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**CAMBODIAN DEFENDERS PROJECT**

Promoting Human Rights by Strengthening Rule of Law, Legal System and Liberal Democracy



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres extraordinaires au sein des tribunaux cambodgiens



អង្គការចិត្តសង្គម អន្តរវប្បធម៌  
Transcultural Psychosocial Organization  
Community Mental Health Programme

A Project on “Promoting Gender Equality and Improving Access to Justice for Female Survivors and Victims of Gender-Based Violence under the Khmer Rouge Regime”

**Report on:  
NGOs Baseline  
Study Results on  
Gender-Sensitivity  
in Transitional  
Justice Processes  
in Cambodia**

**May 2012  
Phnom Penh, Cambodia**

**Sophary Noy**



**Report on**

**NGOs Baseline Study Results on Gender-Sensitivity in Transitional Justice Processes in Cambodia**

*A Project on “Promoting Gender Equality and Improving Access to Justice for Female Survivors and Victims of Gender-Based Violence under the Khmer Rouge Regime”*

Jointly implemented by the Victims Support Section (VSS) of the Extraordinary Chambers in the Courts of Cambodia (ECCC), Cambodian Defenders Project (CDP) and Transcultural Psychosocial Organization (TPO)

*By Sophary Noy, National Consultant*

**May 2012**

**Phnom Penh, Cambodia**

## Acknowledgement

I would like to sincerely thank the participants of this research for their time and contribution both in giving interviews and providing feedbacks during the workshop on the preliminary finding presentation. They have shared their challenges and best practices in achieving gender-responsive outcomes, which allowed me to identify the barriers in carrying out gender-sensitivity in operations and activities of the Civil Society Organizations (CSOs).

A big-thank you to the entire staff of the Victims Support Sections (VSS) of the Extraordinary Chambers in the Courts of Cambodia (ECCC), and especially Mrs. Kimhuch Heng for her excellent facilitation and administrative support throughout this research period. I am particularly grateful to Mr. Sophea Im, an Outreach Coordinator of the VSS/ECCC for his guideline in developing the research concept note, identifying participants for this research and facilitating the NGOs baseline workshop.

Also, thank to Mr. Savorn Duong, CDP's GBV Project Coordinator, and Ms. Judith Strasser, GIZ Senior Advisor to TPO for their inputs on developing research concepts.

I would like to express my profound gratitude to Ms. Alison Barclay, Gender Advisor to CDP, Ms. Beini Ye, GIZ Senior Advisor to CDP for their valuable comments, support and advice during the writing process for this NGOs baseline. Without them, this report would never have been this precise. Both of them have also helped editing the content of this report.

And finally, I am infinitely indebted to Dr. Theresa de Langis, a specialist and an international counterpart of this research, who had a leading role in developing the research concept note and the core indicators. Her expertise in women's human rights in post-conflict setting has equipped me to ensure the accuracy in analyzing the data.

This report is dedicated to the victims and the survivors of the Khmer Rouge regime whose fight for survival has shed light on the roles of women in the restoration of the society in the wake of mass-atrocities. Their hard work has inspired greater effort in seeking the truth and justice and promoting national reconciliation.

# REPORT ON NGOs BASELINE STUDY RESULTS

## BASELINE STUDY on GENDER SENSITIVITY IN TRANSITIONAL JUSTICE PROCESSES IN CAMBODIA The Victims Support Section of the Extraordinary Chambers in the Courts of Cambodia

*by Sophary Noy, national consultant*

### I. Introduction

Transitional Justice is a compilation of mechanisms used to achieve redress for past human rights violations. Throughout time, it has become a critical component of national and international efforts to strengthen the rule of law and improve respect for human rights in the wake of conflict, as well as an integral element of the peace-building agenda in countries recovering from protracted civil war.

In line with the United Nations' growing role in providing technical support and funding to transitional justice process, the Extraordinary Chambers in the Courts of Cambodia (ECCC) has been awarded a Project of the United Nations Trust Fund to End Violence Against Women on "*Promoting Gender Equality and Improving Access to Justice for Female Survivors and Victims of Gender-Based Violence under the Khmer Rouge Regime,*" for 2011 to 2014. The ECCC will implement the project in cooperation with two Cambodian non-governmental organizations (NGOs), namely Cambodian Defenders Project (CDP) and Transcultural Psychosocial Organization (TPO).

The **Program Goal** is to promote gender equality and improve access to justice for female survivors and victims of gender-based violence (GBV) under the Khmer Rouge regime by improving gender-sensitivity in operations and activities of the ECCC, civil society organizations and educational institutions for judicial professionals, thereby contributing to preventing GBV and increasing access to justice for all survivors of GBV.

