



ngo group for the crc

## STATE PARTY EXAMINATION OF THE CAMBODIA'S 2ND AND 3RD PERIODIC REPORT

57th SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD  
30 May - 17 June 2011

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*Cambodia ratified the Convention on the Rights of the Child (CRC) on 15 October 1992. On 3 June 2011, the Committee on the Rights of the Child (the Committee) examined the second and third periodic report of Cambodia. It was last examined in May 2000.*

### Opening Comments

The delegation of Cambodia was led by His Excellency ITH Samheng, Minister of Social Affairs, Veterans and Youth Rehabilitation and President of the Cambodian National Council for Children (CNCC). He expressed Cambodia's commitment to fully implement the CRC and the two optional protocols with the protection of children enshrined in the Constitution ratified in 1993. He said that in complying with the constitutional requirements, they had made significant progress as set out in the report. Mr. Samheng said that the report was prepared with input from children and civil society organisations and was led by the CNCC, which was established in 1999 to protect the welfare of children. The CNCC was a government-facilitated programme that spread awareness and implemented rights on all levels. Mr. Samheng said they had achieved progress in peace, political stability, social order, centralisation, good governance through state reforms, legal and judicial reforms, economic stability, human resource capacity and development, with all sectors strengthened through the establishment of appropriate mechanisms. He said that despite a period of economic decline and the blocks that had occurred, the State had continued to strengthen the process of implementation and development of children's rights.

Mr. Samheng outlined some significant achievements of Cambodia: the State had reduced the infant mortality rate from 95 deaths per 1,000 live births in 2000 to 45 deaths per 1,000 live births in 2010. Water sanitation had improved and HIV prevalence in Cambodia had declined from 2per cent in 2008 to 0.7per cent in 2010. The number of health facilities had been increased from 12 in the year 2000, to 239 in 2010. 84 health centres and 17 non-governmental health

facilities had counseling services. Primary school enrollment rates had increased significantly, currently 95.3 per cent of girls and 94.8 percent of boys. There had been education reform as embodied in the Education Strategy Plan, including a scholarship programme for children, especially girls.

Mr. Samheng noted that core laws of the country's penal code, criminal code, civil code and civil procedure code had been enacted. The laws on inter-country adoption, trafficking and sexual exploitation, rights of person with disabilities, and education, had been passed. Laws in draft form included reforms to juvenile justice and tobacco control, the latter of which forbade selling tobacco to children and pregnant women. Mr. Samheng said the State had established five data centres in Cambodia, which produced data and information on child victims of abuse and would become a valuable resource for police and social workers. He said a national survey on violence against children was taking place this year, which would create a baseline for the measuring of trends in the future. Cambodia had taken many actions to promote awareness of the CRC through various forms of media, which meant the level of awareness on child rights had been raised among government officers and that it had been incorporated into academic curricula including in the curriculum of Royal Academy for Judicial Professions. Mr. Samheng said that the government of Cambodia had always considered civil society to be one of its main partners and that many NGOs were actively working with the State to implement programmes to improve the status of children's rights.

Mr. Samheng discussed the measures the State had taken to prevent and react to all forms of violence against children and to ensure that children could stay with their families in all but extreme circumstances. Mr. Samheng said that the government had adopted a national action plan against trafficking of women and children, which included a rehabilitation programme for victims of exploitation and abuse. Minimal standards for care for children in institutions had been established and enforced and the national plan for vulnerable children had been extended to 2015.

Mr. Samheng described the reforms that had been made to the juvenile justice system. The criminal age of responsibility was 14 years and a draft law on juvenile justice had been developed in compliance with international standards. That State planned to ratify the ILO Convention on the Worst Forms of Child Labour, which it anticipated would reduce the number of working children from 16.5 per cent to 8 per cent before 2015. The State had also approved the National Social Protection Strategy for the Poor and Vulnerable, which would help the poorer members of society and make progress towards the Cambodia's realisation of the Millennium Development goals.

The State budget had significantly increased during the reporting period and substantial resources had been allocated for the expansion of the health, education and social welfare systems. Mr. Samheng said that much still needed to be done in Cambodia but that hopefully over time the country would be able to fulfill all obligations required under the CRC.

Mr. Koompraphant, the Rapporteur, welcomed the delegation and noted his satisfaction with the contents of the State report. He focused in particular on the law on Family Violence and Protection of Victims. Mr. Koompraphant asked for additional information on whether the State

was intending to adopt a full children's code, noting that a draft law on juvenile justice already existed, which would address the needs of children in judicial proceedings. Mr. Koompraphant welcomed the State's ratification of the two optional protocols to the CRC, but noted the lack of a comprehensive national action plan for the implementation of children's rights in the country. Mr. Koompraphant asked for information on whether steps had been taken to ensure that judges applied the provisions and principals of the CRC in relevant cases. Concerning discrimination against women, he asked how the State would address those cultural traditions that perpetuated discrimination against women and girls, as well as about the steps that had been taken to ensure the prohibition and eradication of corporal punishment.

