

OUTCOME 4 – Governance

By 2015, national and sub-national institutions are more accountable and responsive to the needs and rights of all people living in Cambodia and increase participation in democratic decision-making

Introduction

The UN supports Cambodia's commitment to democratic governance, and is working to: strengthen mechanisms for dialogue, representation and participation; increase women's participation in political life; and strengthen state institutions' capacity to protect citizens' rights.

Efforts are also being made to build capacity for collection, access and utilization of disaggregated information to develop and monitor policies and plans; to improve public services; and to strengthen the multi-sectoral response to HIV/AIDs.

UN support in the area of Decentralization and De-Concentration (D&D) and related administrative reforms is coordinated through the National Committee for the management of Democratic Development (NCDD) and the Technical Working Group on Decentralization and De-Concentration, plus initiatives to support planning processes at the subnational level.

2012-2013 Results

The Strengthening Democracy Programme (SDP) 2011-2015 has improved awareness for civic participation and the skills required for empowerment of a young population and increased interactions and accountability of elected bodies through support to the Multi-media Initiative for Youth, "Loyg". Loyg is the key component of SDP and has produced a series of TV (CTN) and radio shows attracting approximately 3 million youth on issues related to citizenship within the context of Cambodia's evolving democratization process.

Support to CSOs in civic/voter education campaigns has increased awareness among indigenous people (IPs) and people with disabilities (PwDs). 2,000 PwDs registered as new voters or verified their names in the 2012 voter lists; 2,430 IPs registered as new voters for the 2013 national elections; 6,300 IPs double-checked their names in the voter lists. The UN has also strengthened the capacity of the Working Group for Partnership in Decentralization (WGPD) CSO network in implementation of the 10 years national D&D reform program, which is the key policy document of the Government.

As part of the D&D process, with UN support, the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSVY) mapping of functions report was adopted by the NCDD creating the basic functions for transferring to sub-national administration and to strengthen policy coherence and reform implementation via the Programme-based approach continued with technical outreach and support to Government agencies leading on education, health, HIV/AIDS, agriculture, environment and gender equality. The UN has assisted the NCDD in the establishments of two separate associations to represent sub-national councils at the capital and 23 provinces; and to represent District/Municipality and Commune/Sangkat councils across the country.

The UN has assisted the Government (CDC/CRDB) to develop the "Development Cooperation and Partnership Strategy" (DCPS) for the period 2014-2018, which supports the implementation of the new NSDP 2014-2018 and Rectangular Strategy III. The consultative preparation process included a review of dialogue mechanisms at technical and political levels with donors, civil society and the private sector, which is expected to promote improved partnership, greater transparency and accountability resulting in a more results-based development partnership. Five background papers were also completed including a SWOT analysis of cooperation/partnership in Cambodia; partnership and dialogue arrangement; ODA to sectors; development cooperation trends and monitoring; and south-south/triangular cooperation. Results-based approaches were supported including the setting of JMIs that have been aligned with national development priorities set out in the NSDP and have also informed the Public Financial Management (PFM) reform pilot of program-budgeting in 10 ministries under the leadership of the Ministry of Economy and Finance (MEF).

The UN facilitated policy-related missions to a number of regional and global meetings that enabled the government (CDC/CRDB) to learn from, and contribute to, the Global Partnership on Development Effectiveness. This informed national policy dialogue related to the content and monitoring framework of the DCPS. The Government also participated in two Busan-related global surveys that monitored implementation of global commitments and mutual accountability at country level. Related missions included the Development Cooperation Forum in Ethiopia and Switzerland in 2013, and preparatory meetings for the 2014 High-Level meeting of Global Partnership in Mexico.

With joint UN support, the Ministry of Planning (MoP) conducted consultation workshops related to finalisation of the NSDP 2009-2013 and development of the NSDP 2014-2018. Statistical literacy workshops were organised for six line ministries that resulted in improved NSDP M&E framework formulation.

