister of Cambodia, CMAC authorities made efforts to perform their duties and achieved important outcomes as follows:

(a) From 2002 to 2006, CMAC authorities coordinated the four groups of national and international de-mining operators - Royal Cambodian Armed Forces (RCAF), Cambodia Mine Action Centre (CMAC), HALO Trust Organization, and MAG Organization - conducted their de-mining operations in the provinces: Pursat, Battambang, Banteay Meanchey, Preah Vihear, Uddor Meanchey, Kampong Thom, Siem Reap, Kampong Cham, Kratie, Pailin Town, and some other provinces in the centre of the country;

(b) From 2004 to 2007, the de-mining operation achieved the land area of 17,986 hectares, recovering and destroying all types: 343,008 anti-person mines, 654,970 unexploded ordnance devices, and 5,524 anti-tank landmines. From 1992 to 2007, Cambodia cleared landmines off the land area of 41,200 hectares, discovering and destroying 755,705 anti-person mines, 17,998 anti-tank mines, and 1,594,203 unexploded ordnance devices. The mine-cleared land area of 17,786 hectares in the period of four-year de-mining (2004-2007) served the poor people in the objective of preparing new villages, residences, and agriculture;

(c) Fifty-eight per cent for roads and new settlements, 14 per cent for schools, health centres, pagodas, about 28 per cent for public infrastructure.<sup>80</sup>

460. The authorities of CMAC and the mine-hit handicapped relief led the preparation of a 5-year de-mining action plan for 2004-2008 to meet the objective of de-mining strategy of the Royal Government. To achieve the objective of mine clearance and unexploded weapons, CMAC authorities would implement the following activities:

(a) Adopting mine clearance of the suspected areas of high landmine possession by 2009 as the first priority;

(b) Integrating de-mining activity with development programme;

(c) Coordinating de-mining operation for a technical observation by 2005;

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<sup>79</sup> Main achievements in implementation of the Rectangular Strategy of the Royal Government on land reforms (2004-2007) p. 18.

<sup>80</sup> Report on the achievement of mine actions and disposals of explosive ammunitions left by wars 2004-2007 and future plan pp. 2-5.

- (d) Assisting in building the capacity of Royal Cambodian Armed Forces in de-mining for development;
- (e) Coordinating de-mining operation for education about the accidents resulting from landmines;
- (f) Promoting the achievements of de-mining and areas that can be endangered by m;
- (g) Improving the effectiveness of expenditure in mine clearance until 2006;
- (h) Reinforcing the monitoring of the landmine areas that had already been de-mined since 2005;
- (i) Implementing the standard of Cambodia Mine Action Centre since 2005.

*Fishing Reform (Fisheries)*

461. Fisheries is a sector to which the Royal Government is paying attention by promoting the knowledge of sea and fresh-water fishery, developing hatchery and fishing inspections, and enhancing the effective law enforcement. Research expert officers of fishery management of the fishery department informed that natural resources of the Mekong River and Tonle Sap Lake system were extremely vital for the Cambodian people to support their food and employment. Each Cambodian consumes average 52.4 kilograms of modified fish or freshly cooked fish every year. Economically, one of ten people lives on fishing or 3-4 million people are fishermen across the country. The Royal Government developed fishing community for the people to participate in managing and protecting the resources directly in their neighbourhood to contribute to the sustainable management and the protection of both rights and interests of the citizens. The Royal Government declared the elimination of fishing lots so that the people can go family fishing such as:

- Sub-Decree No. 97 dated 15 December 2000
- Sub-Decree No. 04 dated 15 January, 2001
- Sub-Decree No. 06 No. 08, No. 09, No. 10 dated 22 January 2001
- Sub-Decree No. 19, No. 21, No. 22 dated 16 February 2001
- Sub-Decree No. 23 dated 19 February 2001
- Sub-Decree No. 27 dated 5 March 2001
- Sub-Decree No. 30 dated 27 March 27 2001

462. Regarding the elimination of fishing lots and the reduction in the boundary of the fishing lots in Battambang, Kampong Thom, Kandal, Kampong Chhnang, Pursat, Siem Reap, Banteay Meanchey, Kampong Cham, Phnom Penh, Kratie, Prey Veng, and Takeo for the citizens to do family fishing. With the cooperation of many international and non-governmental organizations such as FAO, MRC, CARERE, STREAM-DFID, CCD, GTZ, CAA, DFID, Oxfam America,



Oxfam GB, IDRC, WWF, etc. in 2002, the Royal Government decided to turn the area of 56.23 per cent of fishing lots into 217 sea and fresh water fishing communities for the citizens to do family fishing.<sup>81</sup>

Products	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Freshwater fish	65.1	74.7	71.3	67.9	65.0	72.5	63.5	73.0	75.7	71.10
Sea fish	39.9	36.7	34.9	33.1	21.1	30.5	31.2	29.8	32.2	38.1
Raised fish	6.9	6.7	7.0	7.4	7.6	9.5	9.0	11.8	14.1	15.0
Total	111.4	118.1	113.2	108.4	93.7	112.5	103.7	114.6	112.0	124.1

463. In 2007, the fishery administration made efforts to actively perform the management of fisheries sector, achieving many outcomes such as preparation, appointment, compilation, adjustment of standard letters under the law of the preparation of longitudinal management structure, the strengthening of the fishing community, the development of aquaculture, studies, conservations, the crackdown on fishing offences, and the promotion, and so on, whereas the Royal Decree, Sub-Decree, Declaration, and some other technical standard letters were checked and adjusted and put into practice to ensure the sustainable management and use of the natural resources.

464. Reinforcing the fishing community, the fisheries administration coordinated the general community meetings to vote to select the inactive community commission and approved the registration of the commission and the members, statutes, internal regulations, maps, and the agreements of community fishing areas

465. The development of aquaculture remarkably improved. The fisheries administration expanded the activities in other areas that fell short of fish in cooperation with international organizations emphasizing on encouraging studies on breeding and raising fish of local types such as *Barbodes gonionotu*, *Trichogaster pectoralis* (Snakeskin gourami), and *Pangasianodon hypophthalmu* (Iridescent shark-cartfish), lobsters and other types of fish and the successful experimentation of breeding lobsters for the encouragement of the future fish raising.

466. For the crackdown on fishing offences, the tremendous efforts of the fisheries administration officers of all levels to crack down on and prevent the offences in the fishing season achieved better results throughout the country.

467. The fisheries administration made efforts to develop documents and promotion by encouraging all offices in all the provinces/towns to put up billboards of pictures in the downtowns about the prevention of fishing offences and the participation in the conservation of the fishery resources and printed bulletin, pictures, posters, and other technical manuals including fishery magazines.

<sup>81</sup> Sixth discussion meeting with aids communities at Phnom Penh on July 2002.

<sup>82</sup> Second Five-Year Economic and Social Development Plan (Ministry of Agriculture, Forestry and Fisheries 1999-2000).

468. Fish is as important as the life of millions of the Cambodian people because it provides food, income, and survival.

(a) Freshwater fishing business totalling 375,000 tons;

(b) Sea fishing business totalling 63,500 tons equal to 105.83 per cent of the target of 60,000 tons compared to 2004 increasing up to 7,700 tons;

(c) Aquaculture of raising fish and shrimps accomplished 35,260 tons (35,190 tons of fish, 70 tons of shrimps equal to 100.74 per cent of the target of 35,000 tons compared to 2004 increasing to 14,425 tons);

(d) The modification of sea fishing products achieved 4,850 tons equal to 121.25 per cent of the target of 4,000 tons compared to 2004 increasing to 50 tons.

469. The preparation of 509 communities where the 447 fishing communities and 62 hatchery-pond communities have the total members of 128,041 families equal to 390,323 people, and 469 communities are located in fresh water fishing territory and 40 communities in coastal zones. The fishery conservation areas consist of eighteen places (dolphins, breeding fish, coral, and sea grass) with the support of the local citizens.<sup>83</sup>

#### *Forestry reform*

470. According to the explanation of the forest canopy for 2006, the forest canopy across the country was 10,730,781 hectares equal to 59.09 per cent of the total land area. Changes in the forest canopy from 2002 to 2006 decreased 373,510 hectares or equal to 2.06 per cent compared to the land area of the country. The Royal Government of Cambodia as well as the Ministry of Agriculture, Forestry and Fisheries defined the target of maintaining the forest canopy throughout the country by 60 per cent for 2015.

471. Until 2007, following Order No. 01 on the prevention, crackdown, eradication of illegal ownership, slash-and-burn, reclamation, and encirclement of the forests and the order No. 02 of the Royal Government, the competent authority took back the land of 253,181 hectares of all forest types and 1,636 machine-operated saws of all kinds as the State property.

472. Declared to cancel the agreement and dispossession of concession forests with the total land area of twenty-four places equal to 3,501,170 hectares from 17 companies. The other 12 concession forest companies, which were still valid and contained the total land area of 3,374,328 hectares, were required to re-negotiate agreements and prepare management plans of concession forests in accordance with the international standards. Meanwhile, all the activities of forest trade of the concession forest companies were postponed from January 01, 2002 until the companies had proper preparation in compliance with regulations, laws, and expert teams for sustainable forest management.

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<sup>83</sup> Clear report on fishery situations 2007 and direction measures for 2008, pp. 1-2, and the remark of the Ministry of Agriculture, Forestry and Fisheries p. 2 (fishery sector).

473. Re-planting 10,730 hectares of trees had been conducted subsequently since 2004, and for 2007, 9,219 hectares. Growing young trees was expanded from 15,639,969 trees to 19,896,725 trees in 2004 and 2007.

474. Organized 300 forest communities covering the forest land of 181,000 hectares in 19 provinces/towns with the population of 62,400 families.

475. Seventy-seven nature-protecting communities were organized, eight of which were developed in 2006 and the borders of 16 natural areas were demarcated and the official mapping for those protection areas was also organized.<sup>84</sup>

**Table: Changes in forestry canopy for 2006-2002<sup>85</sup>**

No.	Forest types	Forest canopy (hectares and per cent)				Years 2006-2002	
		Year 2002		Year 2006			
1	Dense forests	3 720 493	20.49	3 668 902	20.20	-51 591	-0.28
2	Half-dense forests	1 455 183	8.01	1 362 638	7.50	-92 545	-0.51
3	Sparse forests	4 833 887	26.62	4 692 098	25.84	-141 789	-0.78
4	Various types of forests	1 094 728	6.03	1 007 143	5.55	-87 585	-0.48
5	Total forest land	11 104 291	61.15	10 730 781	59.09	-373 510	-2.06
6	Land without forest canopy	7 056 383	38.85	7 429 893	40.91	373 510	2.06
	Total	18 160 674	100	18 160 674	100		

*(Data source of forest coverage in 2002-2006)*

476. The strategic goals of the Royal Government in the forestry sector were to ensure the sustainable forest management based on three important pillars as follows:

(a) First, the policy of the sustainable forest management with strict control of forest trade and in consistency with the international forest standards, which required the magnitude of sufficient forest reserve against the use of the people, droughts, floods and for the protection of mangroves - the fish hatcheries;

(b) Second, the nature protection system for the conservation of biodiversity and other scarce types;

(c) Third, the implementation of a forest community development programme that is firm and transparent and is directly managed by the local people.

<sup>84</sup> Development report on achievements of the Ministry of Agriculture, Forestry and Fisheries, in implementation of the Rectangular Strategy of the Royal Government 2004-2007 pp. 15-16.

<sup>85</sup> Development report on achievements of the Ministry of Agriculture, Forestry and Fisheries, in implementation of the Rectangular Strategy of the Royal Government 2004-2007 pp. 15-16.

477. To achieve the above-mentioned goals, the Royal Government prepared and has implemented the national forestry programme by mainly including strategic measures as follows:

#### **The reinforcement of the management and conservation of forest resources**

(a) Prepare ratifications and re-classification of permanent forest property and maintain all the existing forest resources in order to ensure the function of protecting ecological system and the conservation of biodiversity by the approval and the implementation of Sub-decree on the development of classification and the registration of the permanent forest property;

(b) Reinforcing the enforcement of law on forest, **especially Order No. 01 on the prevention, crackdown, eradication of illegal ownership, slash-and-burn, reclamation, and encirclement of the forests**. Strengthening the implementation of the conservative strategy and the protection of forest types, slope areas, genetically conservative areas of forests and wild animals, natural tourist places, and other special systematic circles with maximum participation from the local communities;

(c) Strictly implementing the technical framework of regulated basic forest management for the management and use of the forest resources including the sustainable concession forests;

(d) Promoting the forest-awareness campaign.

#### **Encouraging forests to participate in the socio-economic development**

(a) Enhancing the socio-economic values of the protection of ecosystems and the conservation of biodiversity of the forest resources;

(b) Promoting the wood supplies from the source of planted forests instead of the source of the natural forests by encouraging the private investment sector and the participation from the public sector;

(c) Increasing the effectiveness of use, modification, seeking markets for the forest products, especially re-planting trees in response to the local demands and exports;

(d) Continuing to encourage the process of re-planting trees where possible and protect the planted young trees.

#### **Encouraging the forests to contribute to poverty reduction**

(a) Legally recognizing and protecting the traditional rights of the local communities to the use of forest resources to contribute to ensuring food security and poverty reduction. These rights are protected by the law on forests and standard letters under other laws;

(b) Increasing the benefits of the local communities in using and managing the forest resources through the implementation of the conservation of forests and wild animals with the participation from the local communities.

### Strengthening the capacity and good governance in the forestry sector

(a) Building the capacity, reinforcing the management institutions and the technical research programme of forest science at all levels;

(b) Additional training on public understanding of the local communities to contribute to the sustainable conservation and management of the forest resources;

(c) Strengthening the operation of the forestry administration that has the authority to make decisions and is able to operate at a local level as well as strengthening the cooperation with the relevant institutions.

Products	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Rice	2 500	2 400	2 221	2 383	2 223	3 448	3 458	3 415	3 510	4 041
Maize	88	60	60	45	45	55	65	42	49	95
Potato	60	56	80	51	65	82	70	77	67	229
Yam	31	39	60	48	36	39	38	29	30	33
Vegetable	170	249	210	221	197	193	250	117	128	182
Bean	12	13	14	11	17	20	14	15	9	16
Sugar cane	258	145	142	145	219	202	171	188	133	160
Soy bean	22	35	40	39	23	17	28	56	28	35
Peanut	7	8	8	5	5	7	6	77	9	
Sesame	5	8	6	5	4	4	5	3	5	7
Tobacco	8	9	9	5	12	11	10	10	10	6
Claw tree	2	1	2	2	2	1	2	2	1	0
Rubber	35	35	28	22	21	35	42	38	41	46

#### *Animal husbandry*

478. Royal Government has paid attention to resolving of animal raising problem and giving priority to animals' health. According to World Bank's project, animal and bird disease prevention have been implementing actively through the improvement of treatment service by doing the check up and vaccinating. Local fodder production was encouraged instead of importing. Loan provision for crossbreeding and buying animals for raisings was implemented constantly.

479. People have increased the animal raisings due to the attention paid by the Government with the result as follows:

<sup>86</sup> Second Economic and Social Development Plan 2001-2005, p. 99.

<b>Animal husbandry (in millions)</b>										
Production	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Cow	2.2	2.3	2.5	2.5	2.6	2.8	2.8	2.8	2.7	2.8
Buffalo	0.7	0.8	0.8	0.8	0.8	0.8	0.7	0.7	0.7	0.7
Pig	1.5	1.6	2.0	2.1	2.0	2.0	2.2	2.4	2.3	2.2
Poultry	8.2	8.8	9.9	10.7	10.0	10.1	11.4	12.1	13.1	13.4

480. From 2004 to 2007, the situation of production development and animal treatment sectors were evolved remarkably such as:

(a) The rate of dead and ill animals decreased, especially the success of the trainings to the village animal health agents following the policies determined by ministry of agriculture, forestry and fisheries which stated that a village should have a an animal health agent;

(b) Bird influenza situation also decreased compared to previous years. Obviously the breakout of bird flue occurred only one case in Kampong Cham Province; however, intervention was made in time;

(c) Raisings of all kinds of animals increased noticeably in both domestic and half-industrial types. The animal breeds were also improved due to the farmers are aware that good animal-stock will be raised faster and resisted to illness. At the same time, farmers are also aware of animal fodder and fodder crop in the from of family and industry;

(d) While animal raisings are increasing, animal shit is a main problem affecting the citizen's living environment. For this reason we pushed to build resin gas oven at all animal farms and expend this project to other provinces.

<b>Table: Animal statistic and the comparison of animal statistic in Cambodia in 2007-2006</b>			
Type	Total	Comparison of total animal in 2007-2006	
		Number of animal: up or down	Percentage
Cows	3 368 449	+ 23 737	+ 0.70
Buffalos	772 780	+ 48 402	+ 6.26
Labors	4 141 229	+ 72 139	+ 1.74
Pulling power	1 755 280	+ 146.64	+ 0.8
Pigs	2 389 389	-351 426	-14.70
Dead animal	15 825 314	+ 689 249	+ 4.35

Type of animal farm	Number of farm	Number of total animals	Comparison 2007-2006			
			Farm		Number of animal: up or down	
			Number	%	Number	%
Chicken's eggs	49	231 529	+8	+16.32	+42/579	+18.39
Chicken's meat	128	392 812	+69	+53.90	+184 290	+46.91
Duck farm	725	721 538	-1 156	-159.44	-1/071/43	-148.53
Pig	187	60 147	+116	+40.41	-285/126	-474.23
Cow	43	5 019	+35	+81.39	+2.293	+45.68

<b>Table: Evolution of animal raising development in Cambodia 2004 -2007<sup>87</sup></b>					
Year	Unit	Cow	Buffalo	Pig	Bird
2004	head	3 039 945	650 572	2 428 566	13 990 592
2005	head	3 184 146	676 646	2 688 612	15 085 547
2006	head	3 344 712	724 378	2 740 815	15 136 065
2007	head	3 368 449	772 780	2 389 389	15 825 314

### **Environment protection, management and natural resource preservation**

481. Royal Government has been working very hard to protect the environment, manage and preserve the natural resources and biodiversities in order to substantially maintain the ecology system to ensure the social development in accordance with the rectangular strategy of the Royal Government in reducing the poverty of people, particularly the based communities and indigenous people. Effective natural resource management has contributed to the improvement of Cambodian products because the Cambodian economy mainly depends on natural resources. In this context, environment protection and natural resource management, especially forests, play a crucial role in absorbing rains and prevent droughts, storms, and floods as well as other natural disasters. In response to this case, the Royal Government has taken serious actions with supports from international institutions such as World Bank, ADB, Food and Agriculture Organization, United Nations Development Programme, United Nations Environment Programme, World Environment Funds together with collaboration with NGOs and countries in the region and around the world. In the effort to protect the environment and manage the natural resources, forests in particular, the State has issued the standard documents as follows:

- (a) Law on Environmental Protection and Natural Resources Management dated 24 December 1996;
- (b) Law on Forestry dated on 3 September 2002;
- (c) Law on Fishery dated on 24 May 2006;
- (d) Law on Protection of National Forest dated 15 February 2008;
- (e) Law on Bio-safety dated 18 February 2008;
- (f) Land Law dated 3 September 2001;
- (g) Law on Water Resources Management dated 29 June 2007;
- (h) Royal Degree on Protection of Natural Areas dated 1 November 1993;
- (i) Sub-Degree on Environment Impact Assessment Process dated 11 August 1999;
- (j) Sub-Degree on Water Pollution Control dated 6 April 1999;

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<sup>87</sup> The progressive report on achievements of the Ministry of Agriculture, Forestry and Fisheries in implementation of the Rectangular Strategy of the Royal Government (2004-2007) pp. 8-9.