The baseline is expected to contribute to the design of a comprehensive gender-sensitive transitional justice initiative with the ECCC and the Civil Society Organizations. While a separate baseline (ECCC baseline) was conducted to measure the performance of the ECCC institution in relation to gender-responsiveness, this baseline study (NGOs baseline) is also used to measure the extent to which gender is mainstreamed in affiliated NGOs as an indicator of gender sensitivity related to transitional justice issues, especially concerning GBV responses. Overall, therefore, the extent of gender mainstreaming serves as the controlling

indicator for the baseline, with gender mainstreaming approaches defined as such: “Gender mainstreaming entails that women’s as well as men’s concerns and experiences are integral to the design, implementation, monitoring and evaluation of programs and services so women and men benefit equally and inequality is not perpetuated.”<sup>1</sup>

*“Transformative justice seeks to address not just the consequences of violations committed during conflict but the social relationships that enabled these violations in the first place, and this includes the correction of unequal gendered power relations in society.” -- RashidaManjoo, UN Special Representative for Violence Against Women, Its Causes and Consequences.*

Gender equality is an explicit aim of gender mainstreaming. There is a growing awareness of the central role of organizational culture in the design and delivery of gender sensitive programs and projects.<sup>2</sup> In such an institutional culture, gender is “integral to all decision and interventions including of staffing, procedures, and programs and is the part of the responsibility of all staff.”<sup>3</sup> As such, the baseline aims to measure gender mainstreaming in both programmatic focus and organizational culture of the Civil Society Organizations operating in the sphere of transitional justice in Cambodia.

## **II. Methodology**

To adequately measure impact of the project, two external consultants<sup>4</sup> were contracted to conduct a baseline study, hired by the VSS of the ECCC, in cooperation with partner organizations CDP and TPO. According to the Terms of Reference (ToR), the baseline study aims to provide a clear understanding of “past and current efforts in including women in the transitional justice process and assess the awareness toward gender issues and the need for capacity building in the ECCC as well as civil society organizations (CSOs) working in the context of the Khmer Rouge Tribunal.” This assessment will be used to shape a holistic gender-sensitive transitional justice program with a focus on capacity building, psycho-social support, community truth telling and awareness raising, symbolic reparations and historical documentation that includes women.

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<sup>1</sup>Caroline Moser, “An Introduction to Gender Audit Methodology: Its Design and Implementation in DFID Malawi,” Overseas Development Institute (ODI), May 2005, page 10.

<sup>2</sup>Ibid, page 4

<sup>3</sup>Ibid, page 9-10

<sup>4</sup>One international consultant, Dr. Theresa de Langis, a specialist on Women’s Human Rights in post-conflict setting, is responsible for Baseline study at ECCC while the national consultant Sophary Noy is responsible to conduct Baseline study among Civil Society Organizations.

For the purposes of this baseline, an interview questionnaire which consists of a set of core indicators for measuring gender responsive transitional justice processes has been developed to assess current gender competence and sensitivity of NGOs involved in transitional justice efforts in Cambodia. The core indicators include:

- A. The integration of women’s and men’s concerns in all policies and projects.
- B. Implementing specific activities aimed at empowering women.
- C. (Normative) The formal remit or mandate of the institution includes crimes against women as a matter of core concern.
- D. (Procedural) Adequate steps are taken to remove practical obstacles that women may face in accessing transitional justice.
- E. (Culture/Attitudes) Efforts are made to address gendered bias in the institution itself and to address societal attitudes about gender discrimination and women’s equality.

Using a scale of 0 – 5, the respondents were asked to rank the implementation of each indicator based on the respondent’s current knowledge and as related to their current Organization. All responses were then averaged for a composite ranking, with “5” indicating exceeds minimum standards and “1” indicating the information is missing or does not exist. A “0” indicates “I do not know” or “Not Applicable.” The rating scale is included below.<sup>5</sup>

QUESTIONNAIRE RATING SCALE		
5	Exceeds minimum standards	The indicator exceeds “minimum standards”, best practice.
4	Meets minimum standards	The indicator is in place in a meaningful and sustainable way, in policy and practice.
3	Needs improvement	Efforts are present, but are ad hoc, not institutionalized or systematic, which impacts final results.
2	Insufficient	Efforts are superficial, such as token representation of women in leadership and decision-making roles.
1	Missing	The indicator is non-existent or information is not available.
0	N/A	The indicator is not applicable, or the respondent ‘does not know’.

<sup>5</sup> See the Concept Note for the full explanation of how indicators were developed, providing a definition of “gender-responsive transitional justice” and “gender mainstreaming” as central categories to be measured for the baseline study.

A list of key respondents for the baseline from the Civil Society Organizations, including NGOs, involved in transitional justice efforts were selected in consultation with the VSS and its project partners CDP and TPO. Fourteen (14) NGOs and Victims Associations were selected for interviews based on active engagement in fostering transitional justice initiatives by implementing a specific project related to the Khmer Rouge past. Two local NGOs declined to be interviewed.

Final results are based on interviews with a total of 15 respondents representing 11 NGOs and one Victims Association. Respondents were self-identified with decision-making representatives or program managers who are responsible for program planning and implementation of the respective Khmer Rouge related program. Interviews took place in the office of each respective respondent between the weeks of 20 February and 5 March and the interviews lasted for an average duration of 45 minutes to 90 minutes. All responses are provided anonymously and treated with confidentiality.