With the timely engagement of the UN and its technical support, the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSVY) and the National Committee of Disaster Management (NCDM) were able to develop and effectively implement the Emergency Preparedness and Response Plan on Child Protection during the flooding emergency.

A joint advocacy and strategic engagement with the Hague Permanent Bureau has brought together the MOSVY and Ministry of Justice (MoJ) to address challenges related the implementation of Alternative Care Policy, Inter-Country Adoption Law and Domestic Adoption. As a result, both ministries committed to develop inter-ministerial guidelines to regulate Domestic Adoption.

The capacity of the General Department of Prisons (GDP) of the Ministry of Interior to protect the rights of persons detained in prison has improved, thanks, inter alia, to the adoption in August 2013 of a new Royal Decree on the separate status for prison staff; the adoption of a new five-year 2014-2018 GDP Strategic Plan incorporating human rights finalized in Dec. 2013; strengthening of prison staff training; and material improvement to prison conditions and treatment - all with support from the UN.

UN support has been provided to the Government and Civil Society for participation in international and regional policy dialogue, as well as for periodic reporting by the Government to treaty bodies, including the CEDAW Committee in 2013. The UN assisted the Ministry of Women's Affairs (MoWA) to coordinate with development partners and CSOs in order to strengthen the current gender mechanisms at all levels and expand inclusive partnership to pursue a Programme-based approach. In this respect, the UN provided support to MoWA to develop and implement the Capacity Development Strategic Plan (Please see outcome 3 for additional detail).

The capacity and accountability of local decision-makers, particularly sub-national administrations, has been strengthened through close support from the UN, which ensured responsiveness to community demand and alignment with the D&D reform.

Through the 'UN-supported social service envelope' initiative, a number of communes and sangkats allocated a portion of their budgets to social service interventions. In addition, MoEF issued a guideline to clarify the process related to liquidating funds for social service interventions.

The capacity of sub-national authorities and civil society to implement the 2009 Law on Peaceful Demonstration has been increased through training of more than 320 NGO-, CBO- and trade union representatives on the Law and its Implementation Guide in five provinces in 2013, as well as with information material jointly produced by the Ministry of Interior and the UN outlining the respective roles and responsibilities of organisers of demonstrations and local authorities.

The capacity of the Court of Appeal to hear cases, especially cases pending for many years, has been increased through the UN successfully convening donors to fund and equip new courtrooms opened in 2012, and supporting improved management in prisons and improved communication between prisons and courts. As of the close of 2013, there were no more prisoners in the Cambodian prisons waiting for more than 10 years for their appeal to be heard. By the end of 2015, with continued support by the UN, there should be no prisoners in Cambodia waiting for more than 5 years.

Cooperation between prison, court and police (PCP) is improving at the provincial level in several provinces, thanks to increased practice of PCP meetings across the country supported by the UN, including many provinces which had never held such meetings before 2013. Following the national conference of prosecutors in March 2013 supported by the UN, the Prosecutor General attached to the Court of Appeal further issued an instruction inviting all chief prosecutors to organise regular PCP meetings.

With UN advocacy efforts the key messages on preventing violence against children have successfully been integrated into the declaration of the 22nd National Monk Congress. The declaration represents the annual plan of the Buddhist leaders to be implemented in their provinces. As a result, monks supported 1,719 vulnerable children and 2,144 adults, including those affected by HIV, in 239 communes in 10 provinces through spiritual support, referrals to medical care, home visits and small cash transfers during the first quarter of 2013.

A thorough analysis of the efficiency and effectiveness of communes in planning and budgeting resulted in the development of guideline to communes for improved planning and budgeting for social services.

With UN support, the Cambodian People Living with HIV network (CPN+) has gone through a full institutional reform process throughout 2012-2013. A revised set of bylaws and five-year strategic plan has been developed and endorsed by their General Assembly in early 2013.