## **General Measures of Implementation**

### ***Budget***

The Committee noted that the budget of the Royal Government of Cambodia had increased significantly but that the total budget for the social sector had not seen a significant rise. The Committee was most concerned that the budget for education was only 1.9 per cent of the GDP and wanted to know the reason behind this. The Committee asked how the State had addressed corruption and thus would ensure that funds allocated to social sectors would reach the communities and the children.

The delegation noted that the State would not cut the budget for children and that to date they had given the necessary funds for effective administration of the social sectors. The minimal increase in the budget allocation for education had been due to the fact that other areas of the budget had taken precedence amidst the State's situation of economic regression; furthermore, other sectors such as national security would need to be rebuilt before the social sector could be improved. The State had addressed corruption by having adopted a law against corruption, which was being diligently enforced. To illustrate this point, the delegation said that four officials had so far who been tried for corruption.

The Committee asked how allocated funds were distributed to the municipal level, stating that communities in Cambodia needed money in order to implement human rights. The delegation noted that communities received money from three sources: the national budget, the sub-national level (local authorities) and contributions from donors and development partners. The delegation stated that some communities received money from private contributors as well.

### ***Legislation***

The Committee asked what legislation had been put in place to fully implement the CRC in Cambodia. The delegation stated that the judicial council of Cambodia was based on national and international law including the CRC and the Ministry of Justice was pushing all courts to use international conventions as a base for implementing laws. The delegation also said that the government had consulted children during the drafting of a new law on juvenile justice, which addressed discrimination against minors in the courtroom. The law gave power to the prosecutor and investigative judges to resolve cases involving minors outside of the courtroom, instead of holding a trial.-

### ***Dissemination and Training***

The Committee asked how professionals such as judges, prosecutors, lawyers and policemen were being trained to deal appropriately with children. The delegation replied that the CRC had been incorporated into the curriculum for the Royal Academy for Justice and that there was training for those who work in courts as well. The delegation also said that the government had hosted comprehensive workshops on children's rights and had invited public officials to participate in order to further their training. The delegation said the workshops used dialogue to try and find a solution for implementing children's rights. The Committee also wanted to know whether social workers and those working with children from NGOs received the same training. The delegation replied that they did not have special schools for social workers set up yet but that these professionals were invited to the workshops to receive training.

### ***Monitoring***

The Committee asked what measures had been taken to implement an independent institution or ombudsman in accordance with the Paris Principles in Cambodia. The government said it had worked with NGOs to establish an independent human rights body in Cambodia; as such, NGOs were working on a fourth draft of a law that would establish such a mechanism. The delegation assured the Committee that the principle of the law, to further protect human rights, was a goal held by all members of the Cambodian government.

### **Definition of the Child**

The delegation told the Committee that the definition of a child in Cambodia was any person that was under the age of 18 years.

### **General Principles**

#### ***Best interest of the child***

The Committee noted the State's progress towards ensuring that the best interest of the child was accounted for, but wanted to know how the government enforced and monitored the relevant policies. The delegation replied by saying that the plan of action they had for implementing the best interests principle was based on the Millennium Development Goals. They said that they cooperated with UNICEF and other UN agencies such as the ILO, to draft laws that were in compliance with international standards and regulations. The delegation said that Cambodia had suffered much over the last 30 years, with genocide uprooting all infrastructure, but wanted assure the Committee that the rebuilding of the infrastructure would take place with the best interests of the children in mind.

## **Civil Rights and Freedoms**

### ***Child Abuse***

The Committee asked about the laws in place concerning child abuse and whether there were hotlines in Cambodia through which children could report cases of abuse. The delegation explained steps that had been taken to implement a law against domestic violence. The delegation said the definition of domestic violence was any violence committed against the women or children of any household, and Cambodia was working towards raise awareness about the issue, along with other concrete efforts to address inequalities between men and women. The delegation stated that there were training programmes for police on how to implement the law and training for citizens on how to file a complaint with the authorities to report a case of domestic violence. The Committee said that they would appreciate some data on how many individuals had been prosecuted for abusing a child and asked the delegation to speak more on how they were preventing corporal punishment at home. The delegation responded by saying there were cases that went to court for domestic violence. The delegation also stated that using corporal punishment at home was not a tradition in Cambodia and was prohibited by law.