Civil Society Organizations who participated in the baseline study are listed in alphabetic order below:<sup>6</sup>

1. ADHOC –Cambodian Human Rights and Development Association
2. ASF – Avocats Sans Frontiers - France
3. AIJI –Asia International Justice Initiative
4. CDP – Cambodian Defenders Project
5. CHRAC –Cambodian Human Rights Action Committee
6. DC-Cam –Documentation Center of Cambodia
7. ICfC – International Center for Conciliation
8. Ksem Ksan Victims Association
9. LAC – Legal Aid of Cambodia
10. TPO – Transcultural Psychosocial Organization
11. YfP – Youth For Peace
12. YRDP – Youth Resource for Development Program

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<sup>6</sup>This order of the NGOs and Victim Associations does not correspond with the order of the NGOs named in the core indicators.

### III. Results of Baseline Study by Core Indicators: Gender Responsive Transitional Justice Processes in Civil Society Organizations

What follows are the results of the baseline study on gender responsive approaches to transitional justice within civil society groups. Each NGO is provided an individual ranking; individual rankings are averaged for a composite score for all NGOs. General observations about results are noted for each indicator.

Scores have been rounded to the nearest number to correspond with the rating scale. Exact numbers are provided in brackets below each score.

	Average Score	NGO A	NGO B	NGO C	NGO D	NGO E	NGO F	NGO G	NGO H	NGO I	NGO J	NGO K	NGO L
<b>A. The integration of women’s and men’s concerns in all policies and projects.</b>		0–5	0–5	0–5	0–5	0–5	0–5	0–5	0–5	0–5	0–5	0–5	0–5
1. Sex disaggregated data is collected and analyzed, or there is a specific reason noted for not disaggregating by sex.	<b>3</b> (2.66)	1	1	4	2	3	3	4	1	2	5	2	4
		<p>Some data is sex-disaggregated but sex disaggregation is not systematic.</p> <p>Different methods have been chosen by the respondents to disaggregate data in relation to the number of women and men participating in their projects. For example, one NGO maintains a database of Civil Party applications by men and women in the ECCC’s legal proceeding. Most organizations, however, either do not collect the information or do not analyze the information they do have to better understand any gender imbalances in their programming. At the NGO workshop on the preliminary baseline results, one NGO brought up the importance of combining Gender Responsive Budgeting with sex-disaggregated data collection and analysis. Both are important tools for better identifying beneficiaries of programs, as well as to monitor actual implementation investments against results related to gender equality.</p>											
2. Women as well as men have influence as decision-makers in critical mass numbers (at least 30%).	<b>3</b> (3.16)	2	3	3	2	3	2	4	5	2	3	5	4
		<p>More than 30% of the respondents reported to have at least 25% women in decision-making positions in their organizations. More than one organization reported to have a goal of 40% women represented in decision-making positions, although this goal had not yet been met.</p>											



		<p>Despite the considerable numbers of women in the decision-making level, there are also respondents that reported that finding qualified women for higher decision-making positions is very challenging. This problem likely stems from gender discrimination in access to education, resulting in a smaller pool of women with qualifications. It may also be attributed to additional family and household responsibilities of women as part of their gender roles, as well as other constricting factors placed on women but not their male counterparts such as barriers to travelling for work or attending outside office hours' meetings.</p>											
<p><b>B. Specific activities are implemented aimed at empowering women.</b></p>		0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5
<p>3. At least one program outcome clearly articulates how gender equality and women's empowerment will be promoted.</p>	<p><b>2</b> <b>(2.41)</b></p>	1	1	1	2	4	4	1	3	2	5	1	4
		<p>30% of respondents clearly articulate how gender equality and women's empowerment will be promoted in at least one of their program outcomes. However, only one respondent articulated this in more than one program. Around 40% of respondents could not identify one program that clearly articulates how gender equality and women's empowerment will be promoted. However, most of these respondents reported that many of their projects or programs include reference to gender equality and that women are specifically encouraged to participate in the project's activities.</p> <p>For instance female Civil Parties are encouraged to attend informational forums on developments at the ECCC organized by NGOs at the provincial or regional level. Women, as well as men Civil Parties, are provided logistic and other support by NGOs to facilitate participation, including transportation fees, accommodation fees, and meals during the implementation of activities as well as instruction prior to the activities.</p> <p>Some respondents note that by empowering women to participate in programs, women are more likely to participate in other community activities, strengthening the overall results of the program. For instance, some NGOs are providing capacity training of Civil Party representatives on leadership, and women are paired to mentors at the grassroots level. Other programs work to strengthen women's confidence, moving from a shy woman to one who says, "I am a Civil party" participating in the ECCC's criminal proceedings to hold former Khmer Rouge leaders accountable. From the respondents' observations, it seems many women</p>											