The capacities of PLHIV and Most At-Risk Populations (MARPs) leaders were strengthened through the Forum of Networks of PLHIV and MARPs (FoNPAM), an informal forum of relevant community networks. The FoNPAM members were able to raise concerns about their access to key HIV and SHR services and human rights with the Government and other stakeholders on various occasions such as National AIDS Authority (NAA)'s CSO Forum, a dialogue with local authorities and police, in national dialogue meetings and through the national review of HIV-related legal framework, led by the NAA with UN support.

A UN and Australia Cambodia Disability Joint Program was developed and signed in 2013 and will be implemented in the next 5 years that aims to improve the quality of life for people with disability. The UN further supported the capacity of the Disability Action Council (DAC) to raise awareness on, and implement the provisions of the Convention on the Rights of Persons with Disabilities (ratified by Cambodia in December 2012).

Capacity building on industrial relations, social dialogue and collective bargaining was provided to employers and workers' organisations by the UN. As a result, at least 52 new Most Representative Status (MRS) unions were certified by the Ministry of Labour and Vocational Training (MOLVT) and new 28 Collective Bargaining Agreements (CBAs) registered.

In October 2012, the second MoU on Industrial Relations was signed for two years by GMAC and the garment unions to respect the statutory dispute resolution procedure and to use the binding arbitration by Arbitration Council. Two bi-partite reviews of the MoU implementation were organised in 2013 with UN support.

Further, Cambodian trade unions adopted an action plan 2012-2015 and signed an MOU with Thai trade unions for protection of migrant workers and their rights, also with UN technical support

A Minimum Wage Committee was established in September 2013, to review and adjust wage for workers in the garment and footwear sector. Child labour prevention trainings were conducted with the garment industry and 45 confirmed cases of under-15 year-old workers removed from the industry in 2013. The training was expanded to rural communities for 120 Commune Councillors and 40 school teachers to understand their responsibilities on Child Labour Monitoring System and to integrate child labour issues into commune planning.

The UN collaborated with the Government (Ministry of Rural Development (MoRD) and Ministry of Interior (Mol)) to promote and protect the land and economic rights of indigenous people (IP). 101 Indigenous communities (ICs) received a letter of recognition from MoRD, 75 of which received a letter of registration from

the Mol; 25 IP communities adopted their internal rules for the sustainable use and management of land and natural resources.

UN support has been provided to a non-governmental open-data source, which makes online information on land concessions available, and includes briefings on thematic issues, in order to make information in the public domain freely available to all and facilitate research and communication between the public, private companies, civil society and the governments. A total of 563 concessions are listed, including 327 Economic Land Concessions, 209 mining and 27 Special Economic Zones, as well as interactive maps.

Challenges

The CDCF and first NGO annual meeting postponement in 2013 added emphasis on the TWG and GDCC dialogue during 2013, especially as the new NSDP and partnerships strategy are developed.

The limited resources and capacities of new elected bodies is still a challenge in the democratic governance reform programme.

Limited budget allocation for child protection as evidenced by the expenditure review of MOSVY budget 2013.

Limited budget allocation for the Ministry of the Justice and the courts, as well as issues in the general functioning and practices of the judiciary continue to limit access to remedies by ordinary Cambodians when their rights have been violated.

The absence of a tradition of independence of State institutions and checks and balances remain an overarching challenge to improve governance and public accountability.

Industrial actions increased in 2013 due to wage issues, particularly in the garment industry. A robust wage fixing system is needed and would be the key in protecting the most vulnerable workers and in reducing wage inequality and protest.

Resistance to addressing sensitive issues including abuse cases in institutions.

Fiscal transfer at subnational level is lengthy and slow.

Remaining issues affecting access to HIV services for and human rights of most-at-risk-populations for HIV in a context of capacity and sustainable core funding challenges for CBOs and community networks working with PLHIV and MARPs.

