

**KINGDOM OF CAMBODIA
NATION RELIGION KING**

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**Ministry of Social Affairs, Veterans, and Youth Rehabilitation
General Department of Technical
Elderly Welfare Department**

Guiding questions for the twelfth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons

Focus area 1: Contribution of older persons to sustainable development

The Scope:

Older persons have the right to contribute to sustainable development. The right to participate in, and contribute to, development is affirmed in the Declaration on the Right to Development.

Article 25 of the International Covenant on Civil and Political Rights recognizes the right to participate in public affairs. Effective and meaningful participation enables the advancement of all human rights. On the other hand, when older persons are denied the ability or opportunity to contribute, or when their contribution is unrecognized or devalued, their dignity is denied. States to identify steps that can be taken to uphold their dignity.

Substantive guiding questions:

National Legal and Policy Framework

1. What are the legal provisions, policy frameworks in your country that recognize older persons' right to participate in and contribute to sustainable development? This could include, but is not limited to:
 - a) Ensuring that relevant human rights (in particular the right to freedom of opinion and expression, the right of access to information, and the rights to freedom of peaceful assembly and of association) are protected and implemented;
 - A law for the right of older persons shall be enacted in order to guarantee older persons, among others, right to financial security, access to health services, OPAs, protection against abuse and violence, and the elimination of age discrimination. Such laws have enacted in other ASEAN countries, for example, Myanmar, Thailand and Viet Nam.
 - b) Protecting and enhancing civic space and collaboration with civil society that represents the voices of older persons in sustainable development;

1. The government has encouraged the private sector and non-profit organizations to involve older persons in planning and designing goods and services according with priorities set in the National Ageing Policy 2017-2030. Currently, MoSVY is working closely with UNDP to help and support on 1) Development of the Action Plan Phase II (2021-2025) in Responding to the National Ageing Policy (2017-2030) and implementation of selected pilot 2) Development of a multi-tiered pension system (social protection) 3) Joint resource mobilization efforts to support the delivery of the above programmatic areas. HelpAge Cambodia to help and support older people throughout the OPAs, especially helping OPAs to create 7 programs under OPAs including (1) health insurance, (2) community loan, (3) cow bank, (4) rice bank, (5) funeral support, (6) community products, and (7) climate change and adaptation. Moreover, the government has encouraged private sectors and NGOs to establish Senior Care Center since it is the place where older people can stay. (Based on Sub-Decree No.197 on Management of elderly Care Center, 2017). The sub-decree encourages private sector or NGOs to establish the elderly care centers. MoSVY has issued two support letters (MoU) to private sector to run their centers with the minimum standards.

This National Aging Policy 2017-2030 is to be collaboratively implemented by concerned line ministries and agencies at both national and sub-national levels with broad participation from development partners, civil society organizations, and private sector in this challenging endeavor. The direct involvement of older persons through Old People's Association (OPAs) is fundamental to the efficient implementation of this Policy. The Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MOSVY) plays a central role in coordinating the implementation of this policy with concerned line ministries and agencies through the mechanism of the Cambodian National Committee for the Elderly (CNCE).

- c) Good practices to ensure older persons' participation in, and contribution to sustainable development.

In Cambodia, Older People's Associations (OPAs) provide older persons with opportunities of active ageing. There are 1,646 OPAs by 2018. An OPA is a community-based organization aimed at improving the well-being of older people through collective activities organized by the older people themselves. Cambodia has a wide network of OPAs spread across all provinces of the country. OPAs provide older persons a meeting place, opportunities of organizing various activities and a forum for the discussion of relevant issues. In fact, an OPA can serve as a channel of communication between older persons and the Government aiming at expressing the opinion of older persons. In this spirit, the OPAs provide an essential element in the process of active ageing, and priorities are to be given to expansion of the OPAs network, the help in streamlining their functioning, the support for their activities and the encouragement to older persons to participate in their activities.

2. What are the challenges faced by older persons for the realization of their right to contribute sustainable development at national and international levels?

Cambodia does not have the Law on the right of older person, but older people are encouraged to participants and contribute to development activity in national and sub-national levels.

