



Convention on the Rights of the Child

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Committee on the Rights of the Child

Combined fourth to sixth reports submitted by Cambodia under article 44 of the Convention, due in 2018* **

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I. Introduction

1. The Kingdom of Cambodia ratified to the CRC on 15 October 1992. In the Concluding Observation on the combined 2nd and 3rd Reports, the CRC Committee recommended Cambodia to submit its next combined 4th to 6th Reports covering the period from 2008 to 2018 not later than 13th May 2018.

A. Country profile

1. Demographic characteristics

2. Cambodia has a population of approximately 15,981,798 in 2018. 28.50% of the populations are 0–14 years old and 66.50% are 15–64 years old. The average density per km² is 90 in 2018¹. The total number of families rose from 2,817,637 in 2008 to 3,163,226 in 2013².

From 2005 to 2014, the under-5 mortality rate declined from 83 deaths per 1,000 livebirths to 35, the infant mortality rate declined from 66 deaths to 28³, while the mother mortality rate declined from 472 deaths per 100,000 live births to 170⁴, and the fertility rate from 3.4 to 2.7⁵.

2. Economy

3. The last years, the GDP has been growing at an average of 7.7% per annum, and the annual per capita GDP is USD 1,579 in 2018⁶. The poverty rate dropped from 53% in 2004 to 13.5% in 2014, this means that Cambodia has well achieved the CMDGs in reducing the percentage of people whose income is under the poverty line⁷. Around 53% of families have access to safe water in 2016, and 55% of population in the community receive rural sanitation services⁸. The rural electricity supply covers 13,803 villages out of the total of 14,364 villages all over the country (96%)⁹.

B. Process of the report

4. In February 2017, the Cambodian National Council for Children (CNCC) established a Core Group¹⁰ composed of 18 members from the CNCC Secretariat, non-governmental organizations (NGOs) and development partners (DPs) to work collaboratively with a group of consultants to draft this combined report. The draft report has been reviewed 10 times by the core group and twice by the Planning and Reporting Committee on Child Rights. It is further reviewed through the Consultation Workshop with Children on 11 December 2017, the Sub-National Consultation on 23 February 2018, the National Consultation on 28 March 2018, and the plenary session of the CNCC on 26 April 2018.

¹ 2013 Inter-Censal Survey and Summary Report on Main Realizations of the Royal Government of Cambodia 2012–2016, p.1.

² Inter-Census 2013 and Summary Report on Main Realizations of the Royal Government of Cambodia 2012–2016, p.1.

³ CDHS 2014 – Key Indicator Report, p. 17.

⁴ Summary Report on Main Realizations of the Royal Government of Cambodia 2012–2016, p. 81.

⁵ CDHS 2014 Key Indicator Report, p. 9.

⁶ CDHS 2014 Key Indicator Report, p. 9.

⁷ 2016–2025 NSPPF, p.3.

⁸ Summary Report on Main Realizations of the Royal Government of Cambodia 2012–2016, p. 43.

⁹ *Ibid.* p. 50.

¹⁰ Through the Decision No. 027 dated 28 February 2017.

II. General measures of implementation (arts. 4, 42 and 44, para. 6)

5. The long term vision of the Royal Government of Cambodia (RGC) is to move forwards, after moving up from low-income country status to that of lower-middle income in 2015, to reach the status of an upper-middle income country by 2030¹¹. The importance has been given to human resource development with quality, capacity and equity, which shall start with upholding child's rights in all aspects, including the beginning of life and early childhood development, and especially the care for poor and disadvantaged children.

A. Legal framework

CO No. 9

6. Numerous laws, regulations, policies, National Action Plans (NAPs) and mechanisms related to child protection have been adopted and enforced during the reporting period. The State competent authorities took decisions related to children based on the CRC and in accordance with facts or actual situations.

7. Cambodia was considering the possibility of adopting a separated law on child protection. The CNCC has conducted a thorough analysis of existing laws and dispositions related to child protection¹²; as a result, a Compendium of Child Protection Laws, Policies & Functions was printed in 2012. Base on this study, the Secretariat of the CNCC is now seeking support and resources to develop a separated law on child protection.

8. Since 2008, numerous Laws, Regulations and Policies have been adopted, especially the Law on Inter-Country Adoption (ICA Law) and the Law on Juvenile Justice (JJ Law). For detailed information, please see Appendix I. Laws and Regulations related to Children adopted between 2008 and 2018.