		participants have gained confidence by reclaiming and asserting their role and voice throughout these activities.											
4. Stakeholders/partners influence (either through direct participation or through consultation) in the design, implementation, monitoring and evaluation of programs.	<b>3 (2.83)</b>	3	2	3	4	4	3	2	1	3	4	2	3
		<p>The majority of respondents reported that very often they need to involve concerned stakeholders and partners both men and women in the projects’ design, implementation, monitoring and evaluation although these efforts were done on an adhoc basis rather than in a systematized and formalized way. Annual internal and external consultation with stakeholders is an easy way to ensure self-reflection and responsiveness of the programs. Likewise, some respondents report continual “lessons learned” reflection—an important practice—yet it is unclear if or how these results are shared with their stakeholders.</p> <p>The respondents who are working with Civil Parties and victims were most likely to organize regional consultations and coordination with main stakeholders to the ECCC, in particular VSS, on issues such as reparations and victims participation. In many of these processes women are invited to be part of the consultation and/or direct participation. For instance, the women who are considered as beneficiary of the projects (victims/civil parties admitted by the ECCC) are invited to the meetings and consultative group discussions at the community or national levels and their stories, needs, concerns and suggestions are included in the projects. However, some respondents told that not all of these steps require women’s participation taking into consideration their availability, time constraint and funding available.</p> <p>Some respondents have specific action plans including regular consultations with stakeholders or beneficiaries and see that the consultations with beneficiaries lead to projects that achieve greater attainable outcomes and impact.</p> <p>It is important to note that the value of getting stakeholders engaged in the process of design and monitoring lies in the information gained from the beneficiaries on the impact of the program at the level of the community (a bottom’s up approach). For women in particular, who are less likely to be in decision-making levels in organizations, beneficiary consultations are especially important to ensure programs are accomplishing intended effects.</p>											

		Some respondents did not appear to be especially knowledgeable about good practice approaches to consulting with women or incorporating their viewpoints in project design or monitoring. Therefore, opportunities exist for training NGOs on human-rights based participatory project design, monitoring, and evaluation.											
<b>C. (Normative) The formal mandate of the institution includes crimes against women as a matter of core concern.</b>		0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5
5. The mandate of the institution includes crimes against women as a matter of core concern.	<b>1 (1.57)</b>	1	1	2	0	0	0	1	0	0	1	1	4
		<p>Only seven of the participating NGOs were asked this question due to an error in the interviewing process. The remaining five organizations have been given a score of 0 for N/A.</p> <p>From the valid responses, few organizations specifically include crimes against women, including their distinct experience of human rights violations, as a matter of core concern of the organization. Nevertheless, most NGOs recognized the importance of including violations of women’s human rights as a central part of their work</p>											
6. International legal frameworks and standards regarding gender discrimination and sexual violence in conflict is referenced (CEDAW, ICTY, ICTR, SCSL, ICC, UN SCR 1325, etc).	<b>2 (1.75)</b>	1	3	1	1	1	1	2	4	1	1	1	4
		<p>The majority of respondents said they rarely make reference to international standards and jurisprudence as specific to women’s rights, and report they are rarely applied in the Cambodian context. Only a few respondents reported that they had referenced some international frameworks and standards in their work regarding gender discrimination and sexual violence in conflict.</p> <p>Most of the frameworks are cited in the motions or legal briefs by Civil Party lawyers representing their clients before the ECCC, taking into consideration the international standards including the provisions in the International Criminal Court (ICC), International Criminal Tribunal for former Yugoslavia (ICTY) or International Criminal Tribunal for Rwanda (ICTR) or other jurisprudences.</p> <p>Although Cambodia has ratified the Convention on Elimination of</p>											

		<p>Discrimination Against Women (CEDAW) (in October 15, 1992) and its Optional Protocol to CEDAW (in October 13, 2010), and is therefore obliged to domestic implementation, only a few respondents have sought some provisions or articles stated in CEDAW as references for their projects dealing with women and gender promotion and protection.</p> <p>One respondent expressed an intention during the interview to identify training opportunities for staff on international instruments that make specific references on gender or sexual crimes as a means of leveraging global advocacy and accountability mechanisms.</p>												
<p>7. A conflict mapping exercise has documented the range of violations experienced by women, the impacts of the violations and the actors involved.</p>	<p><b>1</b> <b>(1.41)</b></p>	1	1	1	1	1	1	2	1	2	1	2	3	
		<p>There is no conflict mapping exercise prepared by respondents, with most reporting that they did not see it as an appropriate NGO role. Rather, NGOs looked to the ECCC as the body with the authority and competence in this area.</p> <p>Gender-sensitive conflict mapping provides a full mapping of how men and women experienced the conflict—including different crimes and identical crimes with different impacts. Research shows that women’s experiences of conflict are too often overlooked and therefore not adequately addressed in project design and implementation, impacting final results.</p> <p>It is worth noting that a few respondents have made some efforts to map out the Civil Party applications they have received and to disaggregate the number of female and male applicants. Because applicants describe their experience during the Khmer Rouge regime when filling out the application forms, the raw material for such a mapping is available. However, any use of this material must fulfill informed consent and confidentiality standards for human research methods.</p> <p>A few respondents reported that, although no specific mapping has been prepared, applications submitted from female applicants describe more traumatized effects of hardships.</p>												