- (k) Sub-Degree on Solid Waste Management dated 27 April 1999;
- (l) Sub-Degree on Air Pollution and Noise Distribution Control dated 10 July 2000;
- (m) Sub-Degree on Ozone Layer Pollution Control dated 17 March 2005;
- (n) Declaration No. 01 dated 25 January 1999 on the Management and Elimination Measures of Illegal Forestry issued by the Royal Government;
- (o) Declaration No. 429 dated 29 March 1999 issued by the Ministry of Environment on the Establishment of Mechanisms to investigate crimes related to forests and eliminate illegal forestry.<sup>88</sup>

482. The Royal Government of Cambodia has indicated that the forest sector should be implemented in accordance with the priority development path in order to rehabilitate the destroyed forests, stop providing concession forests and confiscate any concession forests where the concessionaire fails to abide by laws or contract. As a result, in 2002 Royal Government of Cambodia dissolved 21 places of concession forests of 15 companies which accounted for 3,001,470 hectares and these forest areas have become protected and reserved forests. The national protected areas comprise national parks, wildlife sanctuaries, multiple use areas, and 23 landscape protected areas among which seven locations are national parks with the total area of 742,250 hectares, located in Koh Kong, Sihanuok Ville, Siem Reap, Stung Treng and Ratanak Kiri.<sup>89</sup>

483. Meanwhile, with the supports from country donors, and some International and Non-governmental Organizations such as GTZ, MRC-GTZ, W.B/WWF/IDRC/CRDI/Oxfam America/RECOFTC/WEP/DANIDA/ITTO, etc., the Royal Government has been reforesting in order to restore the deforestation made so far through germinating all kinds of plants and distributing 2,120,000 of them to people to grow on 850 hectares of deforested land. And it has been collecting the local resources and called for foreign aids to provide financing to the forest management including inundated forests around Tonle Sab Lake. (Source: The sixth discussion meeting with development communities held in Phnom Penh, June 2002).

484. The commitment implemented in the forest reform has provided more contribution to the preservation of the coverage of the forests during the last few years and land area of 59 per cent covered by forests in 2006. The continual commitment to preserve and manage the forests with suitability along with reforestation will also share contribution to the 60 per cent of the forest coverage of the national total land area by 2015 in conformity with the determination of the Cambodia Committee of Human Rights.

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<sup>88</sup> Legal article compilation on Forestry Management issued by Ministry of Agriculture Forestry and Fishery in 2001.

<sup>89</sup> Speech of His Exilency, CHAN TONG EAV, secretary of state of Ministry of Agriculture in the occasion of making draft on forestry law at the national assembly on 1 July 2002.



485. The Royal Government of Cambodia has committed to strengthen the Governance in preservation and management of the naturally protective areas and protective forests at the land area of about 25 per cent of the national land area as well as to preserve the biodiversities. The commitment is to help reduce the uses of biodiversities at the standard of 10 per cent rate by 2010 in accordance with (preservation for development and development for preservation) the principles and encourage the uses of biodiversities with sustainability which are the prioritized factors to support and increase the national economy as well as enhance the family economy at the based communities. In this framework, an environment protection and natural resources management in conformity with the principles of laws and technique will have helped develop the national economy with effectiveness and sustainable environment through monitoring and evaluating the impacts of the existing projects and the major investment projects of both the Government and private sector. From 2006 to 2008, 73 Natural-based Communities and one Fishing Community have been established. The targets of these communities not only aim to encourage the active participation from the community members to protect the environment, forests and fisheries but also to enhance the living standard of the people in the communities. Six natural resorts in the natural protective areas have contributed to the poverty alleviation of the poor people; especially, based communities and indigenous people. In 2006 the Royal Government confiscated 3,606.15 hectares (three thousand six hundred and six hectares and fifteen acres) of illegally occupied land. 18 of 23 natural protective areas have been bordered and official map for each protective areas in the provinces and municipalities in the country have been made.

486. The Royal Government of Cambodia has tried on its best to strengthen the environment monitoring from solid and liquid wastes and industry factory wastes in order to prevent and reduce environmental pollution (water pollution, soil pollution and air pollution) and impacts on the public as well as taken strict measures to prevent Cambodia from becoming the waste dumping side of foreign countries. The Royal Government has also strengthened management on solid and liquid wastes; especially, chemical substances and all kinds of polluted chemical substances from coursing danger to the health of the publics and to the national environment. Pay important attention to education and dissemination on environment as well as use all means of dissemination such as magazines, radios and televisions; especially, producing the scenes in the question-answer forums aiming to create environmental conscience as well as including the environmental programme in the school curriculum ranging from Primary Education, Secondary Education and Buddhist Education. At the same time, the Royal Government has tried to strengthen the cooperation with State institutions, Private sector, NGOs, Civil society, and the cooperation in the regional and international frameworks on environment and natural resource management and has encouraged an implementation of several important international conventions and protocols which includes Cambodia as the member and aim to enhance the prestige of Cambodia in the international context and contribution to solving the challenges on the environment in the region and in the world; especially climate changes and provision of the opportunities to the protection of environment and sustainable development.<sup>90</sup>

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<sup>90</sup> Progressive report 2006 on the Strategic Plan for National Development 2006-2010, pp. 22-23.

*Major challenges*

487. With major achievements that Ministry of Environment has proudly accomplished, there are certain challenges, both subjectivities and objectivities, directly affecting the missions in environmental management.

488. The flow of migrants into protected areas together with the poverty has made the increasing demands of natural resource consumption and activities of illegal State land possessing, and clearing forest to grab land in the protected areas to be the private possession via collaboration to issue land possession letters or land titles to merchants and some other opportunists.

489. The number and ability of rangers of the 23 protected zones and national parks, the supplies of equipments and facilities are not met to the scope of work in the zones. Besides, the lack of capable officers in offices of environment in provinces affects the effectiveness and efficiency of the work in the ministry. The implementation of group priority is slow due to the complication and limited comparing to the demand from the work of the ministry.

490. Cooperation and coordination with the involved Ministries, armed forces, local authorities, and communities in order to preserve natural resources in the protected zones are limited. Moreover, some provincial courts delay the investigation and verdict the cases filed by environmental authorities.

491. Standard regulation and laws to protect quality of environment have many flaws because the work is related to many other sectors such as industry, manufacturing, public health and transportation ... etc, demanding separate regulations to manage. In addition, rapid grow of economy is also a factor that makes existing regulation unable to cover all the new aspect of the development.

492. Inadequate of resources, research facilities, and development of laboratory work. So far, the development of laboratory work in the Ministry has depended entirely on aids; budged supported by the State fund is limited to ensure the sustainability of the work of experiments and research.

493. The cooperation from related institutions in accessing environmental impacts and contributions of public opinions are limited because of the misunderstanding of certain individuals, claiming that the assessment of environmental impacts is the barrier to investments.<sup>91</sup>

*Continuing direction*

494. For the next five-year mandate, the Ministry has set goals to implement as follows:

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<sup>91</sup> Remark on the implementation of the policy of environment management in the strategic policy of sustainable development of the Royal Government of Cambodia 2004-2007, pp. 3-4.

(a) Continue to enhance article 59 of the Constitution on environment and natural resources protection, and other laws and legislations of Royal Government of Cambodia, especially the assessment on environmental impacts, management of natural sanctuaries, and protection of quality of the environment;

(b) Continue to accelerate the integration of the national environment policies into developmental plans and strategies in all levels in order to guarantee the sustainability and continuity of environmental development;

(c) Continue to organize strategic plan for the Royal Government in 4th mandate;

(d) Promote the education and dissemination of the environment both in educational institution and the general publics so that they participate in protecting the environment and reducing the poverty;

(e) Strengthen and expand collaboration with relevant Ministries, institutions, private sectors and civil societies, and promote bi-literal and multi-literal cooperation in protection of environment.<sup>92</sup>

### **Understanding the means of agriculture**

495. Previously, in the agricultural sector, Cambodians usually use animals like cattle, buffaloes, in their farm cultivation. However, recently the Government has paid attention to disseminating farmers to the agricultural machines use as means to cultivate their farm production on time with high productivities. These activities have been welcomed and they also request the Government to run more training courses on this new technology to ensure their cultivation process smoothly and in time.

### **Communities and social services**

496. In the last two years 2004-2007 10 per cent of the Economic was increased per year. The Per Capita Income of individuals increases from US\$ 290 to US\$ 589. Poverty ratio decreases 1 per cent per annual. Adopt the Rectangular Strategy of Royal Government in the fourth angle of the third rectangular on Organizing Social Security for victims of natural disasters, and other incidents in order to expand programmes for restoring labour capacity for disabled people as well as strengthen public health of the senior citizens, orphans, homeless, and veterans and their families.

497. The Ministry of Social Affair, Veterans, and Youth Rehabilitation has set as six-point priority plan for 2004-2008 hereunder:

- Priority 1: Expand social services to vulnerable people and emergency intervention for victims of natural disasters and other incidents in minor and medium cases, and programme for homeless, beggar, etc.

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<sup>92</sup> Remark on the implementation of the policy of environment management in the strategic policy of sustainable development of the Royal Government of Cambodia 2004-2007, p. 4

- Priority 2: Continue to act as a pillar in implementation of the child rights and preventing child delinquency. Organize social services to support vulnerable children, orphans, trafficked children, and continue to expand rehabilitation centres for child delinquents.
- Priority 3: Continue to strengthen handicap works, helping poor disabled people and continue to set up policies and laws on rights of handicaps, as well as fortify sustainability of rehabilitation services and upgrade the living standard of poor handicaps.
- Priority 4: Continue to manage and effectively implement the policies for veterans, handicap soldiers, and civil servants and pay attention to implementing the policies for retired civil servants and old aged citizens.
- Priority 5: Continue to manage and implement policies for former soldiers. Strengthen the provision of allowance to the target. In addition, continue to implement conditions of living for retired soldiers and detached soldiers and their families.
- Priority 6: Strengthen social welfare services at all levels. Encourage and cooperate with local and international NGOs, and donors, and seek for humanitarian aids to fulfil the necessity of the social services.<sup>93</sup>

498. The strategic policy of Royal Government in helping vulnerable groups to receive adequate food and suitable living standard is to provide them jobs so that they can work by themselves. This strategy so far has won support from local and International NGOs. With the foreign aids, Royal Government has strengthened its capacity and set up mechanism for protecting those vulnerable people, and has been expanding the observation and assessment of impact of investments and reforms in income earning of the people. The tasks have been carried out with vulnerable groups such as orphans, poor families in rural areas, families residing temporarily in cities, returned refugees, and unemployed workers. To resolve these challenges, Royal Government has organized certain action plans as follow: establish educational centre for women sex workers (Kolap 4 Centre is a temporary place for educating 10 to 20 women sex workers brought there by the authorities, and it is seeking for partners or guardians to continue educating them). The arrangement of information system on labour market was previously assisted by International organizations on labour to process the proposal setting up labour market system to be more widely in the nation for a period of five year, spending 2 million US dollars. However, those proposals haven't been response positively yet. Currently, the Government collects the information about the labour market as much as the abilities and resources that are available. We issued the Circular No. 15 dated 17 July 2001 on the collection of statistical data of labour market like the number of unemployed people and finding jobs for them. The building of regional training centre: We have built 5 regional training centres in Kampot, Pursat, Kampong Thom, Stung Treng, and Phnom Penh (Prek Phnov), which provided the people in the centres

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<sup>93</sup> The report on the progress of people through achievements in implementation the Rectangular Strategy of the Royal Government 2004-2007 of the Ministry of Social Affairs, Veteran and Youth Rehabilitation, pp. 1-2.

with the skills of repairing small machine, repairing cars, electronics, repairing air-conditioners, sewing, saloons, sculpting (in Pursat) so that they can use the skills to generate income when completing. Moreover, Royal Government has turned orphanages into training centres, set up work safety system, set up a training centre in Takeo, appointed clinics in factories, capacity building for professions, set up a training centre in Siem Reap, and restored and repaired rehabilitation centres, etc.

499. Royal Government has planned to set up infirmaries in 221 factories and currently has been implemented in 67 factories and the rest are also in process as planned.<sup>94</sup>

### **Management of food quality**

500. The welfare problem of people has been considered by Royal Government, in charged by one department (Department of Cam-Control of the Ministry of Commerce, Department of Cambodian Industrial Standard of the Ministry of Industry, Mine and Energy) to control and promote the quality of food. So far, Royal Government has continually issued legislations to control quality and safety of consuming products. They are:

(a) Law on Factory and Handicraft Management (Royal Kram No. 0606/018 dated 23 June 2006);

(b) Law on Cambodian Standard (Royal Kram No. 0607/013 dated 24 June 2007);

(c) Declaration on the Establishment of Standard of 9 Food Products in order to produce foods in conformity with the national standard;

(d) Royal Kram No. 0600/001 dated 21 June 2001 on Management of safety of products and service;

(e) Law on the Establishment of Commission of Inter-Ministry to coordinate the Inspection on the quality and safety of products and services dated 9 March 2001;

(f) Declaration on the establishment of Commission of Inter-Ministry to coordinate the Inspection on the quality and safety of products and services N0 28 dated 8 May 1998;

(g) Declaration on the establishment of technical group of the committee of National Codec No 353 MOC/2001 dated 31 December 2001;

(h) Declaration on the measures of Food Products which their trademarks are not approximate to the regulation No. 329 dated 29th July 1999;

(i) Circular on control of import and transportation of uncooked food products such as animals, poultry, eggs for human food N0 253 dated 7 September 2000.

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<sup>94</sup> Source documents of economic and social development, p. 116, and the former Ministry of Vocational Training and Youth Rehabilitation.

501. From now on, the Royal Government will strengthen the control of export and import goods along the border to prevent the import of counterfeit products and continue to inspect on products in market in order to protect the welfare of the consumers. Royal Government will establish a laboratory to experiment on bacteria which cause disease or danger in food products and thoroughly investigate the dangerous ideas of transmitting virus via food products.<sup>95</sup>

### **Article 11, paragraph 3: Right to adequate housing**

502. Article 40 paragraph 1 of the Constitution states that, “Citizens’ freedom to travel, far and near, and legal settlement shall be respected.”

503. In Cambodia, permanent houses or buildings are 31 per cent, and 20 per cent is solid houses or buildings and 48 per cent is temporary structures. In towns, most of the buildings are long lasting and most of the buildings in the country sides are temporary. Around 90 per cent of house buildings in the nation have wood or bamboo floors. Approximately 16 per cent has brick floor, 7 per cent has floor of timber and 5 per cent has concrete of tiled floors.

504. In the whole country, there are approximately 95 per cent of the families, possessing houses. In towns, the ratio is 92.6 per cent and it is a little lower than that of the countryside. There is almost no renting of house in the country side. There are many families whose all members live in just one room (excluding kitchen, store room, bathroom and toilet). By national standard, 99 per cent of the families in the nations possess from one-bedroom to three-bedroom houses, and big houses with four or more bedroom exists more in towns than in the country side.

505. Families who live in the house constitute 96 per cent across the country. Buildings, which are featured as either home, or business stores consist of 4 per cent and 1 per cent is either home or handicraft.

Home conditions	Total	Town	Rural
Total	100	100	100
Personal home	94.8	9.6	95.1
Rent home	0.8	3.4	0.3
Rent home (no fee)	3.9	3.7	4.0
Others	0.5	0.3	0.6

506. Homes and Shelters are important human necessities. Cambodia is also one of many developing countries in the world, and most of the people live in their own house (except rented houses). Even though many houses are suitable for one person, there are differences from the towns and countryside. Houses in the countryside are narrower than those in the towns. In rural areas, the average area of residence per person is 6.2 m<sup>2</sup> while, in the towns, it is 8.3 m<sup>2</sup> per person. For the poorest people in rural areas, the area of residence for one person is 4.8 m<sup>2</sup> while per richest person is 8.1 m<sup>2</sup>. For people in cities, the area of residence for one person is

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<sup>95</sup> Source: Camcontrol Department of Ministry of Commerce.

from 5.5 m<sup>2</sup> to 11.6 m<sup>2</sup>. Pursat is a province where the area of residence for one person is only 5.1 m<sup>2</sup>, the smallest, while, in Sihanouk Ville, the minimum area of house for one person is 9.4m<sup>2</sup>. The average area of residences in Phnom Penh is 8.4 m<sup>2</sup> for one person.

507. In Cambodia, there is no real figure yet about poorest groups and groups which lost their residences greatly.

#### **Number of homeless individuals and families**

508. Currently, there is not real figure about the number of people and homeless families in Cambodia; therefore, the Royal Government is working so hard to research for accurate data about this in order that to prepare strategies and actual programmes to provide all of them proper residences.

#### **Number of individuals and families of no comfort guarantee**

*Water sources necessary for drinking (detailed in article 12 about health)*

509. The percentage of people in downtowns and rural areas receiving clean water are 60.3 per cent and 23.7 per cent respectively. Water regarded as clean is that from faucet, pipe well, deep well and sales. In provinces, percentage of people using clean water changes from 3.2 per cent in Uddor Meanchey province to 85 per cent in Phnom Penh. Only in some provinces do over 30 per cent of families use clean water; that is, Kandal province has 36.3 per cent, Kratie province has 32.8 per cent, Phnom Penh has 85.4 per cent, Prey Veng province has 54.5 per cent and Svay Rieng province has 48.2 per cent.

<b>Table: Family categories for main water sources in Cambodia</b>			
Main drinking water sources	Total	Urban areas	Rural area
Total	100	100	100
Water from tap	5.8	25.0	2.5
Water from wells	14.9	13.8	15.1
Water from deep wells	40.3	22.4	43.4
Water underground, river, creek, lake, rain	28.2	15.1	30.4
Water from sales	8.3	21.5	6.1
Other sources	2.5	2.2	2.5

#### *Main lighting sources*

510. Throughout Cambodia, most families use oil/kerosene lamps while families using public electricity and generators compose of 15.1 per cent. In this sense, there is 53.6 per cent. Phnom Penh uses more public electricity more than the other areas (75.5 per cent). In Mondul Kiri, Preah Vihear, Rattanakiri, and Steng Treng, people use other lighting sources (e.g. natural plant or oil lamps).

<b>Table: Main lighting sources in Cambodia</b>							
	Total	Mains electricity	Generator	Both mains and generator	Oil	Battery	Other sources
Total	100	12.5	1.0	1.6	79.9	3.5	1.5
Urban areas	100	49.2	1.8	2.6	43.1	2.4	0.9
Rural areas	100	6.3	0.9	1.4	86.1	3.8	1.5

*Combustible substances for cooking (fuel, gas, wood, etc.)*

511. In Cambodia, families of 90 per cent use wood for cooking. Families using wood charcoal take small percentage. In downtowns, high percentage of people use wood charcoal and gas while oil is also used as the supplementary substance.

<b>Table: Family category in using combustible substances for cooking in Cambodia</b>						
	Total	Wood	Charcoal or coal	Oil	Gas	Other sources
Total	100	90.0	5.3	1.8	1.7	1.2
Urban areas	100	64.9	22.5	2.8	9.1	0.7
Rural areas	100	94.3	2.3	1.7	0.5	1.2

512. After the collapse of the Khmer Rouge in 1979, people of about 120,000 most of whom were from rural areas, came to live in Phnom Penh. In 1998, Phnom Penh city dwellers went up to more than 1 million. Over the two decades, Cambodia had suffered from lacks of attention to infrastructure and social works, and damages to other infrastructure and other related institutions along with the loss of experts and specialists. At that time, Phnom Penh was different because those, surviving the Khmer Rouge Regime, who came first, were able to have accommodation first. Because the city was then empty and free of choice in 1979, those who came first could choose the house they like. Some people chose luxurious houses but when more and more people came into the city, the houses were shared accordingly. Some people lived in free space, ruins or on tops of buildings. At present, poor people are living in various areas depending on seasons: flooded areas, or multi-family shared buildings, or old buildings or other places such as along-railroad areas, on-street areas, place under the end piece of roofs, place along the river, in public gardens, areas along the sewage pipe and various areas in the seven Khans/Districts. In 2003, it was estimated that there were about 596 poor communities comprising of about 62,249 families or 374,826 people, which made 35 per cent of Phnom Penh city dwellers.