3. What data, statistics and research are available regarding older persons' contribution to sustainable development?

None

Equality and non-discrimination

4. What measures are being taken to eliminate ageism, ageist stereotypes, prejudices and behaviors that devalue older persons' contribution to sustainable development?

The Royal Government of Cambodia has prepared and approved policies and action plans, as well as established a number of mechanisms in collaboration with Ministries, relevant institutions and partner organizations in response to the elimination of discrimination and raising awareness and combating discrimination against age groups and towards achieving "one friendship and one society", the Royal Government of Cambodia has launched a number of policies and action plans for the elderly, including:

- [National Ageing Policy 2017-2030](#)
- [National Social Protection Policy Framework 2016-2025](#)
- [National Population Policy 2016-2030](#)
- [National Health Policy and Strategy for Elderly Health Care 2016](#)
- [National Policy on Indigenous Peoples Development, 2009](#)
- [Action Plan 2018-2020 of the National Ageing Policy 2017-2030](#)
- [Action Plan 2019-2021 of the National Population Policy 2016-2030](#)
- [Rattanak 5 Strategic Plan 2019-2023](#)
- [Strategic Plan of the Ministry of Social Affairs, Veterans and Youth Rehabilitation 2019-2023](#)
- [National Action Plan on Prevention of Violence against Women 2019-2023](#)
- [Madrid International Declaration and Action Plan 2002](#)
- [ASEAN Human Rights Statement 2012](#)
- National Disability Strategic Plan 2019-2023
- [Kuala Lumpur Declaration on Ageing - Empowering Older Persons in ASEAN Adopted-ASEAN Human Rights Statement.](#)

Remedies and Redress

5. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to participate in and contribute to sustainable development?

None

Focus area 2: Economic security

National legal and policy framework

1. What are legal provisions and policy frameworks in your country that guarantees the minimum essential level of the enjoyment of economic, social and cultural rights, in particular the right to an adequate standard of living?

- Ministry of Labor and Vocational Training has organized skill training for employable population but the trainings are not aged-specific. There has no specific statistic provided on the numbers of training and attended people.
 - Also, the Priority 1 of the National Aging Policy is to assure the financial security for older persons. Among many other proposed efforts, older persons will be given opportunities for relevant employment through retaining and lifelong education¹. Also, financial access for older persons will be examined to assure they have access when needed². These are actually stated in the policy and its action plan, but the progress has not been made.
 - The Law on Social Security Schemes in 2019 mandates that retirement age for civil servants³ in public sector is 60 years old for both sexes and have entitlement to enjoy old-age pension. The retirement age for private sector is the same to those in the public sector (i.e., 60 years old).
 - The sub-degree on family package that the poor older people are included (under processing)
2. How is poverty defined in the national policy framework?

- Based on revised calculating methods and data from the Cambodia Socio-Economic Survey 2019-2020 the national poverty line for Cambodia is now defined as those who earn less than 10,951 riel per day (Ministry of Planning, 2021)

3. What are challenges faced by older persons living in poverty, including the impact of intersectional discrimination and inequality based on age, gender and other grounds?

The study conducted by NISA and HelpAge Cambodia in collaborate Department of Elderly Welfare found that older people require support in four areas⁴:

- Income: older people need adequate and reliable incomes that would enable them to meet their basic needs and participate fully in their communities.
- Healthcare services: older people need good quality and accessible healthcare.
- Shelter and accommodation: there are many older people who are homeless or reside in dilapidated houses.
- Care: many older people, particularly the older old, experience declining health and often require care and support at home.

¹ These will be done through organizing trainings on new skills for older people and regular education at enterprise level, and encouraging retired employees with working ability to continue working in their former workplace (based on the National Action Plan 2018-2020).

² The action plan only states that MoSVY will Consult with the National Bank of Cambodia and other private finance institutions to identify possibilities for access to finance for older people. The action plan expects to have such consultation up to 5 times from 2019 and 2020 (based on the National Action Plan 2018-2020).

³ *This law shall not cover the Royal Cambodian Armed Forces defined by the separate legal instruments.*

⁴ NISA & HelpAge Cambodia. (2021). Older Adults' income and Social Protection in Cambodia during Covid-19 and beyond.