D. (Procedural) Adequate steps are taken to remove practical obstacles that women may face in accessing transitional justice.		0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5	
8. Gender competence and expertise is promoted and supported.	2 (1.5)	<b>Total Score</b>												
		1	1	1	1	1	1	1	4	1	1	2	3	
8A. Advisors with legal expertise on SGBV in conflict. 8B. Advisors with expertise on sexual and gender-based violence (SGBV) and relevant gender-sensitive evidence-gathering approaches. 8C. Staff with experience in trauma related to sex crimes. 8D. Gender focal points designated and conduct organizational gender training.		<b>Breakdown of score</b>												
8A. Advisors with legal expertise on SGBV in conflict.		1	1	1	1	1	1	2	5	1	1	3	3	
8B. Advisors with expertise on sexual and gender-based violence (SGBV) and relevant gender-sensitive evidence-gathering approaches.		1	1	1	1	1	1	1	5	1	1	2	3	
8C. Staff with experience in trauma related to sex crimes.		1	1	1	1	1	1	1	2	2	4	1	3	
8D. Gender focal points designated and conduct organizational gender training.		1	1	1	1	1	1	1	2	1	1	1	1	
		<p>Very few respondents have advisors or technical staffs who have legal expertise on SGBV in conflict or other related gender-sensitive approaches. There are very small numbers of female advisors sitting alongside the core project staff to design gender-oriented activities for the projects; most often, it is thought that there is one general advisor who will oversee the project implementation.</p> <p>One international lawyer who has been working closely with a few NGOs relevant to the case has this type of expertise; however, she is often occupied with representing her clients before the ECCC.</p> <p>At the implementation level, very few staffs possess skills in dealing with trauma or other sex-related crimes, with the exception of some counseling skills. It was expected that staffs who were recruited to run</p>												

		<p>trauma or gender-related projects would have existing knowledge on trauma and gender issues.</p> <p>Almost all of the respondents do not have gender focal points to conduct necessary training on gender for the organization. Only 10% of the respondents indicate that they have one international advisor with general knowledge on SGBV working in the project's team to deal with GBV victims. NGOs lacking in these specialized skills largely depend on other NGOs with expertise in these areas such as TPO and CDP.</p>											
9. Women's access barriers are addressed through the provision of childcare, safe transportation, and language translation.	<b>2 (2.16)</b>	3	3	3	1	3	2	1	1	2	4	2	1
		<p>Women's access to transitional justice processes has been facilitated by many NGOs. In general, many NGOs have made considerable efforts to respond to the specific needs of women participants. Efforts to assist women's participation include supporting women to bring a support person (often a family member) along to events should it help to enable their full participation in the activities and when funds are available, women are provided stipends for transportation, accommodation and other costs related to attending events, especially the ECCC proceedings in Phnom Penh.</p> <p>In other instance, where woman cannot make decision or tell their story to the respondent's staff (especially when they interview or gather their information), special attention or measure are given i.e. talking with her husband explaining him of the objective of the meeting and her potential involvement in the court process.</p>											
10. Beneficiaries are provided psychosocial support before, during and after participating and provided referrals to mechanisms to deal with social backlash and family ostracism.	<b>3 (2.81)</b>	2	2	1	3	3	3	2	0	3	4	4	4
		<p>Psychosocial support is provided to the beneficiaries in almost every activity as reported by NGOs. However, most NGOs refer their beneficiaries to TPO as it is the only organization which provides professional counseling. TPO has an exclusive agreement with the ECCC to provide expertise and psychological support to the Court. Very often, prior to, during and after any event, TPO staff provides victims or Civil Parties with briefings on how best to manage their trauma, as well as on-site assistance. Respondents were aware that they should not rely totally on TPO because not having internal capacity is not sustainable nor systematic; however resource constraints have derailed their efforts to develop their capacity in this area.</p>											

		<p>Additionally, a few respondents have focal points in place around Cambodia that can offer assistance to link participants with services they may need after their participation in a program. Most of the NGOs expressed concern at the possibility of victims experiencing increased trauma or being exposed to social backlash once the NGOs have left; however very few have mechanisms in place to mitigate the risks for their clients.</p>											
<p>11. Beneficiaries are protected from stigmatization and backlash with confidentiality and security, including follow up monitoring to respond to protection needs from threats of violence or other retribution for participation</p>	<p><b>3</b> <b>(2.81)</b></p>	2	3	1	4	3	3	2	0	3	4	3	3
		<p>Many respondents expressed an emphasis on providing protection measures, confidentiality and security but mostly this in an ad hoc way. Confidentiality as a priority is most visible in practice as compared with providing security and protection measures.</p> <p>Most respondents reported that confidentiality is part of the general code of ethics for their staff. In instances where confidentiality is not included in standing internal policy, confidentiality and security provisions are reported to have been included in the concept note of the program.</p> <p>Again, most respondents assess whether or not a female Civil Party/applicant needs protective or special measures in place during their participation in the ECCC’s criminal proceedings. According to the Internal Rules of the ECCC, Civil Parties, through their lawyers, may submit a request to the Court to ask for protective measures. The Court, particularly the Expert and Witness Support Unit (WESU), will then consider the request, which can include a variety of protective measures. However, the respondents were generally of the opinion that once they have referred the case to the court they can leave it for WESU to provide this kind of support. In such a case, it is important to note that not all Civil Parties will be granted the measures they asked for because it is the court (ECCC) who decides who is eligible for the service based on the strict requirements within the Internal Rules.</p> <p>Follow-up monitoring is provided on a case by case basis. Additionally, as mentioned above a few NGOs have created village focal points with whom a beneficiary can consult before and after sharing their experiences to others. However, none of the respondents had a systematic approach to ensuring the ongoing protection of women participating in the Court.</p>											