## **Family Environment and Alternative Care**

### ***Adoption***

The Committee recognised the 2009 law in Cambodia that restricted international adoption but noted information that showed that illegal adoption still took place and, to their knowledge, no criminal investigation occurred. The delegation responded that they did not allow any children to be illegally adopted and that the law would punish those who participated in – and facilitated – these occurrences. The delegation said that the laws against adoption were overseen by a central authority that prepared a public report on inter-country adoption and ensured the transparency of implementation.

The delegation said that Cambodia had ratified the Hague conventions on inter-country adoptions and had laws to implement them but was still working to reform this area of regulation. They said that inter-country adoption was the last resort for children and that inter-country adoption was given priority. The delegation stated that Cambodia had developed a clear standard of procedure for inter-country adoption to minimise harmful effects on children.

### ***Alternative Care and Waiting Lists***

The Committee noted that children in Cambodia were sometimes put in orphanages even when one parent was still alive because the parents lacked the resources to adequately care for their children at home. The Committee asked about social benefits and other resources provided to families in order for them to support them in caring for their children at home. The delegation responded that keeping children with their families was a top priority and if that where that was not possible, they wanted children to remain within their own community. The delegation said that the government was collaborating with NGOs that provided support to vulnerable families and helped to provide the children with education.

## **Basic Health and Welfare**

### ***Children with disabilities***

The Committee noted the high number of children with disabilities within Cambodia. They asked if NGOs played a large role in providing services for children with disabilities and what rehabilitative programmes were in place. The delegation responded by first defining a disability as, “any loss of a body part or a mental handicap that affects day to day living and is considered abnormal”. The State stated that there were 200,000 people living with a disability in Cambodia, with 1,800 disabled children included in that number. The Committee commented on the low number and asked the delegation what sort of support children with disabilities were receiving. The delegation said that the government of Cambodia supported them with funds allocated to them for health care and other related costs through the Disability Act. The delegation stated that there were rehabilitation centres that provided free food and helped with hospital bills for disabled children. NGOs had carried out significant work in Cambodia with disabled children but lately had been transferring their work to the government.

The Committee asked about the amount of hard data available on the number of those with disabilities and the delegation replied that there is a project being organised that will gather data about the number of disabled people and will help the government to identify those requiring access to appropriate services.

The Committee also asked about the level of integration for children with disabilities. They asked whether there were alternatives to institutionalisation and asked about the government’s policy on inclusion and integration. The delegation replied that there was no discrimination or separation of those with disabilities and that the government cooperated with NGOs to integrate those with disabilities into communities, for example employment services.

### ***Health services***

The Committee asked about the rate of HIV/AIDS in Cambodia, and whether it was transmitted mostly from mother to child or whether it was a result of children contracting it later in life. They also asked about programmes that were in place to prevent the spread of the syndrome. The delegation replied that there was a programme in place called Prevention of Transmission from Mother to Child and that when a free check-up was provided, more than 80 per cent of pregnant women took advantage of this service. The delegation said that the programme also provided care for the mother and the child after birth if the test for HIV/AIDS came back positive.

The Committee asked about the child mortality rate in Cambodia, specifically whether it was caused by preventable factors, and what programmes were in place to reduce the mortality level. The delegation replied that most deaths were related to malnourishment and to combat this there was a programme in place that provided micronutrients. The delegation said this programme concentrated on providing these nutrients to children in rural areas. The delegation stated that other major factors of child mortality were diarrhea, respiratory infection and measles. The delegation said that a Ministry of Health initiative reduced the number of child deaths caused by diarrhea and respiratory infections from 15 per cent to 1.4per cent, but measles were still a

problem, especially in the more rural areas of Cambodia. The delegation said The National Vaccination programme had made a lot of progress in this area, with children in many areas getting the vaccine for measles. The delegation said that Cambodia was on the path to eradicate this disease. The delegation stated that for the management of all illnesses, the government had implemented the Integrated Management of Child Illness (IMCI), which taught parents how to care for their children when they fell ill.

The Committee followed up on this line of questioning and asked why Cambodia had not been able to reduce deaths that occurred within the first month of birth. The delegation replied that if the death occurred within that time frame then it was due to the health of the mother or a complication with the pregnancy. The delegation reiterated its comment about programmes that allowed expectant mothers to receive a check-up before giving birth, which aided greatly in increasing the health of the mother. The delegation also said that there was reform occurring in hospitals to put better trained staff into care facilities, including at least one midwife so that there were less complications during birth.

The Committee asked about adolescent health, noting the rate of suicide and drug abuse among young people. The Committee wanted to know whether there was a policy in place that dealt with the needs of adolescents. The delegation replied that there were Centres to Provide Services to Adolescents, which were going to be constructed all around the country. The delegation stated that there were more than 200 already constructed. The delegation stated that they were training health staff at the national and provincial level to provide more comprehensive care. The delegation also said that the government would focus their efforts to decrease the rate of adolescent suicide.