B. Implementing mechanism and coordination

CO No. 11

9. The structure of the CNCC, which is an inter-ministerial body with members from 27 Ministries / institutions, has been revised in 2009¹³ to have its structures down to the 25 Capital/provinces, and to create Working Groups (WGs) for Children in 9 ministries/institutions. The number of staff has been increased accordingly, and the capacity of all staffs has been built. The CNCC has established a National Child Protection Commission¹⁴, whose role is to coordinate and collaborate with ministries, institutions, local and international NGOs, DPs as well as with the private sector.

10. As a coordinating mechanism, the CNCC monitors children's situation and makes the recommendations to the RGC. Serving as local mechanisms located closer to the children, the Capital/provincial structures coordinate and advise the CNCC at central level, while the WGs for Children in ministries/institutions have the role to coordinate and advice for the realization of child rights within their entities. The CNCC has no structure down to district/khan and commune/sangkat level; however, the RGC established in 2009 the Capital/Province/City/District/Khan Women and Children Consultative Committee (WCCC) and in 2010 the Sangkat/Commune Committee for Women and Children (CCWC), that play roles in social development related to mother and baby health, community preschool, hygiene, gender equality and especially child protection at Sub-National level.

¹¹ Rectangular Strategy Phase III, p. 9.

¹² Gap Analysis of Child Protection Legislations in the Kingdom of Cambodia, 2014.

¹³ Through the Royal Decree No. ns/rkt/1209/1201 dated 21 December 2009 on the Establishment of the CNCC, and through the Sub-Decree No. 02 dated 05 January 2010 on the Organization and Functioning of the CNCC Secretariat.

¹⁴ Decision No. 105 dated 01 September 2015 on the Establishment of a National Child Protection Commission.

Besides the CNCC, there are sectorial mechanisms to ensure effective coordination on CRC implementation. Please see the Annex on point 3. Child Protection Coordinating Mechanism.

C. Allocation of resources

CO No. 17

11. Cambodia has successively increased the national budget in social sectors, especially education and health. Child rights based approach has not been used to elaborate national budget that visibly show the investment on children; the budget has been allocated in according to the requests of ministries/institutions, based on their program activities and on national budget possibilities.

The CNCC has a separate budget within the annual budget of MoSVY. It has the right to receive and manage any fund received from international collaboration and other resources for its works.

The budget of the communes/sangkats has been disbursed in accordance with the needs of each of them (please see point 19 below). Please see Annex on point A1. Allocation of Resources to Social Sector.

D. National action plan

CO No. 13

12. The National Strategic Development Plan (NSDP) 2014–2018 was formulated for the implementation of the Rectangular Strategy (RS) III of the government. To achieve the targets set out in this NSDP and the RS III, the RGC has adopted the Social Protection Policy Framework (SPPF) 2016–2025 that focuses on two main pillars, the Social Support System and the Social Security System.

13. To participate to the implementation of the 2014–2018 NSDP, the CNCC has developed the NAP on Child Development 2016–2018 that is the first plan with broad coordination, and serves as a master plan for all ministries, institutions, DPs and all those concerned for the preparation and implementation of their own plan focused on children, so as to contribute to the improvement of children’s living conditions and give them access to equal rights and opportunity for their development and progress in harmony. The CNCC has also developed the Strategic Plan of the CNCC 2014–2018, whose strategic priorities include strengthening of monitoring system and child protection mechanism¹⁵.

14. There were several sectorial plans on children, especially in Education:

- The NAP on Early Childhood Care and Development (ECCD) 2014–2018.
- The Multilingual-Education National Action Plan (MENAP) 2015–2018¹⁶.

15. The National Committee for Counter Trafficking (NCCT) has launched its NAP on the Suppression of Human Trafficking, Smuggling, Labour, and Sexual Exploitation 2011–2013 as a roadmap for the implementation at national and sub-national level, as well as at international level, and then adopted the 2014–2018 NAP of the NCCT¹⁷.

16. The National Multi-sectorial Orphans and Vulnerable Children Task Force (NOVCTF) launched the National Strategic Plan on OVC 2013–2018 with the aiming at strengthening the care, support and protection for the OVC, and to address their root causes.

17. The Ministry of Labour and Vocational Training (MoLVT) had the 2008–2012 NAP to Eliminate the Worst Forms of Child Labour, and the 2016–2025 NAP on the Reduction

¹⁵ 2014–2018 Strategic Plan of the CNCC, p. 12–20.

¹⁶ Cambodia’s Multilingual Education National Action Plan Fact Sheet, p. 1.

¹⁷ 2014–2018 NPA of the National Committee for Counter Trafficking, p. 2.

of Child Labour and Elimination of Worst Forms of Child Labour. Please see point 127 below for details.

18. The Ministry of Women's Affairs (MoWA) had plans on gender issues and led the development of the Action Plan to Prevent and Respond to Violence Against Children 2017–2021. Please see points 59 and 77 below for details.