513. It is difficult to evaluate street children because they often move from one downtown to another. Social workers and organizations working on street children estimated that Phnom Penh alone has about 1,000 street children who live on their own or with their families. Friends Organization who works with street children evaluates that in Phnom Penh in 2000, there were 976 street children among whom 86 per cent were male and 14 per cent female. Those children earn their living through garbage collecting, begging for money, shoes polishing, doing the washing at restaurants, and involving some offences.

514. The Ministry of Social Affairs, Vocational Training, and Youth Rehabilitation (currently called Ministry of Social Affairs, Veterans and Youth Rehabilitation) moved 2,100 street children from Phnom Penh to their families and communities. The Ministry provides vocational



trainings to the street children conducted at two centres: Kolab III and Poun Phnom orphan centre. The trainings take from 3 to 6 months. In various provinces and municipalities or downtowns, the Ministry worked with non-governmental organizations on developing programmes for street children through the creation of temporary rehabilitation centres in downtowns, provinces, and some districts. The Ministry has implemented this programme in 17 provinces with technical supports from UNICEF (read article 10 of this Convention).

515. All people in Cambodia are well protected by law and all forms of moving people from their land by forces. In case, the Royal Government of Cambodia needs the residential land for public services, the Royal Government pays them with an appropriate price for the land needed. Article 5 of land law states that “No person may be deprived of his ownership, unless it is in the public interest. An ownership deprivation shall be carried out in accordance with the forms and procedures provided by law and regulations and only after the payment of just and equitable compensation.”

516. In Cambodia, there is no statistic on people with high spending on accommodation which exceeds the formal set standards as well as the statistics on the number of people who are in the waiting list for receiving the accommodation.

517. In Cambodia, there are 20 State orphanages, according to the latest statistics collected in late 2001, housing 1,795 orphans, 696 of whom are male and 1,099 are female. Also 16,010 disabled children, among those 7,217 of them are female and 8,793 male.

#### **Laws benefiting the rights to home ownership**

518. Laws detailing the rights to residence states that Cambodian people have full rights to own, and inherit their ownership from generation to generation, and they are eligible to use their land forever. They also have full rights to transfer the residential land to relatives or siblings or sell the land to other people. However, foreigners are not entitled to own lands or residence in Cambodia. But foreigners have full rights to rent their accommodations. Article 44, paragraph 1 and 2, of the Constitution of the Kingdom of Cambodia state that “All persons, individually or collectively, shall have the rights to ownership.” Only Khmer legal entities and citizens of Khmer nationality shall have the right to own land. Legal private ownership shall be protected by law. The rights to confiscate the possessions from any person shall be exercised only in the public interest as provided for under law and shall require fair and just compensation in advance.

519. Laws detailing the residence of those who are homeless living in the city: Related to this issue, the Royal Government of Cambodia has not yet adopted any policy. However, the Royal Government has helped homeless people by gathering them to live together in the centres established.

#### **Laws detailing land ownership, land sharing, and land providing**

520. The people have enough rights to own and use land provided by the Government. Article 5 of the Land Law states that “No person may be deprived of his ownership, unless it is in the public interest. An ownership deprivation shall be carried out in accordance with the forms and procedures provided by law and regulations and only after the payment of just and equitable compensation.”

521. Article 15 of the Land Law reads as follows:

Any possessions considered as State property and legal entities are:

(a) Any resources or property shown naturally available includes forests, waterways accessible by any means of water transportation, natural lakes, river bank, and seaside;

(b) Any property for public interest or services including ports, railroad, train station, and airports;

(c) Any property used for public interest or services with its nature or after being renovated including roads, paths, and public parking lots and roadside walk or any pavements;

(d) Any property operated for public interest or services including schools, school buildings, administration buildings, and public hospitals;

(e) Any property for natural reservation territory which are protected by laws;

(f) Archaeological, cultural and historical sites;

(g) All real estate is considered as the royal property that does not belong to personal property of any royal family members. Real estate is the royal property under the management of the ruling king.

**Laws on the right to own land, protection against deprivation, financing rights to access to housing, rights for residential rent management and rights for paying on residential rents**

*Rights of lessee, rights to land ownership and protection from deprivation*

522. All people are entitled to use or rent their residence to other people with contracts made between both parties. Renters are also provided with rights for using and deprivation as stated in the Contract Law and responsibility beyond the law. The relevant provisions of the Contractual Law are as follows:

(a) Article 103: “A leaser shall lease to the lessee only the property in good conditions so as to prevent any incidents they may cause the lease undue problems and shall guarantee the lease protection from claims of any third person who asserts any right to the leased property such as a right for mortgage”;

(b) Article 104: “A leaser is liable for major repairs to the leased property except where otherwise provided by law or in the contract”;

(c) Article 110: “Where a lease has not limited duration, a party may not terminate that contract unless there is notification in advance of at least one month or at most two months”.

523. In Article 130 of the Land Law, there is also a statement about security and usage where the lessee is responsible for minor cares for the property only while major repairs are the burdens of the owner but if any damage is caused by lack of care by the lessee, the lessee must deal with it directly.

*Financial assistance for housing*

524. In Cambodia, the law on residential financing for its citizens has yet to be made.

525. To share the responsibility for implementing policies of the Royal Government on poverty reduction among the people, the Royal Government of Cambodia works closely with national and international Non-Governmental Organizations and some humanitarians to build houses for poor citizens. More specially, His Majesty King Norodom Sihanouk [the King Father] has established *Samdech Aov Group* to help build houses for poor citizens.

*Regulation of rents*

526. In Cambodia, there is no law on rights to regulate the rental fee and rights on paying for residential fee. However, the people are entitled to live in their house without paying for any residential fee or tax except for circumstances where the owner makes business or rents the residence to other people.

527. Laws on any regulations related to construction, construction standards in Cambodia state that Cambodian people, private companies, or the State shall have the right to build their own residences freely. But before building those residences, there must be enough legal documents eligible for the construction and the construction site shall not disturb any public property which is under the protection of the law. Article 12 of the Law on Land Management, Urbanization and Construction states that:

“All individuals and private institutions as well as public authority are banned from conducting any constructions on the public yard-field or lands as defined hereunder”:

- Land reserved for dams
- Land reserved for mining and forests
- Archaeological and historical tourist sites
- Gardens, public parks and development zones
- Lands reserved for the road construction or reserved lands for roadsides
- Land reserved for the construction of railroads and airports
- Rivers, seas, and streams including river banks
- In general, wherever there is a prohibition stated in the law

528. Article 14 states that “Every construction process, every aspect reform, or the change of the use of any construction shall be permitted by the competent authority.”

529. In practice, Cambodia has no any form of discrimination related to house. That is why; the Royal Government of Cambodia has not drafted any law related to residence discrimination.

### **Law prohibiting eviction by any means**

#### *Rights to be protected from eviction*

530. In Cambodia, people have the rights to live in their home with law protecting them from eviction. If eviction is required, the Government pays just and equitable compensation for that as stated in article 44, paragraph 2 and 3 of the Constitution of Cambodia: “Legal private ownership shall be protected by law. The right to confiscate possessions from any person shall be exercised only in the public interest as provided for under law and shall require fair and just compensation in advance.”

531. Article 5 of the Land Law states that “No person may be deprived of his ownership, unless it is in the public interest. An ownership deprivation shall be carried out in accordance with the forms and procedures provided by law and regulations and only after the payment of just and equitable compensation.”

#### *Public eviction*

532. Besides, eviction is also required for any construction in public areas, which was banned by law. In this sense, the Government also provides some financial supports for this eviction.

#### *Eviction from rented accommodation*

533. For rented residence, the lessee has the right to use the rented house as stated in the contract. If the owner needs to use or sell the house during the contract, the owner must pay the lessee within the amount agreed on by the lessee.

534. Legislative acts eliminating or amend this right to residence: In Cambodia, there is no prohibition on rights to residence.

535. Laws aim to fight unfairness on residence or real estate, especially the unfairness affecting the right to the decision on residence: To eliminate all the beneficiary taken from the residential issue, the Government has written many regulations and judicial procedures to help its people as stated in the Contract Law:

(a) Article 3: “Every contract is valid, provided that it (1) arises out of real and free agreement; (2) is made by parties who have capacity to enter into the contract; and (3) has a subject matter that is certain, possible to perform, lawful, and consistent with public order and good custom”;

(b) Article 7: “Agreement that is the result of mistake, duress, or fraud is not a valid agreement”;

(c) Article 8: “Mistake shall be a ground for voiding the contract if there is mistake as to substance of the object which is the subject matter of the contract”.

**Legislative measures related to the provision dwellers living in illegal shelter including those who have or do not have land title certificates**

536. Presently, in Cambodia there are people living in areas not permitted by law. Now, the Government has managed to move these people day by day by providing them some financial supports or by moving them to live in development areas in suburbs and giving them residential land and other good and favourable conditions where they can send their children to school and hospitals. Still, there are some other people living in those illegal shelters. But the Government allows them to live temporarily without having any residential land certificate because they live in public areas. Article 3 in paragraph 1 of the Land Law states that: “All persons shall respect the property of the State and legally required private property.” It also states in the Law of Land Management, Urbanization and Construction, article 12.

**Laws on environmental planning and residential health and establishment public buildings for people**

537. Up to now, Cambodia has no law detailing the people’s residence construction with good care of environmental planning. But we have a law protecting environments as stated in article 17 of the Law on Land Management, Urbanization, and Construction that:

“It shall not be permitted to build constructions without conforming to the submitted master plan and framework of the use of land and construction. It shall not be permitted to build if that construction plan shall conflict with public security, environment, public sanitation, other constructions or immobile objects that provide benefits in archaeology, history, culture, technical beauty, or effect to natural resource zones. It shall not be permitted to build if the construction plan does not contain sufficient infrastructure or public utensils.”

538. The Royal Government of Cambodia has taken actions and paid good attention to building people’s residence and helping those with no residence.

539. The Phnom Penh Municipality has worked with various organizations to create a fund for poverty deduction called UPDF on 5 March 1998. This fund has provided the poor people from 91 communities, comprising more than 2,672 families, with the amount of 1,622,190,000 Riels including houses building for 677 families, creating business for 521 families, credit for making Khmer *prahok* (preserved fermented salt fish) for 1,064 families, connecting water supplies system for 23 families, buying lands for 86 families, helping with agriculture sector for 113 families. Moreover, with supports from the Royal Government, national and international organizations such as UNDP, UNCHS, and DFID, both technical and financial aspects, we have managed to satisfy and move those, of 19 communities, comprising 8,058 families, and to provide a land of 165,381 hectares, who used to illegally live on gardens, sewage system, water basin, top of the building, river bank. To eliminate poverty among those

people, the Royal Government of Cambodia has worked with UN Habitat to set up some strategies for forever-work rights among poor communities of the world, especially in Asia. In 2003, the Prime Minister of Cambodia announced a policy by changing from the deprivation of poor community to what is called the improvement of the poor community. The Royal Government of Cambodia has agreed to improve 100 poor communities within 5 years by collecting and managing a total statistic of 569 communities among which 464 communities have been improved and the rest is in the process of continuous development plan. To implement this policy, the Phnom Penh municipality has chosen 4 sample sites for the land sharing project: Dey Krahom Area, Borei Keila Area, Train Station-A Area, and Train Station-B Area. These projects help the communities to build houses on their legally owned land. They can also request some more land which is left from sharing and some financial supports for house building. Phnom Penh municipality and its partner are in the commitment to try to find solutions for the poor people facing residential problems. The next steps must be taken to push the improvement and land sharing to be in accordance with the latest policy of the Royal Government of Cambodia.

540. The Royal Government of Cambodia is not able to build houses for its people. But it allows private companies and the people to build houses by respecting the construction law.

541. Measures taken to deal with unused lands: So far the Royal Government of Cambodia has paid attention to land bought for resold and land grasp by some powerful officials. Land Conflict-Resolution Committee has been established with the integration from related institutions and local authorities. To solve problems on unused lands, the Royal Government of Cambodia has made a law to collect tax on unused lands. This law was approved by the National Assembly on December 30 and officially promulgated by the Royal Decree No. 11NS.94 dated December 31, 1994 and came to effect in 1996. The collection of this tax has the following objectives:

- Stop the land-buying for resold as a business purpose (unused land)
- Encourage the use of land appropriately
- Make money in contribution to developing the country

542. The landowners who do not use the land shall pay tax for their unused lands. The tax computation is 2 per cent of the land price/square meter as determined annually by unused land evaluation committee.

### **Article 12: Right to health**

#### **Constitution and laws**

543. The health of the people is guaranteed by the Constitution as says in article 72 of the Constitution 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 hospital, infirmaries and maternities. The State shall establish infirmaries and maternities in rural areas.”

544. Article 73 of the Constitution states that “the State shall give full consideration to children and mothers. The State shall establish nurseries and help support women and children who have inadequate support”.

545. The Royal Government of Cambodia makes laws, decrees and other juridical procedure to urge and promote the medical effectiveness. Some of these juridical procedures have been officially promulgated and the rest have been submitted to the Council of Ministers for the approval.

### **Medical policies**

546. The goal of the Ministry of Health is to improve the health of the people so that they can share the responsibility for the development of the economy, social works and help to reduce poverty. The primary goal of the Ministry of Health is to improve the equality and the responsibility for basic health services to ensure the quality of the services provided as well as fair prices and the sustainability of the function of the Ministry of Health to continuously to take good care of the poor.

547. The medical policies of the Royal Government of Cambodia highlights nine priorities:

(a) To provide basic health services including family planning, health rehabilitation for the people with the participation from various communities;

(b) To decentralize financing and administrative functioning;

(c) To have more competition among public services and private sector through using new technologies and code of ethic in the professionalism;

(d) To raise more awareness among the people about health and the advantages for health care;

(e) To strengthen medical laws;

(f) To pay more attention on maternal and child health care as well as to prevent any possibility of various infectious diseases;

(g) To take good care of prioritized groups such as old aged, children groups, disable children and other health problems, especially mental, eyes and mouth health care;

(h) To improve the medical information system.

548. With the above vital visions, policies and some strategies have been developed and officially launched including: AIDS, TB, Malaria, safe maternity, health, Oral care, safe injection, medical and laboratory wastes management, and blood donation.

549. These policy documents are supported by annual operational plan and three-year public investment plan 2002-2004 comprising 16 projects with a total amount of US\$ 268,668,882 to put these policies and strategies into action.

550. The remarkable issue is the integration of the policies and long-term strategies through policy and strategy development in health sector, the long-term development of master plan of 2003-2007 and the development of the expenses framework of 2003-2005. These tasks are in progress under the Sector Wide Management Framework with supports from the Government and international agents and other development partners.

551. The philosophy of this strategy is to:

(a) Sufficiently financing health care system for its effective implementation including operational expenses as well as the provision of appropriate incentives to all levels of staff;

(b) To ensure that all available resources as well as financial resource have been allocated and used with transparency, efficiency, and accountability;

(c) Strengthen and improve the human resources management system through the process of contracting principle within the public medical system.

552. This strategy is formulated in accordance with two important Government reform policies: public administrative reform programme and taxation reform programme. The Ministry of health is continuing to discuss this strategy with concerned institutions such as Council of Administrative Reform, Ministry of Economy and Finance, and Secretariat of Public Functions as well as other development partners to prepare for all the procedures to be implemented. The Ministry of Health has set out the health policy milestone for the health strategic plan 2008-2009 which comprises 15 points as follows:

<b>Health policy milestone 2008-2015</b>	
1.	Make services more responsive and closer to the public by decentralizing the provision of services and management decisions within the framework of “the National Policy on Public Service Provision” and “Decentralization and Deconcentration Policy”.
2.	Strengthen the governance of the health sector as a whole through implementing the sector-wide management approach focusing on self-reliance and responsibility towards the improvement of quality of health, harmonization, organization, coordination and effective partnership among all partners.
3.	Facilitate access to a wider range of services, especially productive health for mothers, infants and children through such mechanisms as construction of facilities, service contracts provided by special operational agencies and the extension of free health service delivery to the poor, providing equity funds and health insurance.
4.	Establish a health financing system for the poor through free health service delivery, expanding the equity fund and increasing access to social supports.
5.	Strengthen the execution of the legislation governing health, statutes and a code of ethics and strengthen the mechanism of regulation of production, distribution, the quality control of medicine, cosmetics, hygiene and food safety in order to safeguard the rights and health of both the service providers and consumers.



6. Improve the quality of health service provision and management through establishing and complying with medical protocols, medical instructions and quality standards, and particularly by creating a quality accreditation system.
7. Upgrade the professional capacity of health staff members in response to the increased needs and responsibilities for high quality health care, including the strengthening of skills and relevant techniques, applying modern technology through raising the quality of training, enlarging the opportunities for career development, and increasing motivation and improving the work performance environment.
8. Strengthen and increase investment in the health information system and improve health research for establishing policy, planning, work performance monitoring and assessment based on the actual data collected.
9. Increase investment in physical infrastructure, medical equipment and modern technology, upgrade non-medical support services, including blood safety, medical maintenance and management, medical supplies and the medical equipment distribution system.
10. Upgrade the quality and living standards of the people through increasing their awareness of health care and creating a supporting environment which includes the strengthening of human resources and the financial structure, production of material for disseminating information, education and communication in order to improve the quality of health sector, as a step forward toward a change in attitudes related to the health sector and to find appropriate ways to access health care.
11. Prevent and combat HIV/AIDS, chronic and non-communicable diseases, and strengthen the disease follow-up system in order to effectively respond to the spread of existing diseases and the emergence of new varieties of those diseases.
12. Strengthen the ability of the public health system to deal with the challenges it faces, particularly issues of gender, indigenous people's health, hygiene and cleanliness, improved health conditions at schools, environmental health risks, drug abuse, mental health, injuries, labour health and safety and providing immediate response to disasters through effective collaboration and coordination with other sectors.
13. Upgrade the effectiveness of partnership between the public and private sectors in providing services based upon policy, legislation and technical specifications.
14. Encourage community participation in activities related to health service provision and health facility management, including through advocacy aimed at enhancing the quality of regular service provisions.
15. Strengthen health institutions at all levels within the health system in order to effectively exercise the 14-policy milestones defined above.

### **National budget for health service (health financing)**

553. The Ministry of Health is the prioritized governmental institution which receives budget from the Government, loans, foreign aid, exclusively with annually increasing Government budget of 12 per cent since 2007. The Ministry's national budget of 2003 accounts for 43.24 million US dollars.

554. In 2007, the approved budget for health sector is 336,926 million riels; which increased by 67 per cent compared to 2003 budget of 202,000 million riels in which central budget accounts for 238,576 million riels (132,100 million riels for 2003) supplied for provinces at the amount of 98,350 million riels (69,900 million riels for 2003).

555. In 2007, the expenses for each individual are 580 US dollars while it was only 338 US dollars for 2003. Eighteen per cent increases in 2007 for health sector has been given to provinces/municipalities. The annual budget for provincial health department is the authority of provincial governor and the Ministry of Economy and Finance.