Lack of efficient and confidential services to prevent and respond to violence against women and children.

Full acceptance of MARPs in programme design as equal partners has not been practiced regularly.

Priorities for 2014 and 2015

Continue to support inclusive, evidence informed policy dialogue and formulation, including in the context of national strategic planning processes and the post-2015 development agenda.

Continue to support mechanisms for increasing accountability, aid effectiveness and coordination at all levels of government.

Continue to support the effective administration of justice through capacity building and support to legal reviews and studies.

Continue to advocate for and provide support to Government reforms and capacity building in the administration of justice in line with international norms (including judicial reform, prison reform and legal aid)

Support CDC/CRDB to roll out the Development Cooperation & Partnerships Strategy 2014-2018 as part of global cooperation and partnership exercise on aid management.

Continue promoting the participation of youth, women and indigenous people through the implementation of the Multimedia Civic Education Programme and other rights-awareness raising work.

Membership expansion of provincial associations of communes/sangkats with inclusion of DMK councils in

remaining 13 provinces and creation of new national league of associations.

Strengthen Forums of Network People living with HIV/AIDS and MARP and young women's networks from national level to community level through institutional capacity building for advocacy, policy work and planning and their meaningful participation in the HIV/AIDS response. Provide support to Cambodia people living with HIV/AIDS Network to implement their strategic plan effectively.

Building on recent HIV-related reviews and the Cambodia 3.0 strategy, support the Government to develop its new multisectoral national strategic plan on HIV/AIDS (NSP IV) meeting international standards (including the requirement of the Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM) new funding model and a 5-year resources mobilization strategy.

Support the Government to develop a strategic plan meeting the requirement of the Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM) new funding model.

Support the government to report on the status of high level/international commitments to the UN and ESCAP.

Support government (MOSAVY) in developing an integrated child protection management information system that prevents and responds to violence against women and children.

Mobilise resources and provide technical assistance in the establishment of legal services to PLHIV and MARPs.

Implement the Joint Programme on assistance to Persons with Disabilities (PwD)-DRIC

Continue to support multi-media initiative for youth and potentially focus on Loyg

Support the government (MOLVT) to finalise and adopt Trade Union Law in accordance with ratified ILO convention and international good practices and with tripartite support.

Continue support to MOLVT and work closely with tripartite/bipartite bodies involved in labour dispute resolution issues, in promoting collective bargaining agreements and in reducing child labour.

Support the government, employers and unions to develop a framework for a more robust system for determining minimum wages.

Support the establishment of a UN Global Compact network in Cambodia.

Extend support to indigenous communities on land rights and titling.

Outcome area 4 expenditures for 2012 – 2014:

Estimated expenditure 2012: \$10,242,075

Estimated expenditure 2013: \$7,711,818

Projected expenditure 2014: \$8,117,356

Quantitative Analysis – indicators to be monitored in 2012 and 2013

#	Indicator	Baseline	2012		2013		Planned Target 2015
			Planned	Actual	Planned	Actual	
4.10	Number of issues raised by the National League of Communes to the Senate or NCDD. (Number)	0	2 (issue of establishing associations of sub-national councils and functional mapping of key sectors for districts/communes)	N/A	1 (comparative study on the establishment of joint national secretariat of associations)	1	9
4.12	Sub-national Women and Children Consultative Committees are established and functional in all locations. (Number)	Province: 0 District: 0 Commune/Sangkat: 0	Province: 24 District: 193 Commune/Sangkat: 1633	Province: 24 District: 193 Commune/Sangkat: 1633	achieved	achieved	Province: 100% District: 100% Commune/Sangkat: 100%
4.18	Number of high quality CBAs. (Number)	3	10	10	10	14	N/A
4.19	Reduction in number of illegal strikes and the average length of strikes (Percent)	N/A	N/A	Reduced number and length of strikes before, during and after intervention	N/A	N/A	Reduced number and length of strikes before, during and after intervention
4.23	Ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol. (Status)	Signed but not ratified	N/A	Ratified on 28 December 2012	Ratified in 2012 already	Ratified in 2012 already	Ratified in 2012 already
4.24	Remaining fundamental and other key laws integrating human rights norms, including gender sensitive aspects in accordance with the rule of law and human rights standards. (Laws)	0	Juvenile Justice Law; law on administration of prisons; law on status of judges; law amending the law on the SCM; law on the organisation of the courts; anticorruption law (2010) trade union law adopted in accordance with ratified ILO convention and international good practices and with tripartite support	Law on administration of prisons adopted end of 2011	Juvenile Justice Law; law on status of judges; law amending the law on the SCM; law on the organisation of the courts; trade union law adopted in accordance with ratified ILO convention and international good practices and with tripartite support	No progress on Trade Union Law, Juvenile Justice Law and 3 fundamental laws	Juvenile Justice Law; law on status of judges; law amending the law on the SCM; law on the organisation of the courts; trade union law adopted in accordance with ratified ILO convention and international good practices and with tripartite support

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#	Indicator	Baseline	2012		2013		Planned Target 2015
			Planned	Actual	Planned	Actual	
4.25	The National Plan of Action on the Worst Form of Child Labour (NPA-WFCL) implemented to reduce and to eliminate the worst form of child labour (Number, Worst form of child labour)	250,000	N/A	230,000	N/A	236,000	8% reduction
4.25	The National Plan of Action Plan on the Worst Form of Child Labour (NPA-WFCL) implemented to reduce and to eliminate the worst form of child labour (Number, Child labour)	1,500,000	N/A	1,305,000	N/A	755,000	8% reduction
4.34	Disaggregated data and information used to monitor NSDP, CMDGs, sectoral and sub-national plans (Percent)	20	N/A	100	N/A	N/A	100
4.35	Health and education sector strategic plans are reflecting priority population needs (such as youth, HIV, gender, etc.) (Health sector) (Status)	Health Strategic Plan 2008-2015	Updated Health Strategic Plan to 2015	Updated Health Strategic Plan to 2015: prioritizes the needs of women and children, incorporates HIV, recognizes and better addresses the needs of youth and men, and the M+E framework uses disaggregated data (sex, age, income level) for monitoring	N/A	N/A	N/A
4.35	Health and education sector strategic plans are reflecting priority population needs (such as youth, HIV, gender, etc.) (Education sector)	Health Strategic Plan 2008-2015	Updated Health Strategic Plan to 2015:	Updated Education Sector Plan to 2015: The Ministry of Education, Youth and Sports has started the process to review the ESP to cover 2010-2015.	N/A	N/A	N/A
4.37	Population data available through Census, CDHS, CSES, Commune database and other surveys (Percent)	70	100	100	N/A	N/A	100

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#	Indicator	Baseline	2012		2013		Planned Target 2015
			Planned	Actual	Planned	Actual	
4.43	Number of key functions that line ministries have decentralised or deconcentrated to the sub national administrations (Number)	None	2	2	N/A	N/A	2
4.44	Proportion of public revenues allocated to sub national government (Percent, District Fund)	DM Fund: 0% CS Fund: 2.8%	DM Fund: 0% CS Fund: 2.8% Total: 2.8%	DM Fund: 0.8% CS Fund: 2.8% Total: 3.6%	DM fund: 0.8% CS fund: 2.8%	DM fund: 0.8% CS fund: 2.8%	DM Fund: 0.8% (2012-2014) CS Fund: 2.8%
4.45	Number of line ministries that have deconcentrated or decentralised at least one key functions to SNAs together with resources	None	1	3	N/A	N/A	3
4.51	HIV prevalence among general adult population (Percent, Total 15-49 yr)	0.9	0.7	0.6	0.6	0.6	0.6

Baselines and targets are yet to be established in some cases.