		The risk of social backlash and ostracism to participants needs to be addressed systematically and collaboratively across the multiple actors that work with victims of Khmer Rouge.											
<b>E. (Culture/Attitudes) Efforts are made to address gendered bias in the institution itself and to address societal attitudes about gender discrimination and women's equality.</b>		0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5
12. Women are represented in equal numbers to men in all aspects of the Organization [to include investigators, statement takers and translators, and programming staff and outreach personnel, etc.]	<b>3 (3.08)</b>	4	4	4	2	3	3	4	3	3	3	3	1
		<p>Most respondents have commitments to having 30 or 40 percent women in their organizations. When compared to Indicator 2 which focuses on the representation of women in decision-making positions it shows, in general across the respondents' NGOs, that women comprise a larger percentage of overall staff than they do in decision making roles. This suggests that there may be barriers in place that make it more difficult for women to attain decision making roles. In line with this, most of the respondents reported that most of the project managers in their office are men, with women being their assistants.</p> <p>A very high number of NGOs (around 80% of respondents) reported that they include gender balance in written policy, including reference to the empowerment of women staff and the promotion of gender mainstreaming in the organization and its programs.</p> <p>All respondents aimed to get from 30% to 40% female staff in their organizations, however, they report that this goal has been difficult for them to achieve. The respondents believe that this largely is because many of their positions require frequent travel, which is difficult for women due to their family responsibilities. The respondents have attempted a number of strategies to overcome this including focusing on increasing the representation of women in specific positions that don't require travel or have less barriers for women. However, this approach can be problematic as it may prevent the organization from identifying and responding to the barriers that prevent women from gaining employment in other areas of the organization.</p>											



		All of the respondents are aware of the need to increase the numbers of women in their organizations, however they have been unable to overcome the challenges and achieve this goal.												
13. Gender training is provided to all employees on a mandatory and recurring basis (Organizational)	<b>2 (1.83)</b>	3	3	3	1	1	1	1	3	1	3	1	1	
		<p>Roughly 80% of the respondents said that they did not provide specific training programs on gender to their staff or employees. Yet, their staffs have always been allowed to attend gender training provided by a third party.</p> <p>Many respondents whose mandate does not focus exclusively on gender reasoned that gender training is not a priority for in-house training. Most in-house training topics were decided based on the needs of the employees.</p> <p>Despite the fact that the respondents expressed interest in having training or building capacity of their staff on gender issues, regular gender training has never been their top priority. Some argued that the training on gender was neither provided nor mandatory; claiming that they did not have the mandate to do so.</p>												
14. The organization promulgates, enforces and records actions of a zero tolerance policy for sexual harassment in the workplace, which is known to employees.	<b>2 (1.66)</b>	2	4	1	1	1	1	1	1	1	4	1	2	
		<p>Less than 20% of the respondents reported having a concrete policy in place that establishes zero tolerance for sexual harassment in the workplace. However, it is clear from all respondents that the issue of sexual harassment is morally prohibited and recognized as a crime punishable by domestic law if found guilty. According to the respondents, the way to treat minor violations is punishment by the organization by means of immediate dismissal or termination of employment. It is felt that serious violations should be punished by domestic court; however it is not clear whether this happens in practice.</p> <p>Some NGOs modeled good practice in terms of a clear policy, complaint and enforcement mechanisms, and penalties, along with awareness of the staff on these policies. These NGOs could make a great contribution by sharing their policies and providing peer-learning to other organizations in need of policy development.</p>												

## IV. Conclusion:

### (1) Gender Awareness

The vast majority of NGOs interviewed argued that gender issues are not relevant for their organization as their mandate is to work with their beneficiaries, who are both male and female. The widely held view is that only gender-focused NGOs need to be concerned with gender. This demonstrates that these NGOs are unaware of the ways that gender interacts and influences program delivery and organizational operations and that they do not understand the idea of gender mainstreaming. For example, respondents from human rights based NGOs described a focus on gender and women's rights as being in conflict with their mandate to promote and protect human rights for all people. For instance, some human rights NGOs reported that they would not have a gender-focused project because in their view focusing on gender or women specifically is outside their institution's mandate to deal with thematic issues such as civil and political rights or socio-economic rights. This is likely due to the reality that 'gender' as an issue in its own right has not been fully incorporated into human rights discourses.