556. In 2007, the Ministry of Health spent the national budget of 1,617,539,00 riels, and the development partners spent 1,085,048 riels for helping poor people.

557. There are 330,465 cases of the poor having medical check-up and using Equity Funds and the substitution payment projects done by the Government (started from 2003-2007) in which in 2007 it accounts for 152,213 people.

558. Apparently, the implementation of health insurance in the communities increases from one project in 2003 to nine projects in 2007 in which people who receive health insurance from the communities account for 454,38 people (9,088 families).<sup>96</sup>

### **Physical infrastructure development (provincial/ municipal and central health infrastructure achievements for 2003-2007)**

559. According to the goal and policies of the Government, the Ministry has been improving the capacity and strengthening the health system to provide services for the people. The Ministry is focusing on basic health service provided to all people especially those living in the remote areas to share the development of economy, and society as well as poverty deduction in Cambodia.

560. According to the annual plan of the provincial health department and operational districts, the rehabilitation, repairing, and building of health facilities have been increasing remarkably up to 823 making 86 per cent of the total number of health centres nationwide. Whereas, at the central level, a lot of improvement and renovation projects on health facilities have been made including the Ministry compounds, hospitals, and other medical institutes. Besides, other enormous achievements leading to the advancement of technologies for health care and treatment are:

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<sup>96</sup> Report on the development of health sector in the national conference on progress of people through achievements in implementation of the Rectangular Strategy of the Royal Government (2004-2007).

(a) The construction of Heart Treatment Centre and medical equipment with good cooperation between the Governments of Cambodia and France accounting for 5,443,24 US dollars in which the money from the Government accounts for 620,000 US dollars;

(b) The construction of a Maternity Building for programmes reducing HIV/AIDS infection from mother to child at Jayavarman VII Paediatric Hospital in Siem Reap province;

(c) The construction of National Anti-Tuberculosis Centre and medical equipments is non-refundable aid of the Government of Japan which accounts for 7,650,000 US dollars.

561. Within the five-year of the implementation of health strategy 2003-2007, the Ministry of Health has tried its best to improve health infrastructure as follows:

*Provinces/municipalities*

- The construction of provincial health department building in Kampot, Ratanakiri, Mondol Kiri, Kampong Speu, Uddor Meanchey, and Preah Vihear province
- The construction of provincial health department in 2008 in Svay Rieng Kratie province
- The construction of 134 health centres
- The construction and renovation of four referral hospitals
- Five other referral hospitals are under construction and renovation
- The construction of peer educator building and hall for AIDS treatment. Twelve have already been built and two are under the construction
- Buildings used for taking care of children living with HIV/AIDS. Three have already been built and three are under the construction
- Building used for blood testing: two have already been built and three are under the construction
- Laboratories: Two have already been built. Three are under the construction

*Ministry/central level*

- Preah Kosamak Hospital: construction of hall for patients' treatment (1); hall for dental care treatment (1)
- National Paediatric Hospital: construction of hall for patients' treatment (1); kitchen (1); clinical building to promote children's health (1); construction of hall for patient's treatment (1), funded by the Republic of Korea
- Khmer-Soviet Friendship Hospital: construction of building for psychological and mental illness treatment (1)

- Kuntha Bopha Hospital: In 2002, one large training centre was built and equipped with an internet system in the library for all medical doctors and nurses to do their further research (at Jayavarman VII hospital in Siem Reap province). In December 2005, a three-story building named Kuntha Bopha IV hospital with 555 beds and a laboratory, radiology and scanners was built. In 2006, a meeting hall at Kuntha Bopha hospital in Phnom Penh with 600 seats was built. In 2007, a three-story building named Kuntha Bopha 5 hospital with 300 beds and radiology was built
- Calmette Hospital: construction of one medical consultation building
- Preah Ang Duong Hospital: construction of one eye examination and operation building
- National Centre for Anti-malaria and Parasitology: construction of one two-story administrative building; construction of one training centre
- Anti-TB and Leprosy Centre: construction of a two-story building for medical examination and consultation and of two buildings for patients treatment in Kampot and Siem Reap provinces
- HIV/AIDS Information Centre: building in progress
- University of Medical Science: construction of a five-story building donated by the Prime Minister; one warehouse, a 3-story building (for administration and cashier), a building for dentists, one training building (donated by the Government of Japan); twelve other rooms

562. Presently, the Ministry of Health runs 97 health posts, 956 health centres, 50 referral hospitals at district level, 24 referral provincial/municipal hospitals and 8 national hospitals.<sup>97</sup>

### **Public health service**

563. The reform of health system has been made from the administration system to population number based system; the health system has three levels: central level, provincial/municipal level and operational district level among which there are health centres and district/provincial referral hospital. There are 2 training institutions, 2 institutes, 6 national centres, one pharmaceutical manufacturing factory and 8 national hospitals at the central level. At provincial/municipal level, there are 24 provincial/municipal hospitals and 4 regional medical secondary schools. There are 73 operational districts with 76 referral hospitals and 940 health centres.

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<sup>97</sup> Report on the development of health sector in the national conference on progress of people through achievements in implementation of the Rectangular Strategy of the Royal Government (2004-2007) pp. 19-20.

564. In 2003, Cambodia has 2,170 medical doctors nationwide, 1,312 medical assistants, 396 pharmacists, 148 assistant pharmacists, 139 dentists, 87 dental assistants, 4,533 secondary nurses, 3,418 primary nurses, 1,814 secondary midwives, 110 primary midwives, 351 secondary lab technicians, and 114 lab assistants.

565. In general, outpatient medical examination and consultation are conducted at referral hospitals and health centres when the technical services cannot be provided at the health centre level. Out patient at the national level has increased in 2003. Through indicators, the number of new cases of annual individual is 0.39 but in some areas, the new cases rise from 0.15 to 0.80.

566. The number of hospital beds nationwide is 7,786 among which provinces and districts have 6,332 beds. The rate of bed uses rose to about 60.70 per cent in 2003.

### **Private health service**

567. Private health service has boomed remarkably under the operation from both Khmer and foreign medical doctors. The advantages of the private health services ranging from medical consultation for customers to Polyclinic.

568. In 2003, the Ministry of Health issued licenses for 657 private clinics and there are 2,488 clinics being operated without owning the license. The problem the Ministry facing is the strengthening of private health sector controlling system to ensure good technical services and business operation in accordance with the ethics of the professionalism.

569. The Ministry of Health has taken vital actions as follows:

(a) Completely prohibit all kind of advertisement in a means of exaggerating the information beyond the truth done by medical consultation service and private clinics;

(b) Issue the Declaration No. 007/01 dated March 23, 2001 on the provision of new Logo to medical services codes, associate medical service, and assistant medical services;

(c) Disseminate the Royal Decree No. 1100/00 dated November 3, 2000 on the management of private medical service, associate and the assistant of medical services;

(d) Disseminate Sub-Decree on the procedures and conditions for allowing foreigner to work as medical doctors, associate medical doctors, and assistant to medical doctors to work and operate their business in Cambodia.

### **Maternal, child and women health-care service**

570. The mortality rate of children under one-year old decreases from 115 out of 1000 new born babies in 2003 to 89.4 in 1998 while children under 5 years old decreases from 181 out of 1000 in 1993 to 115 in 1998 (the average mortality rate is 40/1000). The mortality rate caused by diarrhoea, lung disease and other lack of stamina disease, dengue fever, malaria, and other diseases which can be vaccinated, the malnutrition, micro substance. The Human Development report in 1998 indicates that about 33 per cent of children under 5 years old are in severe malnutrition.

571. In 2000, the child mortality rate of those under 1 year old is 95 out of 1000 while that of children under 5 years is 124 among 1,000.

572. The coverage area of the rate of six-disease vaccination provided to children less than 1 year has increased from 53 per cent in 1994 to 70 per cent in 2000. Within the first 12 months up to early 2001, the TB prevention programme could go up to 79 per cent, 3<sup>rd</sup> polio vaccination campaign covers 72 per cent, whooping cough, diphtheria 71 per cent and measles 67 per cent. By the end of 2000, the WHO working along the west pacific region officially announced that Cambodia is totally free from polio.

573. The maternal mortality is accounted for 473 persons per 100,000 survival births. The main reasons of the maternal mortality are caused by the consequences of abortion, hypertensive disorders and haemorrhage. According to the report from Ministry of Health has shown that women accounting for 34 per cent have delivered their babies with the trained staff of the Ministry of Health, and 66 per cent TBA. The prevalence of birth spacing application has increased from 7 per cent in 1995 to 19 per cent in 2000.

574. In duration of 12 months, early 2003, the coverage rate of tetanus vaccination during pregnancy is shown with the results herewith, first vaccination: 172,352 dosages equal to 36.48 per cent of the total number of pregnant women accounted for 472,452 persons; second vaccination: 142,839 dosages equal to 30 per cent of the total number of pregnant women; and second plus vaccination: 211,165 dosages equal 45 per cent of the total number of pregnant women.

575. Meanwhile, for normal women (non pregnancy aged between 15 and 44 years old) in the provinces/municipalities and in the factories, the tetanus vaccination has been launched at first amounted to 402,674 dosages equal to 14.7 per cent, the second: 334,316 dosages equal to 12.2 per cent and the second plus: 26 per cent of the total number of women accounted for 2,735,253 persons.

576. The health conditions of mothers and infants have been improving remarkably. According to the result of Cambodia Demographic and Health Survey in 2005, it is shown that previously the child mortality rate has decreased 30 per cent in average (6 per cent decreased per year), in which the mortality of the child under 1 year of age has decreased 95 persons per 1,000 survival births in 2000 up to 66 persons per 1,000 survival births in 2005. Meanwhile, the mortality rate of infants under 5 years of age has decreased from 124 persons to 83 persons per 1,000 survival births in 2005. Despite of decreasing, the child mortality rate is still high if comparing to the neighbouring countries. At the same time, it can be seen that the maternal mortality is not down within 5 years ago and is still standing high, that means 472 women has died per 100,000 live births.<sup>98</sup>

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<sup>98</sup> Report on development in health sector in national convention on the progress of the people through achievements of implementing the Rectangular Strategy of the Royal Government (2004-2007), p. 7.

577. Integrated Management of Childhood Illness (IMCI) being implemented since 1999 has become an effective strategy for reduction of child mortality. In 2007, this strategy (IMCI) has been trained and implemented in 533 health centres, and in 2003, there remain only 95 health centres.

578. Poliomyelitis has been eradicated in 2000. Ministry of Health has been committed and actively engaged with UNICEF in enhancing the prevalence of vaccination to the pregnant women, productive women in the communities and factories in order to accomplish the eradication of the tetanus affecting mothers and babies in 2008.

579. Prevalence of Preventive Medicines: The infants under 1 year of age have contentedly increased, in which the prevalence of the preventive medicines for diphtheria, tetanus, and whooping cough for infants under 1 year of age has increased from 73 per cent in 2003 up to 82 per cent in 2007, while prevalence of preventive medicines for measles has increased from 69 per cent up to 79 per cent in the same year.

580. Prevalence of pregnancy check: At least 2 times have increased from 33 per cent in 2003 to 68 per cent in 2007.

581. Baby delivery in the local public health centres: The trained health staff have increased double in size since 2003, accounted for 22.4 per cent up to 44 per cent in 2007. To promote the baby delivery in the local public health centres, the Royal Government quite recently has set out the policy guideline by offering cash as incentives for the midwives in delivering the babies in the local public health centres and this has shown significant increase.

582. Within the past five years, use of modern birth spacing methods among married women aged 15-49 has increased 19 per cent in 2000 up to 27 per cent in 2005, according to the result of Cambodia Demographic and Health Survey in 2005. The productivity rate of productive women has decreased from 4.0 persons in 2000 down to 3.4 persons in 2005.

583. Condition of malnutrition of Cambodian infants: it has been improving at large, in which within the proportion of infants under 5 years of age who are wasting have decreased from 15 per cent in 2000 down to 7 per cent in 2005. And the proportion of stunting infants has decreased from 45 per cent in 2000 down to 37 per cent, while the proportion of under-weight infants in average has decreased from 45 per cent down to 36 per cent.

584. With encouragement and movement to promote the breast feeding including instant breastfeeding, the exclusive breastfeeding and complementary feeding for the babies from 6 months upward, 3 hospitals have become “babies friendly hospitals” as models throughout the countries in 2003. And until 2007, this strategy has extended to 7 hospitals more. Exclusive breastfeeding for infants aged under 6 months has increased considerably up to 6 times from 10 per cent in 2003 to 60 per cent in 2007, according to the result of Cambodia Demographic and Health Survey in 2005.

585. Prevalence of Vitamin A for infants at the ages between 6-59 months in the second round has increased from 47 per cent in 2003 to 86 per cent in 2007. The women who have had Vitamin A during 6 weeks after childbirth have increased from 21 per cent to 59 per cent in 2007.<sup>99</sup>

### **Combating the communicable diseases**

586. Prevention of the infectious diseases remains the priority in health sector, especially HIV/Aids, malaria, dengue fever, tuberculosis and other communicable diseases. According to the Cambodia Demographic and Health Survey in 2005, it shows that HIV prevalence among adults (15-49) both men and women is about 0.6 per cent and HIV Voluntary Counselling and Confidential Testing Service Centres (VCCT) has increased 197 sites in 2007 that are operating in every district throughout the country, while in 2003 there were only 37 sites. At the present, there are 26,664 persons or 80 per cent infected by HIV/AIDS including children and adults that have received drugs (OI and ARV) for treatment.

587. Combating the tuberculosis: has been improved remarkably. All health facilities throughout the country have been implementing DOTS strategy since 2005 and in 2003 there were only about 706 health centres. The researched rate of the BK+ tuberculosis and lung has increased from 60 per cent in 2003 up to 65.4 per cent in 2007. The rate of tuberculosis recovery remains stagnantly exceeding 85 per cent until now.

588. Combating operations against malaria and dengue fever: have improved contentedly. In 2003, the villages at the high risk areas about 49 per cent have received treatment and care, and special chemical subsistence used on mosquito nets. And the figure has reached 81 per cent in 2007. The incident of the malaria has decreased from 9.6 per cent among 1,000 people in 2003 down to 4.2 cases in 2007. And the severely malaria infected mortality has decreased 9.96 per cent in 2003 down to 7.9 per cent in 2009. Similarly, the mortality of the severe infection of dengue fever has decreased 1.6 per cent down to 1 per cent in 2007.<sup>100</sup>

589. HIV/AIDS: National AIDS Authority has paid the attention on providing the health education to the people in manoeuvre to prevent the infection of HIV/AIDS through 100 per cent Condom Use Programme. Meanwhile, the Ministry of Health has also focused on providing the HIV/AIDS treatment and care at the lowest fee and free of charge for poor people. The Authority has also created a national programme for reduction of HIV/AIDS infection from mother to child by providing the Voluntary Counselling and Confidential Testing services (VCCT). At the present, the status of the HIV/AIDS transmission has changed as transmission of the disease from husband to the wife is increasing apprehensively.

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<sup>99</sup> Report on development in health sector, in national convention on the progress of people through achievements of implementing the rectangular strategy of the Royal Government (2004-2007), pp. 6-7.

<sup>100</sup> Report on the development in health sector in national convention on the progress of the people through achievements of implementing the rectangular strategy of the Royal Government (2004-2007), p. 7.



590. The enhanced response to the HIV/AIDS at the national level is a part of national strategic plan for the third development 2006-2010 in line with the support of rectangular strategy for development in Cambodia. The common goal of the national strategic plan for third development is good result and stability of socio-economic development and poverty reduction in Cambodia.

591. The national strategic plan for the third development has been drawn up in consistence with the Millennium Development Goals and Objectives, especially with the sixth goal, “eradicate and avoid the epidemic of HIV/AIDS, malaria and other chronic diseases such as tuberculosis, etc.”.

592. The common objectives of the National Strategic Plan 2006-2010 are as follow:

- (a) To reduce the cases of newly infection of HIV/AIDS;
- (b) To provide care and support to the HIV/AIDS positive patients and the people affected by HIV/AIDS;
- (c) To relieve the affects of AIDS on the socio-economic sectors and human beings, and on individuals, families, communities and society.

593. The strategies of the second National Strategic Plan are similar to the strategies of the first national strategic plan, but more specific and measurable:

- (a) Enlarge the coverage areas of ongoing intervention and prevention activities and increase additional intervention activities;
- (b) Enlarge the coverage areas of ongoing care and support comprehensively and create various intervention activities;
- (c) Enlarge the coverage areas of ongoing intervention activity for affects reduction and create various intervention activities;
- (d) Continue implementing effective guidelines of the institutions of the Royal Government and of NGOs at the national level and community level in response to the widespread of HIV/AIDS;
- (e) Create legal environment and a public policy supportive to the address to the widespread of HIV/AIDS;
- (f) Augment the information for decision makers and programme planners through inspection, evaluation and research;
- (g) Enhance and energize the stability and equity of resource mobilization for national responses.

594. HIV/AIDS infection rate among the general population has decreased in recent years. However, it does not mean no more concerns because Cambodia remain the high HIV/AIDS prevalence country in Southeast Asia region, despite declining tendency. Even though AIDS infection among the sexual workers and sexual entertainment shops has declined in recent years,

the network of the sexual intercourse has changed to having sex naturally with the sweethearts by using condom at the lowest level. Men having sex with men and drug abusers have high prevalence and high risk to be quickly infected by HIV. Mobile and dislocated population have also shown the increasing risk of HIV infection. New HIV infection in large scale is occurring between the married men and women and between mothers to children. As a result, women are under disproportionate HIV infection.

595. Even though the HIV prevalence is declining, hundred thousands of Khmer people have been infected by HIV and more are affected by HIV infection such as loss of parents, spouse and capability to lives raising. The need for treatment and care and affect relief become enormous and intensify the challenge due to the slow economic growth and low indicators for human resource development. Little has been known to the enormous affect of HIV prevalence, for example affect on the economic development, poverty and security issues.<sup>101</sup>

596. Tuberculosis: The Royal Government has determined that the tuberculosis patients shall be checked and treated free of charge. This concept can be found in the policy guideline of the Ministry of Health on the TB Control Programme 2001-2005 and since 1994 TB Control Programme has been implemented according to DOTS strategy (Treatment with direct control). This programme aims to raise the rate of recovery, which has increased from 89 per cent in 1997 and 1998 up to 92 per cent in 1999 and 2000.

597. Leprosy: Leprosy Control Programme has reduced leprosy prevalence in late 2003. The programme has covered 12.7 million people (99 per cent of the total population). The national programme has two leprosy counselling sites which have consulted 2,977 times, those of which were found 67 cases of new infection as well as diagnosed and supplied medicines for 66 leprosy patients.

598. Mental Health: In Cambodia, approximately 50 per cent to 60 per cent of the total population is facing the mental health problem which is the consequence of the prolonged war for 3 decades ago, especially living in the genocide and post conflict poverty. Since 1992, mental health actions have been strengthened and extended in providing counselling, diagnose and treatment services.

599. With the constraints of capacity and resources, development of mental health services in Cambodia focus solely on basic mental health care service which means treatment is made in the way of counselling and until now there are 12 hospitals that are operating the mental health care service. As a result in 2003, 7,446 cases have been counselled, 43,129 cases under investigation and the total number of diagnostic is 50,575 cases.

600. Other important activities are hereunder:

- (a) Training 20 scientific specialized health officers in total;

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<sup>101</sup> National Strategic Plan for a comprehensive and multi-sectoral response to HIV/AIDS 2006-2010, pp. 24-25.

- (b) Training 20 persons to become nurses and 125 doctors and 110 nurses in provinces and municipalities on the mental health care;
- (c) Reinforcing the policy in mental health;
- (d) Drafting the Ten-Year Master Plan;
- (e) Mobilizing the human resource and prepare means for opening services in some provinces.