4. What data, statistics and research are available regarding older persons living in poverty?
 - 338,644 Older people (according to the data of social cash transfer for poor and vulnerable household program by January 2022)

Progressive realization and the use of maximum available resources

5. What steps have been taken to address economic insecurity and poverty in older age and to ensure the right to an adequate standard of living for older persons?
 - The Priority 1 of the National Aging Policy (2017-2030) is to assure the financial security for older persons. Among many other proposed efforts, older persons will be given opportunities for relevant employment through retaining and lifelong education⁵. Also, financial access for older persons will be examined to assure they have access when needed⁶. These are actually stated in the policy and its action plan.
 - The sub-degree on family package that the poor older people are included (under processing)
6. What is the impact of macroeconomic policies on economic insecurity and poverty among older persons and vice versa? What policy options are available and/or implemented in order to expand fiscal space and maximize available resources to ensure economic security and the right to an adequate standard of living for older persons?
 - Cambodia has made great strides in reducing poverty over the past two decades, falling from nearly half the population to just 13% in 2014. Social Protection floor for the total population has been developed to cover population in all stages of life. the National Social Protection Policy Framework 2016-2025 is vital to increasing *access* to services, the coverage of national assistance programs, and social security for public and private sector officials.
 - The Royal Government of Cambodia has set social protection floor for the total population, including older persons in National Social Protection Policy Framework 2016-2025 (SPPF). And the SPPF is a long-term roadmap focusing on two main pillars: Social Assistance and Social Security. The Social Assistance is divided into four components: 1) emergency response, 2) human capital development, 3) vocational training, and 4) welfare for vulnerable people. The Social Security consists of five components: 1) pensions, 2) health insurance, 3) employment injury insurance, 4) unemployment insurance, and 5) disability insurance.
 - The new Law on Social Security Schemes adopted in 2019 aims to establish social security schemes of the Kingdom of Cambodia with a view to ensuring equity and social solidarity and promoting the welfare and livelihood of all citizens. This law has

⁵ These will be done through organizing trainings on new skills for older people and regular education at enterprise level, and encouraging retired employees with working ability to continue working in their former workplace (based on the National Action Plan 2018-2020).

⁶ The action plan only states that MoSVY will Consult with the National Bank of Cambodia and other private finance institutions to identify possibilities for access to finance for older people. The action plan expects to have such consultation up to 5 times from 2019 and 2020 (based on the National Action Plan 2018-2020).

objectives to define common principles, procedures, mechanisms and administration system of social security schemes of the Kingdom of Cambodia such as Pension, Health Care, Occupational Risk and Unemployment Schemes and has covered persons under public sector, persons defined by the provisions of the Labor Law including personnel serving in air and maritime transportation as well as domestic workers and the self-employed.

7. What good practices are available in terms of ensuring older persons' economic security, including through a life-course approach?

None

Equality and non-discrimination

8. What measures are being taken to eliminate ageism and discrimination based on age that prevent older persons to access economic and other productive resources, including financial services, land, adequate housing and the right to inheritance?

None

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Remedies and redress

9. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their economic security and enjoyment of the right to an adequate standard of living?
 - At the current moment Cambodia does not have a state pension for general older adults. The retirement pension is only provided to public service workers while the private sector workers retired had been introduced by the Royal Government of Cambodia due to the Sub-decree on implementing the pension scheme for those who under labour law (On March 4th, 2021).
 - Currently, civil servants receive their pension benefits from the National Social Security Fund for Civil Servants (NSSF-C) and veterans receive their pension benefits from the National Fund for Veterans (NFV).
 - The Priority 1 of the National Aging Policy 2017-2030, is to assure the financial security for older persons, but the implementation of the policy is under progress and needs many affords from both public and private sector.