Further, the interviews with the human rights based NGOs suggest that they are unaware of how gender interacts and influences all programs/projects and operations. They were also unaware of the value of being more gender sensitive in their work and were concerned about the costs of making changes to their practice. As a result many NGOs have not included any reference to gender, nor clearly articulated how gender equality will be promoted and achieved in their project outcomes, which is a necessary pre-requisite to sustainable human rights outcomes.

The Vienna Declaration and Program of Action emphasizes that the rights of women and girls are “an inalienable, integral and indivisible part of human rights”, requiring special attention as part of all human rights activities. The statement further underlines the importance of “the integration and full participation of women as both agents and beneficiaries in the development process.”<sup>7</sup>

Similarly, none of human rights based NGOs, such as NGOs working in education and peace building, reported that gender was not a main consideration for them as they have a specific mandate with identified beneficiaries that include both men and women. They also felt that gender should be the focus of women's rights based NGOs. However, as the respondents became more aware of the issue of gender during the interviews they demonstrated a willingness to learn more.

Among respondents there is a lack of research and in-depth analysis on how to make use of existing international legal frameworks and standards regarding gender discrimination and sexual violence in conflict. Only a few of the NGOs interviewed make any reference to international tribunals such as ICTR, ICTY, SCSL, ICC, or relevant international conventions such as CEDAW which specifically addresses the promotion of gender equality and women's empowerment.

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<sup>7</sup> Principle 5 and Principle 36 of the Vienna Declaration and Program of Action. The Vienna Declaration and Program of Action was adopted by the World Conference on Human Rights in Vienna on 25 June 1993. Available at: <http://www2.ohchr.org/english/law/vienna.htm#wp1002434> (retrieved on 20 April 2012)

## **(2) Strategic approach to gender equality**

Having a clear strategic approach to gender equality is essential for NGOs to be a more gender-responsive but is barely visible in practice.

Of the NGOs interviewed, the vast majority had systems in place to record the number of beneficiaries involved in their programs/projects. However, only a few NGOs had developed systems that can disaggregate by sex. Sex disaggregated data is important because it provides the staff with information about how women are accessing their programs and allows them to understand the difference between men's and women's experience of their services. Thereby enabling them to modify their services to be more gender-sensitive and better meet the needs of women. The absence of systematic sex disaggregation and analysis means that NGOs do not have the information required to identify and address the specific barriers that women may face in accessing and participating meaningfully in their services. This may result in the decreased participation of women in their programs or projects.

The lack of gender expertise within the NGOs interviewed limits their ability to design gender-oriented activities in transitional justice and internally build the gender sensitivity of staff. For these NGOs this is the primary barrier to developing sustainable gender responsive programs. However, advanced gender competent staff members do exist in a few NGOs, thereby increasing the chances of incorporating gender sensitivity into policy and organizational culture. Therefore these NGOs should be acknowledged and highlighted to other NGOs for their good practice in this area as this may encourage other NGOs to develop a strategic approach to gender equality.

## **(3) Retaliation, backlash and ostracism**

The lack of an explicit approach to gender equality by many NGOs has resulted in less attention given to women's participation in the transitional justice process, especially in the ECCC's legal proceedings as 'complainants' in general and as 'Civil Parties' in particular. Overall, there was a lack of participation of women in decision-making about policy, planning, designing, budgeting and programming in the NGOs interviewed which limits the ability of these NGOs to fully understand the potential risks of participation for women including possible backlash, retaliation and ostracism. Some NGOs have developed and provided protective measures to their targeted groups especially women participants who often attended in various meetings, workshops and public forums. However, those measures are not sufficient to prevent retaliation or backlash, or ostracism from their village fellows or even their family members.

## **(4) Fostering Coordination and peer learning (sharing good practice)**

A number of NGOs have adopted a gender responsive approach into their practice and have high score across the indicators meaning they demonstrate good practice and experience being gender responsive. However, there is a big gap between the scores of these NGOs and the scores of some other NGOs. The NGOs on the lower side of the rating scale still have a long way to go to deliver gender responsive services.

This creates an opportunity for peer learning that should be pursued. In addition, there is also a need for more coordination and expansion of service delivery because it appears that almost all NGOs have relied too heavily on the services or expertise of one or two NGOs (TPO, CDP) in regard to psychological supports for victims participating in their projects/services.

## **V. Recommendations:**

Based on the conclusions above, the following recommendations are offered:

### **(1) Mainstream a gender perspective in policy and practice.**

It is essential that NGOs [continue to] raise awareness among their employees of 'gender' and how it relates to the work of their organization. To achieve this, respondents could consider the following strategies:

- Develop and implement a gender mainstreaming policy and approach
- Hire a gender focal point to provide ongoing training and advice on gender sensitive practice
- Provide regular internal training on gender sensitive practice
- Support staff to participate in regular external training on gender sensitive practice.