### **Population rate and average life expectancy**

601. Based on the Demographic Survey in 2004, the total population is 12.824 million among those 6.197 million men. People living in the urban area are accounted for 1.921 million and 10.90 million in the rural areas. The population aged under 15 years is about 50 per cent, aged from 15 years to 64 years is about 57 per cent and aged above 64 years is about 4 per cent. Meanwhile, the average life expectancy for men is 54.4 years old and 48.3 years old for women (Demographic and Health Survey 2000).

### **Education and health promotion**

602. The National Centre for Health Promotion, which is mainly responsible for health education and promotion, in cooperation with health organizations and concerned ministries as well as International Organizations and Government Organizations are implementing the health education and promotion through:

- (a) Making billboards along the streets on the food safety, metals use, children nutrition and chloramines as well as malaria, dengue fever, breast cancer and danger on smoking cigarettes, etc.;
- (b) Producing 119 programmes of the visual documents broadcasting on television and radio on the health activities;
- (c) Organizing the workshops on the policy guidelines for implementing primary health policy;
- (d) Organizing Training of Trainers on the food safety;
- (e) Organizing workshops on pictures selection for health education in primary schools;
- (f) Participating in many workshops and technical meetings nationally and abroad.

### **Human resource development**

603. The most priority in human resource development in health sector is training and allocation of the staff for development support and functioning of the referral hospitals and health centres for providing basic health service. In addition to the basic trainings, professional skills training has also extended in training institutions as follow:

(a) Public Education Institution consists of University of Medical Health Sciences of Cambodia divided into Faculty of Medicine, Faculty of Pharmacy, Faculty of Dentistry and Medicine and Nursing Schools;

(b) Regional Health Secondary School in Kampong Cham province, Battambang province, Kampong Speu province and Stung Treng province;

(c) Private Education Institution sector consists of International University and Life University.

604. Within the last five years, the number of students who have graduated from the public institutions is about 3,420 persons including 378 medical doctors, 126 dentists, 217 pharmacists, 1,613 secondary nurses, 245 primary nurses, 174 secondary midwives, 395 primary midwives, 136 secondary laboratory students, 80 movement therapists and 56 nurses. Moreover, the Ministry has established the higher education institution in public health sector for two years course, commencing from September 2007 at National Institute of Public Health with 25 trainees as health officers.

605. Meanwhile, the Ministry has dispatched its officers to continue the education overseas in total 2,020 persons including 1,614 persons to attend the course which is less than one month courses, 236 persons for 1-6 month courses and 170 persons for above six month courses. There is also a form of encouragement to allocate the health staff for development and support the functioning of the referral hospitals and health centres to provide the basic health service in the rural and remote areas.

606. Several important measures being implemented include:

(a) Recruiting nurses and primary midwives determined by quotas in provinces-municipalities by prioritizing the students living in the health centres where midwives are not enough;

(b) Providing the scholarship to the midwife students on the basis of 1 year and to the nursing students, primary midwife students at the north-eastern region;

(c) Offering money as incentive for regional midwife teachers in Battambang province, Kampong Cham province, and Kampong Speu province, funded by UNFPA;

(d) Implementing the Declaration of the Ministry of Economy and Finance stipulating to provide the allowances to the midwives for baby delivery under national budget, 60,000 Riels per baby for midwives at the health centres and health posts, and 40,000 Riels per baby for midwives at the referral hospital and national hospitals;

(e) In improving the training quality, the Ministry has prepared Sub- Decree on the trainings in health sector and inter-ministry declaration between Ministry of Health and Ministry of Education, Youth and Sports on promulgating the national curriculum of all divisions in health sector;

(f) In response to the standard of the trainings as stipulated in the Sub- Decree on the trainings in health sector, the Ministry has renovated and extended the school buildings as well

as some necessary equipment for demonstration and practice in the classroom and laboratory at the Medical and Health Care Technical Schools under financial support from the Government of Japan for about 7 million dollars. In addition, JICA has provided the learning materials to fulfil the need for education trainings to the four regional schools;

- (g) Recruiting the health civil servants determined by quotas in provinces-municipalities.

607. To promote the health status and welfare of Cambodian people, based on the principle of provoking the conveniences for people to have access to the public health care service, which has good quality, reasonable price and exception of fee payment for poor people as well as the attention, especially the preventive measure of the Royal Government, objectives and measures have been set up as follows:

- (a) Strengthening the capacity of developing annual work plan of the provincial-municipal health departments and operational district through building a comprehensive provincial and district plans advancing toward developing the three-year medium term plan at the provincial level;

- (b) Strengthening the system of quarterly administration and inspection, and annual evaluation at all levels in line with the enhanced system of communicable diseases control in order to use the mechanism supportive to developing the regular work plan, management, interventions for communicable diseases or protection of other epidemic diseases and service providing;

- (c) Putting in place via the IT computer system all the sample reports of the health information required in the provinces and operational districts. With the enhanced analysis and usage of data and information as well as promoting the regular returning of information from the central;

- (d) Building the capacity of developing budget plan, enhancing the effective management and use of budget through training at the district level on the prioritized programme and extended computer accounting management to the provincial-municipal entities which are implementing the prioritized action plan as well as providing trainings on technical accounting to the district and health centres throughout the country;

- (e) Strengthening the exemption system for poor people in using the diagnostic and treatment service in provincial-municipal hospitals and national hospitals to ensure that poor people, who do not have possibility to pay the health service fee, shall not be excluded and can have access to the service as needed;

- (f) Enhancing the effective and transparent management and use of the revenue which is collected from the service fee in compliance with the financial procedures and principles aiming to improve the service quality and to encourage the staff in performing their works in the spirit of responsibility and respect of the professionalism code of conducts;

- (g) Promoting the management of the medicine distribution and use in conformity with the guidelines and protocol of treatment so as to reduce the case of overstocking and blocking at minimum level;

- (h) Implementing the pilot integrated strategy of diagnostic and treatment of infants at Kampong Tralach operational district in Kampong Chhnang province and Romeas Hek operational district in Svay Rieng province;
- (i) Increasing the rate of dispensing the preventive vaccines of all types for infants under 1 year old up to 80 per cent for other 50 operational districts. Meanwhile, improving the system of integrated research on measles, tetanus and polio on infants;
- (j) Widening the measles vaccination campaigns for infants aged 9 months to 14 years in Phnom Penh, Kandal, Kampong Speu, Takeo, Kampong Chhnang, Pursat, Battambang, Svay Rieng, Kampot, Kampong Cham, and Sihanouk Ville;
- (k) Implementing the tetanus vaccination campaign at 2nd and 3rd phase for women aged 15 to 44 years in the provinces/municipalities and operational districts where the prevalence of tetanus prevention is low;
- (l) Increasing the prevalence of the pre-childbirth diagnostic at least 2 times for pregnant women up to 40 per cent and the prevalence of the tetanus vaccination for pregnant women up to 50 per cent of the total pregnant women;
- (m) Accelerating the prevalence of the contraceptive means up to 30 per cent and the prevalence of the childbirth by trained staff over 70 per cent of the total number of childbirths;
- (n) Reducing the prevalence of the HIV infection through:
  - (i) Accelerating the education and promotion campaign on the AIDS prevention and promoting the counselling services;
  - (ii) Accelerating the activities of 100 per cent condom use programme;
  - (iii) Stimulating the AIDS infected patients care activities through the community;
- (o) Expanding the network of tuberculosis treatment based on DOTS formula in the health centre in Phnom Penh Thmei up to 85 per cent and also maintaining the prevalence of the recovery at the high rate of over 85 per cent. Reducing the incidence of the dengue fever to less than 10 per 1,000 people and mortality under 0.10 per cent;
- (p) Encouraging and promoting the movement of voluntary blood donation to ensure the quality and quantity of the blood as needed. Launching the blood stocking service at the five district referral hospitals;
- (q) Gradually building up the technical capacity of the referral hospitals especially at the provincial level and operational districts based on the available resource for providing the complete active set, and also extending the system of patients referral between the health centres and referral hospitals;
- (r) Increasing the trainings on clinical techniques and management for the staff of health centres, referral hospitals and management officers;

(s) Encouraging the continued trainings for health staff in the health centres on the health care for mothers and children in duration of 4 months and providing intermediate trainings on midwife for one year course in response to the shortage of midwife in the health centres;

(t) Extending the continued trainings system through decentralization of the development and using the resource database system of the health centres, and widening the database system outreaching the students who have graduated the health service at the private institution;

(u) Encouraging the implementation of other public health programmes in response to the need for health of the people such as health education and promotion, health for mouths and teeth, mental health, disability prevention, food safety and nutrition etc.

### **“Reducing environmental pollution”**

608. Protection of the environmental quality is an important environmental strategic policy of the Royal Government. The recommendation made by Samdech Hun Sen, Prime Minister, is that, “It is absolutely not to allow Cambodia to become rubbish bin of the foreigners”. The slogan of three cleans are clean water, clean air and clean soil which are similar to the principle of 3 R (reduction, revival and recycling) being implemented step by step. Regarding to the hard wastes management, the Ministry has divided the waste into two types, that is household wastes and hazardous wastes and these wastes are kept separately according to the technical standards so as to ensure the safety to the environment and public health.

609. Meanwhile, the Ministry of Environment would like to express its admiration to the provincial-municipal leadership who has paid the attention on gradually arranging the wastes disposal field according to the environmental technical standard. The Ministry has regularly checked the water pollution source deriving from the liquid wastes about 300 sources pertaining the chemical use and poisonous wastes including the liquid wastes from 52 factories that contain the environmental pollution substance. They are required to clean up through functioning cleaning reservoirs and as a result in late 2007 the quantity of liquid wastes about 98 per cent of the total quantity has been cleaned up before draining to the public water source. The result of quality analysis of water and air throughout the country has shown that environmental quality in Kingdom of Cambodia has improved, as pollution rate is lower than the standard determined. I am honoured to inform that recently Phnom Penh capital has been given Number 1 award on the environment, in which it reflects the mechanism of environmental improvement to be put in place for World Award competition with participation from 400 cities in Great Britain.

### *Major Challenges*

610. Along with many remarkable achievements, the Ministry of Environment is facing some objective and subjective challenges, which have had direct impacts on the environmental management mission. Those challenges include.

611. The influx of immigrants into the sanctuaries and their poverty have increased the demand on natural resources and the land-grabbing as well as the clearing of the forest in sanctuaries to

take land as personal properties. This illegal action happens with coordination from the authorities who “illegally” issued the land certificates and certificates of buying forest lands to businessmen and opportunists.

612. The number and qualifications of the officials in the 23 sanctuaries and the supply of materials and facilities cannot match with the scope of protection and preservation work in the sanctuaries. Lack of government officials and qualified officials in Ministry of Environment’s provincial departments has also influenced the efficiency at the Ministry. Meanwhile, the implementation of the prioritized tasks is still slow complicated and limited at the Ministry.

613. The cooperation and coordination with other ministries, institutions, armed forces, local authorities, and the communities to preserve the natural resources are still limited. Meanwhile, some provincial courts have held up the forestry cases submitted by the environmental authorities.

614. The laws and regulations that are relevant to the implementation of the protection of the environment quality are not sufficient, as if is linked with other sectors such as industry, health, communication, etc., which require different laws for implementation. Moreover, the sudden economic growth is a factor which some existing laws unable to cover in certain development activities.

615. There is a lack of resources and means of study, research and the laboratory work. So far, the laboratory work of the Ministry has mostly depended on aids; the national budget is limited, which could not secure the sustainability of laboratory tests and research.

616. The institutional cooperation to evaluate the impacts on environment and public advocacy are limited, as some individuals are still confused that the evaluation of the environmental impacts could be an obstacle for investments.

*Continuing objectives*

617. For the next five years, the Ministry has sets objectives as follows:

(a) Continue to encourage the implementation of article 59 of the Constitution on the protection of the environment and natural resources and other environmental laws and regulations of the Government, especially the environmental pollution evaluation, sanctuary management, and environment equality protection;

(b) Continue to urge the integration of the national environmental policy into developmental and strategic plans at all levels in order to ensure eternal and sustainable environmental development;

(c) Continue to develop national environmental plan for the fourth legislature of the Royal Government;

(d) Promote the environment-related education both in educational institutions and amongst the general public in order to encourage their participation in environmental protection and poverty alleviation;



(e) Strengthen cooperation with other ministries, relevant institutions, private sector and civil societies and improve international cooperation both bilaterally and multilaterally in environmental protection sector.<sup>102</sup>

### **Drug-related issues**

618. Drug control is a prioritized activity in the Rectangular Strategy of the Royal Government of Cambodia, in which the National Authority for Combating Drugs consisting of ten ministry members and one secretariat is responsible for implementing the policy and ensuring permanent coordination of the Royal Government's measures.

619. The aim of the drug control is to alleviate and eventually eliminate drug trafficking, drug production and plantation, and illegal drug use. To achieve this aim, the National Authority for Combating Drugs (NACD) has developed an operational plan to contribute to the protection of the security, safety, well-being, and living standard of the people.

#### *Reduction of demand for illicit drugs*

620. The National Authority for Combating Drugs has conducted a campaign to promote public understanding, especially for youth, in cooperation with other relevant institutions, Non-Governmental Organizations, civil societies, religions, State-run and private mass media (radios, TVs, mobile phone companies) and local authorities at all levels. The activities include:

- Harm Reduction Campaign to reduce harms caused by the drug use and the spread of HIV/AIDS in relation to drug abuse
- Mobile Information Dissemination teams with relevant partners prepare various documents to regularly campaign at different target areas in prioritized provinces/cities, which leads to the dissemination around the country on the impacts and consequences of drug
- Regular meetings with relevant ministries, local authorities, and NGOs
- Cooperation with the Ministry of Education, Youth and Sports (MoEYS) and the National Aids Authority to develop a concrete plan necessary for the integration of illicit drugs and HIV/AIDS education into all levels of education in both formal and non-formal systems

#### *Control of illicit drug production and trafficking*

621. The NACD secretariat will strengthen cooperation with other relevant institutions such as police, Royal Cambodian Armed Forces (RCAF), customs, Cam control, and local authorities at all levels by calling for regular meetings to share experience of precursor chemical control in

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<sup>102</sup> Remark speech on the implementation of the environmental management policy in the sustainable development strategy of the Royal Government of Cambodia 2004-2007.

order to prevent the drug trafficking, production, and plantation, continuing the Computer Based Training (CBT)<sup>2</sup> and the training on various legal procedures to the law enforcement officials who are tasked with drug control.

622. The NACD has cooperated with regional UNODC<sup>3</sup> to strengthen and expand the present Border Liaison Office (BLO)<sup>4</sup> and widen other strategic areas such as international ports and airports and the provinces along the Mekong River.

623. The NACD Drug Information Centre has kept various documents and shared information and experience of drug control activity conducted with local and international partners to prevent drug and precursor chemical trafficking.

624. The NACD has fostered cooperation with neighbouring countries through the BLO to prevent the inflow of drug and promoted the participation of the people in reporting the news relating to the production, trafficking, and use of drug.

#### *Treatment and rehabilitation*

625. The NACD will request the Royal Government to set up Treatment and Rehabilitation Centres in Phnom Penh and priority provinces/cities in which there are lots of drug users, to create expert groups such as treatment team, drug addict counselling team, etc, and to encourage the involvement of the communities, families, NGOs and religions in the Treatment and Rehabilitation programmes.

626. By implementing the Good Governance Policy on drug control, at the end of the third legislature of the Royal Government, the NACD expects to achieve the following results:

(a) NACD secretariat and relevant ministries as well as the local authorities at all levels have appropriate technical capacity, equipment and human resources to carry out their tasks effectively and efficiently while the working and living conditions of the officials are promoted;

(b) Most people, especially youth, understand the consequences of illicit drugs and the spread of HIV/AIDS through drug use;

(c) Most of the once-poppy plantations are turned into agricultural land or industrial areas instead;

(d) The drug control law which has been amended is able to punish drug criminals very efficiently;

(e) Priority provinces/cities have Treatment and Rehabilitation Centres that are capable of treating most drug-addicted people and giving them skills before re-integrating them into the family and society;

(f) The drug plantation, production, trafficking, and number of drug abusers are reduced to a minimum degree.

627. In order to achieve the abovementioned objectives, the NACD requires the supports from the Government and donor community and the active participation of the ministry members, relevant ministries and local authorities at all levels.<sup>103</sup>

### **Health, rural sanitation and economic promotion**

628. Lack of sanitation and clean water for household consumption in the rural areas are factors that contribute to the poverty and affect the economic development of the country. Having seen this report, the Royal Government of Cambodia headed by Samdech Akka Moha Sena Padei Techo Hun Sen allowed and recommended the Ministry of Rural Development to establish a technical team for the clean water supply and rural sanitation under the leadership of the Ministry of Rural Development chaired by the Asia Development Bank for coordinating the development partners together with members from concerned ministries. This teamwork plays a crucial role in coordinating with the development partners to mobilize resources for the successful implementation of the clean water supply and rural sanitation that will achieve the Ministry of Rural Development's objectives stated in Cambodia Millennium Development Goals by 2015 and the National Strategic Development Plan 2006-2010.

629. In order to start the activities of the Clean Water Supply Technical Team and rural sanitation under the leadership of His Excellency Yim Chhayly, Secretary of State of the Ministry of Rural Development, the first national forum on rural sanitation was held on 13-14 November 2007, presided over by Samdech Akka Moha Sena Padei Techo Hun Sen, the Prime Minister of Cambodia. The forum was significantly important since the Ministry of Rural Development, as the responsible institution to urge and promote the clean water supply and rural sanitation, is committed to responding to lack of sanitation which is a concern in the rural communities of Cambodia.

630. Meanwhile, His Excellency Yim Chhayly, Head of Clean Water Supply and Rural Sanitation Technical Team, has conducted sanitation campaigns in various provinces/cities nationwide during a launch of international sanitation 2008 and met with and explained to the development partners the Ministry's strategies and policies to promote the clean water supply and sanitation and encourage the better implementation of the rural sanitation in rural areas of the Kingdom of Cambodia.

#### *Rural water supply*

##### *Drinking water supply*

631. The rural clean water supply is a crucial issue to which the Royal Government as well as the Ministry of Rural Development has paid much attention in order to serve the needs of the people, especially those in rural areas where there is shortage of clean water for consumption and drinking. In the 2006-2010 National Development Strategic Plan, the Ministry of Rural Development forecast that the rural clean water supply in 2007 would increase by 45 per cent.

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<sup>103</sup> National conference of the Royal Government on good governance for poverty reduction and development (Phnom Penh, 14-15-16 December 2004).

However, we will continue to increase the water supply up to 100 per cent of the people throughout the country in 2025. For the past four years 2004-2007, we have achieved some noticeable results on water supply.

632. We have built 630 “hybrid” wells and 1,990 wells and restored 318 wells. 3,770 new pumps have been built and 2,692 pumps have been restored. 155 collective ponds, 150 concrete water reservoirs, and 179 giant water jars have been made and provided to the people. We have also distributed 4,875 tanks and 2,000 pairs of plastic water containers to the poor.

*Rural sanitation awareness-raising*

633. Having access to clean water and sanitation service supply is one of human rights. Sanitation leads to the reduction of diseases and it makes people healthy and save money and time for study, and it brings happiness to individuals, families as well as to the whole society. Therefore, disease infection prevention is the most important and indispensable aspect for the people’s living. The Ministry of Rural Development plays an important role in organizing clean water and rural sanitation programmes under cooperation with the Asian Development Bank (ADB), UNICEF and other development partners to help this sector to strike forward as, currently, only 16.8 per cent of Cambodian rural people get access to toilets. This is apparently far behind that of the neighbouring countries.