19. In March 2017, the Ministry of Interior (MoI) and the Ministry of Planning (MoP) issued a Technical Guidelines on the Preparation and Elaboration of the 3-Year Rolling Plan of the commune/sangkat, and the Technical Guidelines on the Preparation and Elaboration of the Commune/Sangkat Development Plan. Both guidelines state that the commune/sangkat council has the duty to develop the 3-Year Rolling Plan and the Development Plan, and ensure they are comprehensive and address the needs of the population, especially women, children, people with disabilities (PwD), youth and the vulnerable¹⁸.

20. In the elaboration of all NAP, the following concepts have been taken into consideration as mentioned in the General Comment No. 5 2003 on the General Measures of Implementation of the CRC: 1) children are the subject of rights; 2) inclusion of child rights concepts in state authorities; 3) direct implementation of the CRC provisions; 4) duty of the private sector in the CRC implementation as raised in the General Comments No. 5 (2003) on General Measures of Implementation of the CRC.

The 2007 Decision of the Constitutional Council¹⁹ stipulated that, as principle at case trial, a judge shall not only rely on the “law..”, which refers here to the Constitution and domestic laws in force as well as the international conventions that Cambodia has ratified.

E. International assistance and development aid

21. The RGC continues to receive the collaboration and cooperation especially from UN Agencies and DPs, such as UNICEF, UNDP, WHO, WFP, UNFPA, FAO, UNESCO, UNOHCHR, ILO, the EC and bilateral aids.

F. Independent monitoring institution

CO No. 15

22. The establishment of a National Human Rights Institution (NHRI) has been initiated since 2006, with the agreement of Samdech Akkak Mohasenabadei Hun Sen, Prime Minister of Cambodia. The working groups from the RGC (represented by the Cambodian Human Rights Committee – CHRC) and from the Civil Society (CSO) met several times in 2009 to discuss the draft law on the Establishment of a NHRI, which was finished in February 2010. The CHRC is now urging the finalization of this draft law, and organized a workshop in 2017 on the subject “A National HR Institution”.

Despite an independent monitoring mechanism for children has not been created, Cambodia has considered, in the present context, to have specialized units within the Court of first instance as necessary, such as Child Chamber or Family Chamber²⁰.

In 2009, the ASEAN Community established the ASEAN Intergovernmental Commission on Human Rights (AICHR) to be a driving force and to take note of the promotion and protection of HR in ASEAN. The Asian Human Rights Declaration (AHRD) was adopted in November 2012 in Phnom Penh, which shows the commitment of ASEAN members in the protection of HR and basic freedom of ASEAN population.

¹⁸ Technical Guidelines on the Preparation of the 3-Years Rolling Plan of Commune/Sangkat, point No. 3, and Technical Guidelines on the Preparation of the Commune/Sangkat Development Plan, point No. 3.

¹⁹ Decision No. 092/003/2007 dated 10 July 2007.

²⁰ 2014 Law on Organization and Functioning of the Court Art. 14.

G. Dissemination and awareness raising

CO No. 21

23. The dissemination and awareness raising of the CRC were made through different activities such as the media, the incorporation into the school program, the training of professionals, and the organization of special events, with the cooperation between the state institutions, the local authorities, local and international NGOs, DPs and the Private Sector. The Ministry of Information disseminated CRC programs through national radios and TVs, at national level as well at sub-national level. MoEYS incorporated child rights into the school program from grade 4 upward. The CNCC collaborated with NGOs, such as Plan International, to disseminate the CRC to the provincial CNCC in Ratanakiri, Tbaung Khmum and Siem Reap.

24. The NGOs Coalition on the Rights of the Child (NGOCRC) provided the CRC training to representatives of Child Advocates Network (CAN) who cascaded the training to their branches in 12 Capital/ provinces. The Child Rights Foundation (CRF) provided CRC training to the representatives of Cambodia Children and Young People Movement for Child Rights (CCYMCR) who also cascade the training to their members in 13 cities and provinces. The members of both groups also disseminate the CRC to their parents and to the local authorities.

25. After reception of the CO. on the 2nd and 3rd combined Report on the implementation of the CRC, the RGC issued the Guidelines No. 08²¹ urging related ministries and institutions to effectively perform their duties. The CNCC then organized successive workshops to disseminate both the CO and the Guidelines.

Similarly for the CO. on the 1st and 2nd Report on the Implementation of both Optional Protocols to the CRC: the CNCC organized workshops to disseminate the RGC Circular No. 04²², and collaborated with the Ministry of Industry and Handicraft to disseminate the CRC and the two OPs to all officers of the Department of Industry and Handicraft and related private sectors in the 25 Capital/provinces.