### **(2) Develop a visible strategic approach to ensuring women benefit from activities/projects.**

To ensure that their organization's activities/projects equally address the needs of women, respondents could consider the following strategies:

- Where possible, consult with women to identify any specific needs they may have.
- Develop a system to collect sex disaggregated data and establish processes to ensure that sex disaggregated data are collected and analyzed regularly. Participation rates and the experience of women participants should be analyzed to identify any barriers women may face in accessing, or meaningfully participating in the activities/projects.
- Implement a process of regular monitoring and evaluation to ensure that gender issues or barriers are properly identified and they can be effectively responded.
- Where necessary, create women-focused projects to respond to specific needs of women.

### **(3) Minimize and address the potential negative impacts of women's participation.**

NGOs are obligated to ensure that participants in their programs/projects are not adversely affected by their participation ('Do no harm' approach). To ensure that the risks to participants are mitigated, the respondents may consider the following strategies:

- Increase their capacity to respond to the psychological needs of clients/Civil Parties, instead of depending solely on TPO/CDP to deal with the high number of Civil Parties participating in the ECCC, particularly women who have special needs for their participation prior, during and after the hearings. This can be done by:

- hiring a sexual/gender based violence expert to provide support to clients;
  - inviting an expert to provide internal training to staff on responding to the psychological needs of clients
  - ensuring all staff are aware of the ‘Do-no-harm’ approach and properly apply in their work.
- Actively investigate and mitigate the risks of retaliation, backlash and ostracism that clients may face from their families or communities as a result of their participation in the programs/projects. Encourage clients to report any incidences of retaliation, backlash and ostracism and work with relevant partners including the ECCC and local authorities to address these incidences.
  - Develop or incorporate ‘Do no harm’ approach in the projects, especially towards women participating in the transitional justice process;
  - Develop internal policies or regulations that provide specific provisions on “gender equality or equal gender representation” in decision-making level and service delivery. These internal rules should also include provisions on ‘sexual harassment prevention and complaint mechanisms’ where violations are not tolerated and remedies are adequately provided.

#### **(4) Foster Coordination and peer learning (share good practice)**

In order to foster cooperation and peer-learning, the respondents may consider the following strategies:

- Formalize cooperation among NGOs especially sharing resources (such as conflict mapping) and knowledge on good practices relating to gender-sensitivity and women empowerment
- Investigate the feasibility of a joint conflict mapping project to document the range of violations experienced by women, the impacts of the violations and the actors involved
- Where possible, develop collaborative partnerships among NGOs working in similar areas, especially on women and gender, apart from the ECCC’s context, which will give greater impact on women empowerment and gender responsiveness in the society
- Actively participate in forums or meetings for networking and sharing good practice and lessons learnt
- Document and widely disseminate the relevant research, evaluation results and examples of good practice.

## Acronym

ADHOC	Cambodian Human Rights and Development Association
AIJI	Asia International Justice Initiative
ASF	Avocats Sans Frontiers- France
CDP	Cambodian Defenders Project
CEDAW	Convention on Elimination of Discrimination Against Women
CHRAC	Cambodian Human Rights Action Committee
CSOs	Civil Society Organizations
DC-Cam	Documentation Center of Cambodia
ECCC	Extraordinary Chambers in the Courts of Cambodia
GVB	Gender-based violence
ICC	International Criminal Court
ICfC	International Center for Conciliation
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for Former Yugoslavia
LAC	Legal Aid of Cambodia
NGOs	Non-Governmental Organizations
SCSL	Special Court for Sierra Leone
SGBV	Sexual and Gender based violence
TPO	Transcultural Psychosocial Organization
UN SCR 1325	United Nations Security Council Resolution 1325
VSS	Victims Support Section
YfP	Youth For Peace
YRDP	Youth Resource for Development Program

## Consulted Documents

1. Caroline Moser, *“An Introduction to Gender Audit Methodology: Its Design and Implementation in DFID Malawi,”* Overseas Development Institute (ODI), May 2005
2. Theresa de Langis, *“The Result of ECCC Baseline Study on Gender Sensitivity in Transitional Justice Process,”* Victims Support Section of the Extraordinary Chambers in the Courts of Cambodia, March 2012
3. UNCT *Performance Indicators for Gender Equality and Women’s Empowerment, Version: 25th February 2008*
4. UNDP/UNIFEM, *“A User’s Guide to Measuring Gender-Sensitive Basic Service Delivery”* March 2009
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6. World Conference on Human Rights, *“The Vienna Declaration and Program of Action”* (25 June 1993). Available at: <http://www2.ohchr.org/english/law/vienna.htm#wp1002434> (retrieved on 20 April 2012)

## Directory List

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### 3. AIJI – Asia International Justice Initiative

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### 7. ICfC – International Center for Conciliation

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Website: [www.centerforconciliation.org](http://www.centerforconciliation.org)

### 9. LAC – Legal Aid of Cambodia

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### 4. CDP – Cambodian Defenders Project

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### 6. DC-Cam – Documentation Center of Cambodia

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### 8. Ksem Ksan Victims Association

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E-mail: [info@ksemksan.org](mailto:info@ksemksan.org)  
Website: [www.ksemksan.org](http://www.ksemksan.org)

### 10. TPO – Transcultural Psychosocial Organization

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**11. YfP – Youth For Peace**

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**13. VSS/ECCC – Victims Support Section of the  
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