634. Besides clean water and sanitation education, the Ministry of Rural Development plans activities include educating people about HIV/AIDS, bird flu and other infectious diseases and basic health prevention, educating people to use home WC to prevent urinating disorderly, presenting WC construction method, and educating people to clean their hands with detergent after using WC and before having meals, drink boiled or safe water like bottled water, decanted or virus-free water. Especially, test for poisonous substances (arsenics) should be done for wells in 1,607 targeted villages include in Kampong Chhnang, Kampong Thom, Prey Veng, Kampong Cham, Kratie and urban areas around Phnom Penh, to define whether or not the water of those wells is drinkable. For well water, which contains arsenic of less than 50 ppb is drinkable (testified by the national standard on drinking water).

635. From 2004 to 2007, the Ministry of Rural Development tested 6,260 wells to find arsenic, built 15,882 home WCs and 52 public WCs, and distributed toilet bowls to 9,236 people. The Ministry provided health and sanitation education to 20,462 people and disseminated measures on HIV/AIDS prevention to thousands of people, and weighed 27,490 infants and pregnant women.

*Clean water supply for the poor*

636. In order to contribute to the poverty alleviation in Phnom Penh capital, Phnom Penh Water Supply Authority (PPWSA) has been endeavouring to supply clean water to the poor communities since the early 1990s. Up to the present time, the PPWSA has made 17,231 clean water supply connections to the poor people including in:

- The centre of Phnom Penh: 7,177 connections in 52 communities and 2,511 pipes outside the communities

- Phnom Penh suburban areas: 10,054 connections in 36 communities and 6,310 connections outside the communities

637. Such activities do contribute to the poverty alleviation in Phnom Penh. Their expense for everyday clean water usage decreased from 2,000 to 5,000 Riels/m<sup>3</sup> (the price varied according to different zones) to only 550 Riels/m<sup>3</sup>. As a result, each family could reduce their expense of around 380,000 Riels per annum. From 1999 to present, it is estimated that the PPWSA has helped the poor to save up approximately 6000,000,000 Riels through its direct clean water supply.

#### *Locations of the poor communities in Phnom Penh*

638. Moreover, young children's burdens to transfer the water for everyday basic needs have come to an end as their houses receive direct supply from the PPSWA. The time spent for study and entertainment to sharpen their knowledge and strengthen their body has increased. Moreover, the quality of the clean water is guaranteed as the water is directly supplied by the PPWSA's water supply utilities. All illnesses caused by unclean water usage have also been prevented.<sup>104</sup>

#### **Challenges and objectives of health sector 2008-2015**

639. Although the Ministry of Health has achieved satisfactory results, the Ministry recognizes that other obligations and problems the Ministry have to be carried out and continue to be resolved in order to ensure the health care for the poor. The maternal and infant mortality is declining but still relatively high compared to that of the neighbouring countries. Striving for the health care improvement, we cannot avoid such new challenges as bird flu, chronic illness, traffic accidents, and malnutrition, especially amongst children.

640. The Ministry of Health will continue to encourage the participation of the international community and private sector to increase their investments in the health sector in order to improve the public health. Priority will be given to the construction of referral hospitals and health centres all over the country that can provide local health services in an efficient, equitable and sustainable manner to all citizens, especially to the poor and venerable groups. The Ministry will adjust health curriculum and salary for midwives and nurses to encourage the participation of the people in working in skills for which the Ministry lacks staff.

641. The Ministry will continue to focus on the implementation of preventive and curative epidemic programme and promotion of maternal and child health care to reduce the maternal and infant mortality rate and will extend the charity foundation to help the poor to have equitable access to quality health services and free health care in referral hospitals and health centres around the country. The Ministry is strongly committed to prepare and effectively implement the laws and regulations that are relevant to the health sector.

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<sup>104</sup> Ministry of Rural Development's work achievements 2004-2007 and next objectives, pp. 18-24.

642. Besides, there are various indicators related to health improvement and achievements including:

- The public understanding of health improvement
- Infrastructure and health resources (lack of midwives and qualified health officials, etc.)
- Disease transmission system, especially in remote areas
- The increase of investments in the health sector
- Poverty alleviation
- Family economic situation (both ordinary people and officials)
- The spread of the clean water usage and general sanitation
- Basic education, especially for women
- Road system should be further improved.<sup>105</sup>

### **Conclusion**

643. While there have been developments in health services in the 5 strategies in the past 5 years, we are facing some challenges which have influenced the success of the plan:

- Up to now, the integration strategy of the responsibility to check and treat children has been taught and practiced in approximately 50 per cent of the health-care centres
- Pregnancy check and child delivery with skilled health officials are low
- Some health centres are still unable to provide complete minimum services package
- Lack of trained midwives in some health centres
- Limited capacity of the health officials in providing health services in referral hospitals and health centres.<sup>106</sup>

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<sup>105</sup> Report on the development of health sector in the national conference on progress of people through achievements of implementation of the Rectangular Strategy of the Royal Government (2004-2007) pp. 20-21.

<sup>106</sup> Ibid. (2004-2007) p. 08.

## Articles 13 and 14: Right to education

### The Constitution and laws

644. Rights to education are respected as stated in the Constitution of the Kingdom of Cambodia. The Royal Government recognizes that education is a basic right for the people that will make children and adults receive many other rights in their life. The ratification on the Convention on the Child Rights in 1992 and the regulations in the Constitution that guarantee basic education for every child require the Royal Government's commitment to ensure quality services in the education sector. Education is a key sector to mobilize human resources and create bigger equity and the educational investments and trainings are the important factor for economic growth.

645. The articles in the Constitution of the Kingdom of Cambodia and laws that are related to education include:

Article 48: The State shall protect the rights of the children as stipulated in the Convention on Children, in particular, the right to life, education, protection during wartime, and from economic or sexual exploitation.

The State shall protect children from acts that are injurious to their educational opportunities, health and welfare.

Article 65: The State shall protect and upgrade citizen's rights to quality education at all levels and shall take necessary steps for quality education to reach all citizens.

The State shall respect physical education and sports for the welfare of all Khmer citizens.

Article 66: The State shall establish a comprehensive and standardized educational system throughout the country that shall guarantee the principles of educational freedom and equality to ensure that all citizens have equal opportunity to earn a living.

Article 67: The State shall adopt an educational programme according to the principle of modern pedagogy including technology and foreign languages.

Article 68: The State shall provide free primary and secondary education to all citizens in public schools. Citizens shall receive education for at least 9 years. The State shall disseminate and develop the Pali schools and the Buddhist Institute.

646. The Law on Education was promulgated through the Royal Kram No. NS/1207/032 dated 08 December 2007 related to rights and duties of education as follows:

(a) Article 31: All Cambodian citizens shall have the rights to free education with quality at public schools for at least 9 (nine) years;

(b) Article 32: Right to enrolment at grade 1 (one) of the general education programme: The enrolment at grade 1 (one) under the formal education programme has been defined for children from at least 6 (six) years of age or 70 (seventy) months by the date they are enrolled;

(c) Article 33: Freedom and rights to religions in education shall be guaranteed by the State. The study on religions in the education programme shall be permitted where it is for only general knowledge;

(d) Article 35: Rights and duties of students.

647. Rights related to education of students are:

(a) Right to freely express their points of view in education;

(b) Right to education;

(c) Right to education with quality;

(d) Right to assembly or club of students in the purpose of education;

(e) Right to examine and copy personal record related to education;

(f) Right to active and full participation in developing the standard of education at the education establishments and at the national level, by themselves or through their representatives;

(g) Right to receive respect and care for the human rights, particularly right of dignity, right to be free from torture or punishment both mentally and physically.

### **The Government policy on education**

648. The Royal Government will continue to achieve “Education for All” by ensuring equity for nine years basic education for every child and facilitating all the favourable conditions in order to allow the children from poor families to attend school, especially by strengthening and expanding public educational institutions and increasing scholarships for poor students.

649. The Royal Government will continue to increase budget expenditure and to mobilize more foreign aids to carry out educational reforms in the 2006-2010 Education Strategy in order to achieve the priority policies to contribute to the building and development of human resources of the Kingdom of Cambodia in the future.

650. Important priority policies and some necessary measures include:

(a) Ensuring the equitable access to education services by constructing schools near people’s houses with the provision of school operational budgets, employing enough teachers for every school and establishing dormitories for students, especially female students;

(b) Improving quality and efficiency of the education services through the increased supplies of study materials, libraries, and laboratories, and continuing to push for the curriculum reforms, to increase learning hours, and to provide scholarships to poor students;



(c) Improving institutional and official capacities by pushing for work structural reform, creating enough laws and regulations, and providing technical trainings to educational officials at all levels.

651. Based on the figures and data received, the Ministry of Education, Youth and Sports would like to make a report on the Education Sector Development through the implementation of the Rectangular Strategy of the Royal Government as follow.

### **The promotion of equitable access to education and education quality improvement**

#### *Early childhood and pre-school education*

652. In the academic year of 2007/08, there are 1,634 pre-schools. That is to say, almost every commune has one or two pre-schools. There are 79,585 pupils in public pre-schools including 40,013 (50.27 per cent) girls. The total number of staff at public pre-schools is 3,130 (3,073 or 97 per cent female). Besides public pre-schools, there are 100 private pre-schools and classes, 1,017 community pre-schools, and home-based educational programmes for early childhood, which all together play a crucial role in providing education services.

653. There are a total of 212,883 children including 107,139 (50 per cent) girls, aged from 3 to 5, who receive pre-school education through all types of educational programmes for early childhood.

654. The Ministry of Education Youth and Sports (MoEYS) has developed special educational programmes for disabled and tribal children and prepared documents for parents to understand child development.

655. The Ministry has the policy to encourage the private sector and local communities to support and develop early childhood and pre-school education in all pictures, especially for those in the poor rural and remote areas and tribal regions.

#### *Primary School Education*

656. In the academic year of 2007/08, there were 6,476 primary schools, an average of 4 primary schools in one commune. The number of primary schools grew by 296 compared to that in 2004/05. There were 2,311,107 primary school pupils (Net Enrolment Rate (NER) of 93.3 per cent) including 1,094,577 girls (girl NER of 93.3 per cent). According to the geographical locations, 92.7 per cent of children in urban areas, 93.6 per cent of children in rural areas and 88.4 per cent of children in remote areas enrolled at primary schools. The NER grew from 91.9 per cent in 2004/05 to 93.3 per cent (2007/08) as it rose from 91.6 per cent to 92.7 per cent in urban areas, from 92.4 per cent to 93.6 per cent in rural areas and from 82.5 to 88.4 per cent in remote areas. Meanwhile, the girl NER increases from 90.7 per cent to 93.3 per cent. The increase of female student NER was from 90.4 per cent to 93.1 per cent in urban areas, from 91.2 per cent to 93.6 per cent in rural areas and from 79.4 per cent to 87.8 per cent in remote areas. The increase clearly demonstrates that the Royal Government and the MoEYS have been struggling to provide equitable access to education regardless of gender and geographical areas.

657. The MoEYS has implemented various strategies including: the enrolment, the implementation of student friendly school programme and educational financing policy dissemination campaigns, the abolition of contributions at the early school year and other unofficial contributions, the provision of school operational budgets, and the provision of snacks to students in poor areas. The implementation of the strategies has revealed positive results to increase the number of students enrolled at primary schools.

658. The promotion rate at primary school from grade 1 to 6 is 78.6 per cent. The repetition rate declines to 10.6 per cent, while the dropout rate falls to 10.8 per cent. The Ministry will pay more attention to remote areas which have higher repetition and dropout rate than urban and rural areas.

659. For the general knowledge, the MoEYS has made curriculum and textbook reforms, developed minimum standards for student results, and provided facilities and textbooks in order to improve the educational quality for the present time and the future.

660. At all levels of education, the Ministry has included the basic life skills in the curriculum providing education related to handicrafts, substantial farming, morality, decency, general sanitation and food sanitation, plantation, embroidery, cooking, animal raising, carpentry, and coastal environment protection and preservation, HIV/AIDS awareness, bird flu, drug combating, sex trafficking, women and children exploitation, gender, landmines and unexploded ordnance, bio-language, etc. The skills are taught through Khmer studies, mathematics, social studies, and science.

#### *Secondary education*

661. In the academic year of 2007/08, there were 1,006 secondary schools in 1,621 communes. The number increases by 429 schools compared to that in the academic year of 2004/05, which had only 584.

662. The total number of lower secondary students was 637,629 (NER of 34.8 per cent) including 296,907 girls (girl NER of 35.9 per cent). The NER rises from 26.1 per cent in 2004/05 to 34.8 per cent. The NER grows from 41.3 per cent to 55.9 per cent in urban areas, from 23.7 per cent to 31.5 per cent in rural areas and from 3.9 per cent to 11.1 per cent in remote areas. Meanwhile, the girl NER increases from 40.5 per cent to 56.9 per cent in urban areas, from 22.2 per cent to 32.6 per cent in rural areas and from 4.1 per cent to 12.2 per cent in remote areas.

663. The promotion rate at lower secondary education from grade 7 to 9 is 77 per cent. The repetition rate plummets to 2 per cent while the dropout rate falls to 21 per cent. The Ministry will pay more attention to rural areas which have higher dropout rate than urban and remote areas. In the academic year 2007/08, there were only 126,250 students passed the final exam of lower secondary school which equal to 94.49 per cent, and among this number, there were 56,511 female students while, in the academic year 2004/05, there were only 91,310 passed the final exam.

664. The increase of NER at public lower secondary schools also shows that the MoEYS has been striving to provide equitable access to education regardless of gender and geographical areas. This remarkable result is achieved thanks to the high attention paid by the Royal Government which implements various strategies such as the wide dissemination campaigns of educational budget policy, the abolition of contributions at the early school year and other unofficial contributions, the provision of scholarships for poor students (17,667 students per year), especially for female students, and the provision of school operational budget. The implementation of the strategies is effective as there has been an increase in number of students enrolled at lower secondary schools.

665. Although school facilities have been expanded for grades 7-9 since 2004/05, it is not enough to respond to meet the demand in lower secondary education. There are only 1,296 communes (79 per cent) from a total of 1,621 communes, with lower secondary schools. For the communes that do not have lower secondary schools, the Ministry is helping them to turn the core schools within the primary school clusters to be lower secondary schools or to build new lower secondary schools all of which will have completed by 2012 the latest.

666. In 2007/08, there were 315 upper secondary schools, an average of 13 schools in one province. The number of schools increased by 74 compared to 241 in 2004/05.

667. The total number of students enrolled is 260,965 (NER of 14.8 per cent), including 106,782 girls (girl NER of 13.8 per cent). The total NER increases from 9.3 per cent in 2004/05 to 14.8 per cent while that in the urban areas increases from 22.7 per cent to 41.3 per cent, in rural areas from 6.1 per cent to 10 per cent and in remote areas from 0.2 per cent to 1.2 per cent in the same period. Meanwhile, the girl NER increases from 7.9 per cent to 13.8 per cent. It increases from 21.1 per cent to 40.2 per cent in urban areas, from 4.7 per cent to 8.9 per cent in rural areas and from 0.1 per cent to 1.2 per cent in remote areas.

668. From 2004 to 2007, the MoEYS sent 44 outstanding upper secondary school students to joined 9 international science competitions in which our students received 1 gold, 4 silver and 12 bronze medals and 9 honorary certificates, while two students achieved grades in the Best of the Competition.

669. For the upper secondary education, the MoEYS places much attention on quality and efficiency improvement by including the basic professional training and implementing soft curriculum which allows students at grades 11 and 12 to choose subjects of their talents and interests.

670. In the academic year 2007/08, there were 55,178 students (70.70 per cent) among whom 23,712 female students passed the final exam of upper-secondary school, while, in the academic year 2004/05 there were 34,174 students.

671. The implementation of various strategies including the wide dissemination campaigns of school operational budget policy, the abolition of contributions at the early school year and other unofficial contributions, the establishment of dormitories for poor students, especially female students, and the provision of school operational budget has increased the number of students enrolled at the upper secondary education. However, the MoEYS must continue to ensure equitable access to education regardless of gender and geographical areas.

### *Non-formal education*

672. The adult literacy rate of aged-15 to 24 increased from 76 per cent to 84.7 per cent in 2006 while the adult literacy rate of aged-15 and over jumped from 67 per cent in 1998 to 73.6 per cent in 2004.

673. 392,904 people including 251,432 women have participated in functional literacy programmes. The equivalency and re-entry programmes have been provided all levels of education to 46,665 youth and people including 22,524 women. Meanwhile, short training programmes provided by community learning centres help 3,529 people including 2,202 people to know how to perform various skills such as tailoring, motor, radio and TV set repairing, animal raising, vegetable planting, etc.

674. Income growth and professional skill programmes have been carried out in 93 community learning centres, providing 19 skills in 127 classes with 127 teachers to 6,239 students including 1,279 women. The Ministry has strengthened and expanded the non-formal education activities through radio and national television programmes and provided outreach teaching programmes on IT and ITC through mobile school cars.

### *Higher Education*

675. Higher education has been improved remarkably in the quality and quantity. In present, there are totally 61 higher educational institutions including 18 State-run institutions and 43 private owned institutions located in 18 provinces/municipalities. In 2008, five educational institutions were acknowledged by the Royal Government.

676. The Ministry of Education, Youth and Sports has made its efforts to ensure the equity of enrolment of higher education through granting the scholarship to poor students, female students and the students who come from remote areas. Moreover, the Ministry has constructed four dormitory buildings in Phnom Penh.

677. Between 2007 and 2008, the total number of students in the country was about 131,639 including 44,342 female students equal to 33.68 per cent. There were about 14,499 students of associate bachelor degree including 4,209 female students equal to 29.02 per cent and 6,656 including 1,892 female students which equal to 28.42 per cent. There were 10,591 students of bachelor's degree including 38,564 were female students which equal to 36.40 per cent, among whom 12,517 students including 39, 68 were female students which equal to 317 per cent passed the final exam. There were 10,365 students of master degree including 1,528 female students which equal to 14.74 per cent among whom 2,681 students passed the final exam. There were 24 students passed the final exam of doctoral degree.

678. There are about 7,905 students, who continue to the higher education, including 1,010 female students equal to 13 per cent. The number of students who have completed the higher education was about 1,981 students. There are 24 students who have completed the doctoral degree. Comparing to 2004, the students of higher education had only 1,448 persons, so it has increased 6,457 students equal to 445.93. In the same year, there were only 4 students who passed the doctoral degree.

679. The Ministry has paid its high attention on enhancing the quality and effectiveness of the higher education through the establishment of the Internal Quality Assurance Section in every institution. This section is aimed to monitor, inspect, and to provide the convenient coordination for public and private higher educational institutions, and to cooperate with the higher educational institutions from other countries in the world.

680. The Accreditation Committee of Cambodia, which is an external organization for assessment of education quality, has operated with fruitful result. In the academic year between 2006 and 2007, with support from World Bank, the Ministry has built the capacity of the officers from Higher Education Department and developed the draft of strategic plan 2008-2020 aiming to promote the higher education in Cambodia to be accredited at the regional level.

### **International cooperation**

681. The Ministry has been cooperating with friend countries and dispatched 8,761 students to study in 30 countries (as of 1980 till 2007). Of those include 1,880 students of associate bachelor degree, 5,801 students of bachelor degree, 760 students of higher education degree, and 320 students of doctoral degree. Between 2006 and 2007, the Ministry dispatched 381 students, including 61 female students equal to 16 per cent, to continue their overseas education. The students of associate bachelor degree that were dispatched to study abroad by the Ministry are about 24 students, including 7 female students equal to 29 per cent. There are 158 students of Bachelor degree including 15 female students equal to 9 per cent and 22 students increased; 160 students of higher education degree including 33 female students equal to 21 per cent and 126 students increased; and 39 students of doctoral degree including 6 female students equal to 15 per cent and 35 students increased.