## **Education, Leisure and Cultural Activities**

### ***Education***

The Committee noted that the school enrollment rate was over 90 per cent for primary education but was concerned about the substantial drop-out rate at secondary school level and asked whether there were programmes designed to keep children in school and lower the retention rate. The Committee also asked if Cambodia was planning on making education compulsory up to a certain age. The delegation replied that the constitution only provided for free education, not compulsory education, and acknowledged that retention rates were a problem in schools. The delegation reminded the Committee that Cambodia was still a developing country and that it would take time for the infrastructure, including education, to be rebuilt. The delegation stated that there was a National Plan for Education to improve the level of education, which would conclude in 2015 and cover the entirety of Cambodia, even rural areas. The delegation said that the government of Cambodia was also working with UNICEF and the World Bank to bring children back into school and address the drop-out rate. The delegation said there was also an informal education programme for those children who drop out of school.

The Committee asked about the availability of bi-lingual programmes in Cambodia, since some children do not speak the Khmer language. The delegation replied that bi-lingual education was provided for up to the fourth grade.

## **Special Protection Measures**

### ***Migrant Children***

The Committee asked about the number of migrant children within the country and whether the methods the government used to return them to their country of origin were in line with the standards set forth by the UN High Commission for Refugees. The delegation replied that they tried to cooperate with UN agencies such as the UNHCR in these situations and worked to find the best middle ground possible.

### ***Child labour***

The Committee was concerned about the prevalence of child labour and asked the delegation what was being done in order to address the issue, particularly through legislation. The delegation replied that there were strict punishments for those that employ children and those that were found guilty would have their business license withdrawn. The delegation also stated that there were provisions within the law that specifically stated what procedure should be used to implement the law and bring it into force against offenders. The Committee asked for statistics in terms of how many employers of children had been brought to justice since it is clear that there were laws in Cambodia, although the level of implementation of those laws was not clear. The delegation replied that labour inspections were carried out by the Ministry of Labour that would report incidences of child labour and subsequently provide figures and data. The delegation also reported that the government had developed a project to provide rescue for those children who work within a household and suffer abuse. The delegation said this project had been implemented by the government, sub-national authorities and other NGOs and was still in progress.

### ***Juvenile Justice***

The Committee asked what the minimum age of criminal responsibility was, noting that there was no mention of specially trained prosecutors for children, which suggests that they were tried as adults. The delegation replied that the age of criminal responsibility was 18 years, although in special cases the court could pronounce the criminal age of responsibility as 14 years. The Committee asked about the amount of time for which a child could be detained. The delegation said that the amount differs per case but that a child from 14 to 16 years of age could only be detained for up to two months and that a child between 16 and 18 years of age could be detained for up to four months. The delegation also noted that children were held in separate detention facilities from adults.

The Committee asked about sentencing for children. They asked the delegation what rules applied when sentencing a child. The delegation said that between the ages of 14 and 18 a child's sentence would be half of what an adult would receive for the same crime. Where the sentence was life imprisonment, a child offender would be held for 20 years. The delegation said that the possibility of community work instead of imprisonment was also a possibility for children.

The Committee then asked about preventive measures in the draft law to keep children from becoming repeat offenders. The delegation replied that detention was the preventive measure taken to ensure the child would not repeatedly enter into criminal activity.

### ***Trafficking***

The Committee asked about the plans that Cambodia had for combating trafficking, since they noted the rising occurrences. The delegation answered that Cambodia had a national plan for anti-trafficking with children being the top priority in the plan. The delegation said that there had already been significant progress made, with some of those involved in trafficking being brought to justice, as well as those tourists who came to the country looking for sexual intercourse with minors. The delegation stated that the statistical figure of how many children are trafficked per year was decreasing at a steady rate.

### **Concluding Remarks**

Mr. Koompraphant expressed his hope that the day's dialogue would be helpful to Cambodia and hoped that they would continue to recognise their obligation to improve children's rights. He said that they should continue to work with civil society and to build on measures already taken.

Mr. Samheng said that it was an honor and a privilege to be representing Cambodia before the Committee and that Cambodia had taken major steps to fulfill its obligations and help children since the ratification of the CRC in 1992. He said that he was aware that there were gaps and obstacles in implementing the full spectrum of rights and he hoped that Cambodia would continue to work with all stakeholders in overcoming all challenges. Mr. Samheng emphasised that the CRC and Cambodia held a common goal to improve the lives of children and that the government of Cambodia was determined to use the constructive dialogue and recommendations of the CRC to shape the way forward. He concluded by thanking UN agencies and community development partners working with Cambodia for their support and assistance and said that Cambodia looked forward to hearing the concluding observations that would be a result of the dialogue.