Guiding questions for defining the normative content of the issues examined at the eleventh session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons

Right to work and access to the labor market

Definition

1. How is the right to work and access to labor market for older persons defined in the national legislation in your country? If such a definition is not available, how should it be defined considering relevant existing national, regional and international legal frameworks?
 - *None (there is no specific law on the rights of older people include the right to work and access to labor market.)*

Scope of the right

2. What are the key normative elements of the right to work and access to the labor market for older persons? Please provide references to existing standards on elements such as:
 - a) Prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in all matters related to employment.
None
 - b) Elimination of all forms of ageism and age discrimination from the workplace and organizational cultures.
None
 - c) Provision of reasonable accommodation to older persons in the workplace.
None
 - d) Affirmative action programs to promote the hiring of older persons.
None
 - e) Access to career development, technical and vocational guidance programs, placements services and vocational and skills development.
None
 - f) Access to flexible or gradual retirement schemes and flexible working practices for older workers.
None
 - g) Promotion of older persons' self-employment and entrepreneurship
None
 - h) Favorable, fair, and safe working conditions when undertaking formal, informal or unenumerated work.
None
 - i) Access to prompt remedies and redress when older persons' right to work and access to the labor market is denied.
None

State obligations

3. What are the measures that should be undertaken by the State to respect, protect and fulfil the right to work and access to the labor market for older persons, regarding the normative elements as provided above?

None

Special considerations

4. What special measures and specific considerations should be considered in developing the normative content of the right of older persons to work and access to labour market, such as protection and regularization of older workers in informal sector, equal remuneration for work of equal value particularly for older women as well as recognition of unpaid work often carried out by older women?
 - The specific international elderly right guideline or documents should be developed for the state members. (Convention on the rights of older people)
 - The needs the specific law related to rights of the older people in the country should be highlighted.
 - The universal or pension-tested social assistance programme for older people should be highlighted.
 - The right income security for older people should considered with specific content as following:
 - o right to access pension and other benefits for living
 - o right to meaningful and decent work on an equal basis with others
 - o right to dignity at work, to just and favourable working conditions
 - o not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.
 - o right to work even when in receipt of an allowance
5. How should the responsibilities of non-state parties such as private sector be defined in the context of the right to work and access the labour market for older persons?
 - There should be more non-state parties engage actively with the policy inputs and implementation
 - International non-state parties and donor should pay more attention and support more public and private sector such as NGOs to invest in supporting to promote the labour market and income security for older people.

Implementation

6. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on the right to work and access to the labor market for older persons?

None

Access to justice

Definition

1. What is the definition of the right of older persons to access justice in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?

None

Scope of the right

2. What are the key normative elements of the right of older persons to access justice on an equal basis with others? Please provide references to existing standards on such elements as below, as well as any additional elements:

- (a) The guarantee of older persons' legal capacity (legal standing and legal agency on an equal basis with others and not denied on the basis of age;

None

- (b) Elimination of the influence of ageist stereotypes at any stage of judicial or non-judicial proceedings, including the award of damages or compensation;

None

- (c) Access to timely legal proceedings, especially in situations of immediacy;

None

- (d) Accessibility of courtrooms, legal tribunals and other justice-related facilities to all older persons;

None

- (e) Access to legal services, including legal assistance, legal aid, counselling and hotlines, on an equal basis with others;

None

- (f) Access to alternative, non-judicial pathways to justice, including, but not limited to, one-stop community justice centres, paralegal support, ombuds procedures or specialist commissioners;

None

- (g) Access to reasonable accommodation in all legal and administrative proceedings at any stage to facilitate older persons' effective role as direct or indirect participants in justice proceedings;

None

- (h) Adequate and appropriate training to all those working in the administration of justice and law enforcement, including the judiciary, police and prison staff, on the rights of older persons;

None

- (i) Accommodation of the needs of older prisoners, including necessary physical adaptations, protection against violence and extortion, appropriate educational and vocational opportunities, and support with reintegration into the community;

None

- (j) Equal access of older prisoners to services, including physical, mental and cognitive health, dental, hygiene and hospice services, and social and other support services available to the general population; and

None

- (k) Access to prompt remedies and redress when older persons' right to access justice is denied.

None

State obligations

- 3. What mechanisms or measures are necessary to ensure the enjoyment and to monitor implementation of the right of older persons to access justice, including state obligations to respect, promote, protect, and fulfill the right?

None

Special considerations

- 4. What special considerations or specific issues should be included in the right of older persons to access justice, including procedural and age-appropriate accommodations as well as responsibilities of non-state actors?

None

Implementation

- 5. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on the right to access justice for older persons?

None