682. Meanwhile, the Ministry has accepted the foreign students who continue the education in Cambodia every year. And between 2007 and 2008, there are 132 foreign students from Vietnam, Laos and China (scholarships) and Korea (private) and so forth who are continuing their study at the public institutions of higher education.

### **Teachers training**

683. At the present, the total number of education staff in the whole country is 104,095 persons including 38,558 female. The Ministry has refined the remedial programme for local teachers, kindergarten teacher training programme (12+2 and 9+2) and developed 6 specialized subjects of the teaching materials for primary and lower secondary teachers and 13 subjects of teaching materials for remedial programme for local teachers at secondary schools, and has published 17,500 books of training manuals for kindergarten and primary teachers. Every pedagogy school always has dormitory building for housing the teacher prospects who come from remote areas or who have accommodation difficulty, especially female teacher prospects. Beside the Provincial and municipal pedagogy and training schools, and regional pedagogy centres, the Ministry has constructed 15 human resource centres to ensure the capacity development of the education officers, especially for the provinces-municipalities where pedagogy school is not available.

684. Since 2007, with the programme budgets and financial support from the international organizations and international donors, the Ministry has trained 1,555 deputies/directors of the general education schools, including 279 female. In addition, the Ministry has carried out the remedial course for 2,392 local teachers (889 female) of two generations and for 692 contractual teachers (203 female) of two generations. The Ministry has provided the supplementary course for 303 people (26 female) who come from remote and difficult areas. The content of the training was to focus on the implementation of the Friendly Children School Programme, the information technology access, e-mail and other essential short-term skills.<sup>107</sup>

### **Conclusion**

685. The work of the Ministry of Education, Youth and Sports has been seen better performed and proudly improved to date. Learning of the students at all levels has been carried out in conformity with the programme set out by the Ministry. Teachers and education officials at all levels have performed their duties with high responsibility and professionalism. Whilst, the participation of the communities, student's parents in education become appealing and even more active. All these forces are inevitable to bring about other achievements through the execution of the rectangular strategy of the Royal Government in conformity with the national development strategic policy and action plans of the Ministry of Education, Youth and Sports. In the meantime, education sector has attained good cooperation among the authorities of all levels, national institutions, international development partners and NGOs as well as the participation of the people, monks, seniors, senior leadership of the Ministry and education officials of all levels, which drive the work of the Ministry of Education, Youth and Sports to progress and develop as the neighbouring countries in the region and in the globe.

### **Aims for future education**

686. To achieve the goals of Education for All as well as to ensure the education quality, the Ministry of Education, Youth and Sports has drawn up the medium term objectives as follows:

- (a) Increase the enrolment of the children from 0 year of age to 6 years through house-to-house children education and extending the Kindergarten schools in the communities and rural areas;
- (b) Increase the enrolment at the Primary schools, especially in the rural and remote areas through reducing the all level-built-schools and continuing the construction of new schools adjunction to the households of the people together with strengthening and increasing the children friendly schools nationwide;
- (c) Increase the enrolment at the Lower Secondary schools, especially in the rural and remote areas through opening the new Secondary schools in the communes and High schools in the districts where the schools are not yet available;

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<sup>107</sup> Report on achievements in education sector 2004-2008 through the implementation of the Rectangular Strategy: pp. 1-20 (from II- on education policy/V-on trainings and teacher training).

(d) Extend non-formal education through opening adult literacy course and functional literacy, increasing the construction of the community learning centres as well as implementing the education revival programme and equivalent programme;

(e) Increase the enrolment at higher education through extending the higher education institutions in provinces-municipalities where are not yet available, and expand the partnership between the State and private sectors;

(f) Strengthen the education quality at all educational levels through improving the curricula and teacher training programme and providing remedial class on the teaching methodology to the teachers;

(g) Develop the capacity of specialized officials on the planning and management through workshops and seminars both inside the country and overseas by linking to the gender responsive strategic plan of the Ministry;

(h) Strengthen the implementation of the instructions and standard administrative work of all levels to ensure the effectiveness in job performance.

#### **Roles of international assistance**

687. The role of the international support is to ensure the actual exercise of rights as stipulated in article 13, ensure the capacity to education; eliminating discrimination against races and religions in the society; and helping the Royal Government develop the nation on technical management.

#### **Article 15: Right to participate in cultural life**

688. During the genocidal regime, Cambodia country was destructed gravely on all realms, especially the economic, social and cultural sectors. After 1979, the Government revived those realms including economic, social and cultural sectors and offered all rights to every Khmer citizen.

#### **Constitution and national laws**

689. The participation of the citizen in the cultural life is protected by the Constitution in 1993 as follows:

Article 35-1: Khmer citizen of either sex shall have the right to participate actively in the political, economic, social and cultural life of the nation.

Article 41-1: Khmer citizen shall have freedom of expression, press, publication and assembly.

Article 69: The State shall preserve and promote national culture. The State shall preserve and promote Khmer language as required. The State shall preserve and protect the ancient monuments, artefacts and restore historic sites.

Article 70: Any offence affecting cultural artistic heritage shall carry a severe punishment.

Article 71: The perimeter of the national heritage sites, as well as heritage that has been classified as world heritage, shall be considered as neutral zones where there shall be no military activity.

690. The UNTAC Transitional Criminal Law in 1992 stipulates as follows:

Article 44: Offences related to cultural property. Any person who steals or attempts to steal cultural property belonging to the State or to natural or artificial persons, which is part of the Cambodian national heritage, shall be liable to a term of imprisonment of six months to ten years. Any person who illicitly exports or attempts to export or transfers or attempts to transfer ownership of cultural property shall be liable to the same punishment.

Article 48: Any production of a writing, musical composition, drawing, painting, film, photograph, or any other printed or engraved representation which does not respect the intellectual property rights of its author(s) constitutes violation of copyright.

Any importation, exportation, reproduction, performance or distribution of a reproduction of an intellectual creation with intent to disregard the intellectual property rights of the author(s) also constitutes violation of copyright.

691. To ensure the satisfactory exercise of everyone's right in the cultural life and the exposure of their own culture, the Royal Government has paid the attention as hereunder:

- Reassemble and promote the value of the culture, belief, tradition and custom of the society; promote and create the achievements; promote and develop the cultural activities
- Train the artists, musicians, architects, archaeologists and other experts pertaining to the culture in cooperation with the Ministry of Education, Youth and Sports
- Encourage all cultural activities, performance of arts and culture, exhibition to attract the public's attention to their own culture
- Promote and facilitate vocational associations in culture aiming to promote the conscience of professionalism as well as to protect their legal interests
- Encourage and control the preservation of all good cultural activities of the citizens in the regions throughout the country
- Aim and encourage the promotion of the arts and culture through movies, video and multi-medias
- Study and provide permits on doing the seventh arts businesses in movies and videos
- Provide trainings on movie and video production skills
- Aim and promote the creative achievements and encourage the creators as well as promote publicly all the artistic pictures, sculptures and artistic production



### **Through the achievements of culture and fine arts**

692. The Kingdom of Cambodia is a country that has prosperous and abundant cultures, which the ancestors have established and left over long time. The cultural properties comprise tangible and intangible heritages. This property is the identity of the Khmer nation. The cultural value of a race is an invaluable legacy because culture is the knowledge to be passed on to the next generations, who were the successors, and use for economic development, especially for human resource development.

693. In contribution to the implementation of the rectangular strategy of the Royal Government and in pursuance to the action plans for culture and fine arts for the third mandate National Assembly, the Ministry has proposed two main principles.

#### **1. Political implementation, social development and culture of peace**

##### **Purposes**

- Study, research, preserve and develop the culture
- Create jobs for people in contribution to poverty reduction
- Contribute to the economic development based on the cultural potentials
- Cultivate the conscience of loving national cultures in the society

##### **Goals**

- Transform the Kingdom of Cambodia to be a Khmer culture promotion centre
- Promote the cultural products and extend the cultural exchange in the international arena

#### **2. Participation and solution**

- To take the advantages of the current of globalization and regionalization in culture
- Utilize the potentials of the national property of cultural heritage to attract the cultural tourists

694. Based on the two principles, in order to perform the role and duties, every Department and Office of the Culture and Fine Arts has been trying hard to overcome challenges and difficulties by using all possibilities, capacity and gathered resources. Encouraged by the Government, they have made a good cooperation with related institutions, local authorities, international agencies, private sectors and with the participation from people. It has been seen that, since the functioning of the Council of Ministers in the third mandate of National Assembly, by focusing on the preservation and development of the culture, the achievements have been made as follows.

695. Every year, Inter-Ministerial Committee, including the Ministry of Culture and Fine Arts as the chairperson, has organized the National Culture Day on 3 April as scheduled and has been functioning in every province-municipality with participation from the senior leadership, the Government representatives, people, civil servants and armed forces at all levels.

696. In promoting the spirit of preservation of the cultural properties and the social morality, the Ministry has addressed the topics in the celebration of the National Culture Day as follows:

- In 2004, the topic on traditional dancing or royal dancing which is an intangible property of cultural heritage of the humankind
- In 2005, the topic on Khmer literature as the Khmer identity
- In 2006, the request for amendment of the sub-decree on the celebration of the National Culture Day on 3 April rectified to celebrate on 3 March
- In 2006, the topic on puppets theatre as the cultural heritage property of the humankind
- In 2007, the topic on the morality and social development

### **Legislation**

697. The ministry pushed the organization of some essential judicial procedures as follows:

#### **Conventions**

- Protecting underwater heritage
- Protecting and Improvement of a variety of cultural manifestations
- Protecting intangible cultural heritages

#### **Royal Decrees**

- Establishing the national authority for protection and development of natural cultural sites, Preah Vihear temple
- Identifying the Preah Vihear temple site
- Identifying the Sambo Prey Kuh tourist site
- Identifying the Banteay Chhma temple site
- Putting the Koh Keh temple site to Apsara Authority control

#### **Laws**

- Law on copyrights and equivalents

### **Sub-Decrees**

- Identifying the Boeung Mealea temple site
- Organizing the National Culture Day on 3 March
- Establishing the Royal University of Fine Arts as the Public Administration Institution
- Organizing and functioning a the Ministry of Culture and Fine Arts

### **Declarations**

- Expanding the management of sculpture modelling and artistic production
- Expanding the public performance
- Licensing the video movies production
- Pricing the tickets for Phnom Penh National Museum
- Determining the license fees for production of cultural products trading on the achievements of authors, writers of literature, arts and music without inheritance
- Terminating immediately all activities related to violation of copyrights and equivalents

### **Notices**

- Licensing the rights for management on the creative achievements of literature, arts, and music without inheritance
- Trading on the achievements of literature, arts and music without inheritance
- Designing the two drafts of sub decrees including
- Management of sculptural modelling and handicrafts
- Management and control of public performance

### **Preservation and development of tangible heritages**

698. The leadership of the Ministry has implemented the management and control over study and research on the preservation of cultural heritages by using 3 measures including legal education and direct operation led by every competent team to the sites of ancient temples in the purpose to study the damage condition of the temples in order to propose the repairing and development plan as well as to promote, educate every citizen about their obligation in preservation of the cultural heritage of the nation.

### **Administrative actions**

- (a) Controlling the situation of offences and positive impacts;
- (b) Cooperation on combating the offences and solving the impacts;
- (c) Improving the structure of management and control.

699. Following the establishment of the General Department with subordinating departments, which represents to coordinate with the Ministry on all tasks related to the cultural heritage, and by determining the appropriate duties and responsibilities in response to the current situations, the specialized officials are able to perform their tasks comparatively well as follows:

- (a) Developed long term preservation and development strategy and programmes in the provinces;
- (b) Strengthened the working procedures, internal disciplines, and sites visiting to gather information, and helped make plans for 19 provinces-municipalities;
- (c) Utilized the budget in accordance to the plan in the cause of heritage conservation as well as expanded the implementation of the management principles through standard administrative procedures given to every subordinating entity and provinces/municipality;
- (d) Built an information sharing system from top down aiming to keep up with the situations of offences and destruction of the cultural properties and it could take timely actions. In this sense, cooperated with the Department of Heritage Protection Police of the Ministry of Interior;
- (e) The Ministry has cooperated well with UNESCO in organizing a workshop on “Preventing destruction and illicit circulation of artefacts” that was held in Banteay Meanchey province, one of the target provinces for prevention and development of tangible heritages. The workshop has given a lot of good lessons in management of artefacts and preparation of services for cultural tourists at the ancient temples.

### **International cooperation**

700. The international cooperation has been strengthened, with an aim to seek for assistance and aid for conservation of this sector. The Embassy Officials of United States of America has assisted in implementing the Han Chey temple renovation programme and preparing the inventory records based on a United Nations standard. The World Heritage Fund is assisting in renovating the Banteay Chhmar temple, which will commence early May 2008. The Government continues to cooperate with the Embassy of United States of America to prevent the illicit circulation of artefacts into the territory of United States of America and list the artefacts in the inventory record. It has continues to cooperate on the excavation and scientific research in some archaeological stations including:

- International Research for Japanese Studies led by Prof. Yoshisoki Yasuda at Poy Snay station, Banteay Meanchey province

- University of WASEDA in the area of Sambour Prey Kuh temples, in Memot, Kampong Cham province with Mr. Gerd Albrecht
- Participate in the workshop on International Exhibition Organization Plan in 2010 with the subject in the history of the Mekong River with participation from countries such as Cambodia, Laos, Vietnam and Sweden. The meetings were held two times, first in Siem Reap province and second in An Yang province, Vietnam

Main indicators of tangible heritage							
Description	Unit	2004	2005	2006	2007	Total	Others
Tangible heritages under conservation							
Ancient temples	Place		766	766	783	783	Only the figures that are registered in the inventory record
Archaeological hills	Place		966	966	966	966	
Pagoda on the ancient hills	Pagoda		487	487	487	487	
Ancient bridges	Bridge		89	89	89	89	
Archaeological locations	Place		265	265	265	265	
Artefacts under the direct control of Ministry of Culture and Fine Arts	Unit					33 170	
Artefacts registered in the United Nations standard record	Unit				16 889		
Artefacts collected from all sources in the Museum						3 775	

701. In 2007 the assessment of the artistic objects and licensing to export 3,067 units to overseas have generated the fee for administrative service amounted to 16,755,000 riels and all this amount has already been deposited as the national budget.

### Museum works

702. Generally, the museum work in the provinces/municipalities has been seen improved at some extent on the management and conservation of artefacts, even though some provinces/municipalities have not had the Museum. Artefacts conservation has been made through collecting and preserving temporarily at the safer and better places.

703. In Siem Reap, Angkor National Museum has been built and opened in the form of Built Operate Transfer. This Museum has organized and displayed all collections transferred from Angkor Conservation and Phnom Penh Museum through fairly technological demonstration and for education. As from 12 November 2007 to 31 December 2007, there have been 10,270 clients buying the entrance tickets, and those of whom included 4,812 foreigners and 5,458 locals. Sihanouk Angkor Museum was constructed under financial support from University of Sophia

and AEON club. The collections of 275 Buddha deriving from the excavation of Banteay Kdei temples has been displayed. At the Angkor National Museum, according to the previous record of the visitors, it can be seen that there are more local visitors than foreigners.

704. Two Museums have completely been built in Banteay Meanchey province and Takeo province. Angkor Borei Museums in Banteay Meanchey, Pursat, and Svay Rieng provinces are under construction and Takeo provincial Museum is also open. The Museums in Prey Veng and Battambang provinces are being strengthened and improved. The Museum buildings in Kampong Thom, Kratie and Kampong Chhnang provinces are being built and completed about 80 per cent (the construction of Museum in Kratie province is funded under the Provincial Benefit Budget). The exhibition of the national collections has been held publicly four times in other countries such as Korea, Japan, Switzerland, and Germany.

#### *Toul Sleng Museum*

705. The documentation at the Toul Sleng Museum has been maintained mostly in a large safe that is lent from Cambodia Document Centre. This work has been recorded in Microfilm and it is allowed for researchers to use this system under legal authorization. In total, there are about 49,916 people of local and international visitors including 22,972 international visitors visiting the Museum.

#### *Wat Phnom Centre*

706. There are about 120,800 foreign tourists visiting the centre.

#### *Cheung Ek Killing Field Centre*

707. About 125,748 foreign tourists including 105,600 visitors from NGOs visit the centre.

<b>Museums</b>						
Description	Unit	2004	2005	2006	2007	Total
Number of Museums	Place	8	8	8	10	10
Visitors in Phnom Penh Museum	Person	68 881	78 151	94 706	146 657	388 395
Visitors paying entrance fee Locals - Foreigners	Person	11 520	11 312	16 353	21 502	60 687
		41 797	43 039	61 107	90 703	236 646
Revenue	Riel	5 760 000	5 656 00	8 176 500	10 751 000	30 343 500
	Dollar	125 391	129 117	183 321	272 109	709 938
Newly incoming artefacts	Picture	21	46	89	475	627
Registered artefacts	Picture	2 241	4 482	4 029	3 844	14 596
Repaired statues	Picture	131	263	173	767	1 334

#### **International culture work**

708. The Ministry organized 40th Anniversary of ASEAN held on 7 August 2007 at Chaktomuk Hall with the performance of fashion show, concerts of each nation with participation from all countries of ASEAN members.

709. The bilateral agreements with the United States of America, France and Thailand have been concluded to prevent the illegal import of artefacts. Another agreements have also reached with Vietnam, South Korea, Russia, India, and Indonesia in order to strengthen and exchange the mutual cultures, arts performance, movies, motion handicrafts, theatre and human resource trainings. The Ministry has participated in promoting the understanding of the ASEAN youths about the culture of ASEAN nations, joined the meeting on the promotion of small and medium cultural industries, implemented the system of media on cultural heritage and took part in the ASEAN Puppets theatre association, and worked in cooperation with UNECSO on heritages and human resource training. It has signed the agreement with Amreth Organization, Arts Fairs organization to encourage and promote the arts performance; scenarios design techniques for technical staffs of the Ministry. Another agreement has been signed with NARA Institute and Sophia University on Research and Human Resource Training.

### **Public performance work**

710. Even though public performance work has not yet launched its service regularly and widely to the rural and remote areas in Cambodia, improvement has been seen to some extent as the artisans in all provinces/municipalities have paid the attention to their rehearsal, research of all artistic forms and they have conducted trainings in the provinces/municipalities and general education institutions on Khmer arts and traditions.

### **Movies production and cultural promotions**

711. All movie production work has been remarkably progressing. The commercialization in Khmer video movie production has indicated that Khmer viewers have returned their support and interests in Khmer movies, but notably, the quality, technique, and creativeness of the production are still limited. The control on import, promotion, and commercialization of foreign movies has been strengthened and improved to a degree. However, the commercialization of foreign movies in TV stations has not yet implemented properly in compliance with the content of the Sub-Decree 63 on management and control on the accomplishment of Video movie production. Meanwhile, there are some passive actions to be protected and tackled, for example the offence in the commercialization in showing, selling, renting the non visa videos in violation on the copyrights and showing some pornographic videos, etc.

### **Offences**

712. There are 2,720 cases of offences related to video movies, and in that, of 2,618 cases the vendors have been advised and contracted with for termination of illegal business and of 102 cases, the illegal video show shops have been closed down. The Inter-ministerial Committees in all provinces/ municipalities have launched combating operations and achieved as follows:

- Confiscated 97,549 pieces of the banned CDs including 200 units of video cassettes
- Confiscated the equipment including 20 televisions and 18 CD/Cassettes players

- Raid on the target offences such as CD copiers and pornography CD production places where CD are distributed nationwide, as well as arrested the mastermind of the offenders and confiscated some large equipment such as 10 CD/VCD copy machines, 1 big voice recorder and black-white camera, copied illicit CDs and VCDs, and 161 bags of hundred thousands of CDs/VCDs and 95 cases of blank CDs and VCDs equal to 57,000 units in Phnom Penh and legal actions and procedures have been taken to solve those cases

### Human resources development

#### *Royal University of Fine Arts*

- 2006-2007: Total students: 725 persons including 171 female
- 2004-2007: The 544 students, including 166 females of Royal University of Fines Arts completed the bachelor's degree in architecture, archaeology, choreographic art and music

Graduates in five faculties				
Description	2004	2005	2006	2007
Faculty of Architecture	26 per./2 female	41 per./4 female	32 per./2 female	39 per./1 female
Faculty of Archaeology	25 per./14 female	24 per./12 female	48 per./26 female	32 per./19 female
Faculty of Sculptural Modelling	48 per./9 female	60 per./5 female	56 per./18 female	19 per./7 female
Faculty of Choreographic Art	8 per./7 female	8 per./5 female	17 per./14 female	12 per./7 female
Faculty of Music	22 per./6 female	10 per./3 female	8 per./4 female	8 per./1 female

#### *Secondary School of Fine Arts*

- 2006-2007: The total students: 1,272 including 566 females
- 2004-2007: The total number of graduates of Arts Diploma in music, dance-drama-circus and sculptural modelling are 556 persons including 222 female
- 2004-2007: The total number of graduates of Lycee Degree of Arts in music, dance-drama-circus and sculptural modelling are 371 including 126 females

Graduates in five vocational schools		
Academic Year	Arts Diploma	Lycee Degree of Arts
2004	151 students/67 females	55 students/11 females
2005	127 students/46 females	81 students/24 females
2006	155 students/71 females	131 students/45 females
2007	123 students/38 females	104 students/46 females



*Non-formal training*

713. The provincial-municipal department/offices has cooperated with NGOs aiming to raise the budget for organizing occupational skills trainings in order to develop the knowledge and know-how, and the capacity for those who have already had the skills in total 35,531 trainees including:

- In Siem Reap, training on public Khmer traditional dance for 540 trainees and sculptural modelling and handicrafts for 320 trainees
- In Kratie, training on Pinpeat folkloric music for 39 trainees including 25 female
- In Kampong Speu, training on sculptural modelling for 780 trainees including producing fibre, clay artistic objects, painting and statues
- In Battambang, training on Pinpeat folk music for 48 persons
- In Banteay Meanchey, Krousa Thmey organization organized a course on sculptural modelling and arts performance for 34,584 trainees including the skills such as painting, sculpture, Pinpeat folkloric music and small puppets shadow theatre. It is contributing to creating jobs for people and in reducing the poverty at some degree

**Main challenging issues**

714. In performing the tasks, the prime challenges to implementation of the activities are:

- (a) Human resource issue which is not responsive to the scope of work in globalization time;
- (b) Shortage of Museum buildings for artefacts conservation in the provinces/municipalities;
- (c) The national properties of cultural heritage such as temples, temple hills, ancient ponds that suffer natural damages and by stealing, destroying and illegally grabbing the land of temple hills and ancient ponds;
- (d) The standard of the sculptural modelling of the ancestors shall vanish gradually and confuse the young people of later generation between the Khmer sculptural and foreign products;
- (e) Lack of development in hearing art that cause the negative impact on the competition in the market due to lack of modern technological equipment. Moreover, the competency of the authors, writers and director of some productions is still so limited that the performance or costumes dressing become clumsy to the decent morality of the national tradition;
- (f) Some public performances have gradually become extinction due to lack of original documents, human resources who know and remember the legend. Whilst some comedians are growing, but using ruthless wordings and improper gestures in their performance;

(g) Khmer literature is facing the crises in terms of writing and is under disorder way due to lack of good books and means in promoting and preserving the old books (from one generation to another);

(h) Advertising and extending the promotion on the cultural potentials through Website can not be applied widely.

715. The national tradition and customs in particular are suffered from extinction and distortion of the originality as well as the events of immorality provoking among the youth which is the concern of the society.

716. However, the problems during performing the duties of serving the cultural activities generally show the legacy of the war as Cambodia has seen in the prolonged warfare, which needs long and appropriate time for developing the national culture. The Ministry of Culture and Fine Arts will make the continuous efforts in implementing the policy guidelines of social and cultural development and peace building in order to maintain and safeguard the souls of Khmer ancestors, to enhance the good morality of society, as well as to encourage the production of the Khmer cultural products, which are the creative achievements of the small and medium cultural enterprises.

717. The Ministry has set out two priority measures. The first priority is for the Ministry to enhance the activity of saving, preserving and protecting the souls of Khmer ancestors, that is, to pay the attention to strengthening and reviving the decent Khmer morality through setting up the sub decree or technical standards and procedures in culture in order to promote the professional morality, reduce the negative acts at the maximum that influence the morality among youth, especially the actors and actresses who wear the improper dresses and use the clumsy and immoral gestures. The second priority is for the Ministry to focus on cultural heritages which suffer from extinction, and destruction caused by nature and humans. The tangible and intangible cultural properties are the foundation of a surge of foreign tourists, of income generation for the people living around the sites of the cultural properties, and generate the national revenue for partially engaging in poverty reduction in the society through the innovation of the cultural products, and accelerate the cultural development based on multi-cultural creativity and potential of national property of cultural heritage incorporating with modern technology.<sup>108</sup>

### **Developments of minorities**

718. The Royal Government encourages and assures the participation of the mountainous and plateau tribes of both sexes in setting up the policy and guidelines and development planning, decision making on their living condition and interests in the communities. Human resource development in response to the requirements of interest and the true desires of the mountainous and plateau tribes is considered as the priority. Literacy programme and non formal education

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<sup>108</sup> Report on the progress of people through achievements in cultural sector and fine arts, pp. 1-2-3-4-7-8-13-14-15-26-27-28-29-48-49-51-73 and 74.

are set up to promote the original knowledge, cultures and languages to become well-built and the literacy books have been developed in two language versions, Khmer version and tribal version.

### **Benefits from the scientific progress and implementation**

719. In response to the International Treaties on the economic, social and cultural rights, the Royal Government has provided the conveniences for the concerned institutions to conduct the scientific and cultural research to ensure the exercise of the rights of every one on benefiting from the scientific progress, implementation and promotion. It has:

- Set up means for research and training as well as encourage the researchers
- Facilitate the cooperation on the scientific research with research institutions both internal and external
- Promote the value of scientific and technical research
- Spiritually and materially protect the interests of productions in sciences, literature and arts under copyrights law

720. To guarantee the interests mentioned above, the Royal Government has issued a sub decree 62 dated 23 June 1998 which stipulates as follows:

- Maintain, protect and promote the all achievements that are legally maintained, kept and filed
- Support the books of all types by providing the conveniences in publication and support its dissemination
- Make the books available to all people through public reading
- Manage the libraries in provinces-municipalities
- Authorize opening and control the libraries of all types

721. For everyone who is capable to do research and create the creativity and innovation, the Royal Government provides all types of any possibility for them to promote their achievements freely and all achievements of the researchers and writers are protected by the Royal Government.

722. Article 3 of the sub decree on copyrights and equivalents stipulates that, “The creative and innovative achievements of the writers, performers, phonogram, and television broadcasting are protected under the law as follows:

(a) The innovative achievements created by any persons with Khmer nationality or with permanent residence in Cambodia including legal individuals are made under the law of the Kingdom of Cambodia as well as those who have office in Cambodia;

(b) The innovative achievements that are published in the first edition in Cambodia including first edition overseas, and the duration of the publication in Cambodia is within 30 days of the first public release;

(c) The sounds related achievements that the producers have the office or permanent residence in Cambodia;

(d) Architectural achievements that the constructions are made within Cambodia and other artistic achievements trading in the facilities or any building structures located in Cambodia;

(e) The achievements that Cambodia has the obligation to protect under the International Treaty.

723. Legal actions and other measures applied to ensure the exercise of rights on benefiting from protecting the interests spiritually and materially that create the creative achievements in science, literature, arts of writing and arts under copyrights reserved.

724. To elevate the development and promotion of the culture, the Royal Government of Cambodia has prevented the offences on the show of pornographic videos and movies, and non-visa videos and movies, and the cinemas without authorization from the Ministry of Culture and Fine Arts. It is aiming to control and preserve the value of the national culture. To achieve the measures mentioned above, the Royal Government has issued the Sub-Decree No. 63 on the establishment of Inter-ministerial commission for combating the video and movie offences. In compliance with the sub decree of the Royal Government, institutions, departments/offices concerned in the provinces-municipalities throughout the country have endeavoured to implement and achieve the remarkable results.

725. Those measures include using advisory measures by inviting all the vendors, and both distributors and companies including the cable television companies to get education on sub decree 36 and circular 07 as well as to request them to make the oaths in applying according to the advices and to require them to put the thumps printing for functioning and legal procedure. Also international assistance aid has a significant role in improving and preserving the cultural properties. The Royal Government has made requests and proposals to all donor countries to kindly provide the assistance and support, and extend the cooperation to achieve the rights in culture.

<b>Cambodia: Major indicator of economy, social affairs and culture</b> (figures in 2005 and 2010 shown in NSPD in some places based on the updated data or surveys)					
	Major indicators	Unit	2005	2006	2010
				Estimation	Foresee
<b>1.00</b>	<b>Grade of poverty</b>		2005		25.0
1.01	59 per cent of the whole country ( survey in 1993-1994)	% of population	34.67		
		%	28.0		
1.02	Phnom Penh	%	4.6		
1.03	Other urban areas	%	24.6		
1.04	Rural area	%	39.2		
2.05	People live under the poverty line	%	19.7		13.0
<b>2.00</b>	<b>Gender issues</b>				
2.01	Women labour forces in agricultural sector	% of total labour	52.5		50
2.02	Industrial sector	% of total labour	53.5		50
2.03	Services sector	% of total labour	27.0		37.00
<b>3.00</b>	<b>People</b>				
3.01	Total	In million (people)	13.80	14.08	15.3
3.02	Density of people	per 1km <sup>2</sup>	74 (2004)	79	84.0
3.03	Men vs. women (100)	%	93.5 (2004)	94.38	94.85
3.04	0-14 years old	%	39 (2004)	37.3	46.5
3.05	15-59 years old	%	55.1 (2004)	57.2	45.0
3.06	60 and over 60 years old	%	5.9 (2004)	5.5	4.8
3.07	Rural area	%	85.0		No figure
3.08	Downtown	%	15.0		No figure
3.09	Annual increase rate	%	1.81 (2004)		2.1
3.10	Total birth rate (per woman)	Survival birth	3.4		3.4
3.11	Life expectancy in average (from birth): Male	Year	57.87		
	Female	Year	64.14		
<b>4.00</b>	<b>Macro-economy</b>				
4.01	Annual GDP (account in fixed price)	In thousand of	21 812	24 080	31 992
4.02	Proportion of GDP: Agriculture (crops)	million reils	16.89	15.81	14.40
4.03	: Livestock and poultry	%	4.55	4.66	4.30
4.04	: Fishery	%	7.82	7.35	6.10
4.05	: Forestry	%	2.17	2.09	1.64
4.06	: Garment Factory	%	19.86	21.19	22.53
4.07	: Construction	%	6.32	6.63	6.82
4.08	: Tourism (hotels and restaurants)	%	4.19	4.68	5.86
4.09	: Transportations	%	6.09	6.00	5.56
4.10	: Other services	%	8.28	8.32	8.78
4.11	GDP per capita	In thousand of riels	1 857.77	1 104.84	1 888.45
4.12	Annual increase of GDP (fixed price)	%	13.40	10.80	7.00
4.13	Inflation (annual average)	%	5.80	4.7	3.00
4.14	Exchange rate	riel/\$	4 092	4 103	4 200
4.15	Foreign capital reserve (number of month of export and non-product services)	Number of imported month	2.80	2.90	3.00
4.16	Direct foreign investment (annual)	In million dollars	375	475	620
<b>5.00</b>	<b>Fiscal</b>				
5.01	Total income	% of GDP	10.60	11.50	11.60
5.02	Income from tax	% of GDP	7.80	8.10	9.00
5.03	Among: Direct tax	% of GDP	0.90	1.10	1.30
5.04	: Indirect tax	% of GDP	4.40	4.40	4.90
5.05	: Tax on foreign business	% of GDP	2.20	2.20	2.40
5.06	Non-tax income	% of GDP	2.30	2.10	2.40
5.07	Total expenses	% of GDP	13.30	14.20	14.90
5.08	Among: Current expenses	% of GDP	7.70	8.00	9.50
5.09	: Capital expenses	% of GDP	5.20	5.80	5.0
<b>6.00</b>	<b>Official development aids (include NGOs)</b>				
6.01	Total	In million dollars	550.00		550.00
6.02	Foreign aids	In million dollars	No figure		No figure
6.03	Other aids	In million dollars	No figure		No figure

<b>Cambodia: Major indicator of economy, social affairs and culture</b>					
(figures in 2005 and 2010 shown in NSPD in some places based on the updated data or surveys)					
	Major indicators	Unit	2005	2006	2010
				Estimation	Foresee
<b>7.00</b>	<b>Agriculture, forestry and fishery</b>				
7.01	Land for crops	Thousand hectares	2 893	2,930	3 500
7.02	Irrigated land	Thousand hectares	596.3	721.3	810.3
7.03	Rice paddies	Thousand hectares	2 438	2 480	2 500
7.04	Yield per hectare	Ton	2.48	2.49	2.50
7.05	Fishing lots	Km <sup>2</sup>	4 152		4 150
7.06	For fishing communities	%	56.5		56.5
7.07	Fish: Fish caught (from all sources)	Metric tons	340 000	505 000	445 000
7.08	Land forest coverage	% of area	60	59	60
7.09	Land for re-cultivation (total land used since 1985)	Hectare	15 729	16 825	30 000
7.10	Use of firewood	% of total families	83.9	83.9	61.0
7.11	Land reform: number of titles issued to people	% of total lots nationwide	15	17	24
<b>8.00</b>	<b>Rural development</b>				
8.01	Rehabilitated roads (total length of 28,000 km)	Kilometre	22 700	23 710	25 000
8.02	Have access to clean water (rural areas)	% of population	41.6	42.6	45.0
8.03	Have access to hygiene (rural areas)	% of population	15.7	15.8	25.0
<b>9.00</b>	<b>Industry</b>				
9.01	Factory products	Thousand millions	15 960	19 284	30 611
9.02	Among which garment industry: Products	Thousand millions	9 571	12 709	20 600
9.03	: Labour forces	Number of people	305 678	307 902	369 026
<b>10.00</b>	<b>Energy</b>				
10.01	Used energy: Gasoline and diesel	Metric ton	196 323	227 908	317 350
10.02	Produced electricity:	KW/H	894.5	1 073.28	1 346.00
10.03	Length of transmission power cable (115 KVA)	Kilometre	134	279	444
10.04	Number of families access to energy	Number	208 476	250 000	370 000
10.05	Use of electricity of a person per year	KV	54.01	83.84	89.11
<b>11.00</b>	<b>Transportations</b>				
11.01	National and provincial roads: Total (paved road)	Kilometre	11 310	11 310	11 310
11.02	Railways	Kilometre	(2 100)	(2 732)	(4 100)
11.03	Number of international ports	Number	602	602	650
11.04	Number of international airports	Number	2	2	2
11.04	Number of international airports	Number	2	3	5
<b>12.00</b>	<b>Telecommunication</b>				
12.01	Phone in use (cable and wireless)	Thousand sets	882	1 179	1 469
12.02	Internet users	Number of people	8 632	8 960	22 500
<b>13.00</b>	<b>Tourism</b>				
13.01	Number of arrived tourists	Million people	1.30	1.70	3.12
13.02	Estimated income in foreign currency	Million dollars	600.00	1 049	1 500.00
<b>14.00</b>	<b>Public information</b>				
14.01	Daily information units in Khmer	Unit	16	23	35
14.02	Daily information units in English	Unit	6	10	18
14.03	Number of local radio stations	Number	21	22	27
14.04	Number of local TV stations	Number	14	15	17
14.05	Number of TV station used by people	Thousand sets	700	1 000	1 800
<b>15.00</b>	<b>Health</b>				
15.01	Infant mortality rate	Per 1 000 births	66	15	60
15.02	Mortality rate of children less than 5 years old	Per 1 000 births	82	82	83
15.03	Infants less than 1 year old received vaccination against DPT3	%	83	76	85
15.04	Infants less than 1 year old received vaccination against measles			70	243
15.05	Mortality of maternal rate	Per 100 000 births	80	472	70
15.06	Baby deliveries under control of skilled health staff	%	44	No figure	
15.07	Malaria: Received treatment at public health centres	Per 1 000 cases	7.30	5.10	6.00

<b>Cambodia: Major indicator of economy, social affairs and culture</b> (figures in 2005 and 2010 shown in NSPD in some places based on the updated data or surveys)					
	Major indicators	Unit	2005	2006	2010
				Estimation	Foresee
15.08	Mortality rate of malaria	%	0.36	0.39	2.25
15.09	Prevalence of people with TB among those people who have their lungs checked	Per 100 000	No figure	269	214
15.10	Mortality rate of TB	Per 100 000	No figure		60
15.11	Prevalence of adults with HIV/AIDS	% (15-49 years old)	1.9	0.60	0.5
15.12	Referral hospitals	Number	69	69	
15.13	Health centres	Number	965	972	
15.14	Have access to clean water (downtowns)	% of population	35.0	37.0	75.0
15.15	Have access to hygiene (downtowns)	% of population	55.0		67.0
<b>16.00</b>	<b>Education</b>		2004-2005	2005-2006	2009-2010
16.01	Primary schools		1 180.0	6 277.0	No figure
16.02	The longest distance to primary schools	Number	2.0		1.50
16.03	Net enrollment ratio: Total	Kilometre	91.9	91.3	100
	Male	%	93.0	93.0	100
	Female	%	90.7	89.7	100
16.04	Net enrolment ratio: Downtown	%	91.6	91.2	100
	Rural area	%	92.4	91.7	100
	Remote area	%	82.5	83.7	100
16.05	Survival rate of students in grade 1-6	%	53.1	48.15	100
16.06	Number of lower secondary schools	%	800	911	
16.07	The longest distance to the secondary and primary schools	Number	8		5
16.08	Net enrolment ratio: Total	Kilometre	26.1	31.3	50
	Male	%	27.3	32.1	50
	Female	%	24.8	30.4	50
16.09	Net enrolment ratio: Downtown	%	41.3	50.1	75
	Rural area	%	23.7	28.6	50
	Remote area	%	3.9	06.0	50
16.10	Survival rate of students in grade 1-9	%	29.3	26.48	50
16.11	Literacy rate of people from 15-24 years	%	83.4	84.7	95
<b>17.00</b>	<b>Mine clearance programme</b>				
17.01	Annual victims of mine (died and injured)	Number of people	875	440	200
17.02	Total area where mines and ammunitions were cleared	Hectare	30 263	35 436	45 000
<b>18.00</b>	<b>Culture</b>				
18.01	Number of national and international tourists visited the national museum	Number of people	66 571	91508	100 000
18.02	Income in foreign currency	Dollar	129 177	183 381	900 000
18.03	Income in riel	Thousand riels	5 656	8 167	100 000

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