H. Training of professionals

CO No. 23

26. So far, the training of professionals has not focused only on the CRC. Most of the CRC principles and provisions have been incorporated into the training of basic and special laws as well as into the new NAPs and Policies related to child rights. In all training, there are participants from different ministries/institutions, and also from the CSOs. For detailed information, please see Annex on point 2. Information on training of professionals.

I. Data collection

CO No. 19

27. The establishment of a comprehensive database on children is not yet possible; only the National Institute of Statistics (NIS) of the Ministry of Planning (MoP) provides data related to children. Hence, the CNCC has collaborate with NIS on incorporation of 66 indicators on child rights, grouped in 4 clusters; namely, education, governance, health and nutrition, and social welfare; which are available and can be found in CamInfo, in www.caminfo.gov.kh.

Besides this there were sectorial Databases such as the Health Information System (HIS), the database related to child health and nutrition, the Education Management

²¹ Circular No. 08 dated 13 July 2012 on the “Implementation of the Recommendations of the UN Committee on the Rights of the Child”.

²² Circular No. 04 dated 17 March 2016 on the “Implementation of the Recommendations of the UN Committee on the Rights of the Child”.

Information System (EMIS), the Child Case Management Information System (OSCAR), and the database in judicial system.

J. Collaboration with civil society

CO No. 25

28. The RGC considers CSOs as an important partner for national development, and encourages them to participate in the national socio-economic development, the improvement of democracy and Human Rights, and to monitor the implementation of policies and development strategies²³. So far, CSOs have actively participated in the establishment, implementation and monitoring and evaluation of child rights related policies, plans and programs.

Local and International NGOs have been participating in the realization of child rights through several programs and activities, such as ECCD, child protection, nutrition, education and WASH²⁴.

Child rights and the business sector

CO No. 27

29. MoLVT issued several Prakas to ensure that the business sector complies with national and international standards, please see Appendix I: List of Child Related new Laws and Regulations Adopted between 2008 and 2018.

At the present time, the general population as well as businessmen and merchants have better awareness on child rights. The employers in rubber plantations, fishery, salt fields and agriculture have well collaborated during the removal of children from the worst forms of child labour. The Cambodian Federation of Employers and Business Associations (CAMFEBA) has launched a Plan of Action on the Elimination of Child Labor in Cambodia 2012–2016. The Micro-Finance Institutions have also collaborated in the enhancement of child rights, for instance, Kredit collaborated with commune councilors in 125 communes of 6 provinces from 2015 to 2017, and plan to expand this work to 100 more communes in 5 provinces from 2018 to 2019.

The Guide Book on Corporation Responsibilities in Respecting HR developed by the UN in 2012 has been translated in Khmer and disseminated free of charge.

As for the number of under-aged children removed from work, please see Annex on point I2. Economic exploitation of children, including child labor.

30. Committee's general comments No. 2 (2002), No. 5 (2003) and No. 16 (2013).

As underlined in point 22 above, Cambodia started the establishment of an independent national mechanism in according to the Paris Principle, as recommended in the Committee's recommendation No. 2 (2002). Such task shall be made through the development of a law with broad participation which requires time, resources as well as coordination and harmonization to ensure its attainment and effectiveness. In between 2008 and 2018, Cambodia adopted main laws to ensure that children are provided all rights as stated in the CRC.

Child-friendly procedure is new for Cambodia, new laws have been adopted while there is lack of human resources, especially social workers. In practice, the provisions in domestic laws are used as the basis for court decisions, in spite of the CRC.

So far, a comprehensive assessment and evaluation of the laws, policies and the application of business rules on children has not be conducted. Cambodia will seek the possibility to carry out such work.

²³ Updated 2009–2013 NSDP, p. 200.

²⁴ FY17 annual report, PLAN International Cambodia, 30 August 2017.

III. Definition of the child (Art. 1)

31. The definition of “minor” refers in general to individual under 18.

For detailed information on percentage of the population under 18 years old, disaggregated by age, sex and location, please see Annex on point B. Definition of the Child.

IV. General principles (Art. 2, 3, 6 and 12)

A. Non-discrimination

CO No. 29

32. The State protects the rights of children without any discrimination²⁵. Any discrimination related to refusal to supply goods or services, conditional supply of goods or services, refusal to hire, and termination of employment or removal from office, and the denial of rights by public officials on discriminatory grounds shall be punished.

33. Although an evaluation on accessibility to rights by children has not been undertaken, the discrimination against girls, the gender-based attitude as well as the practices of low status of women and girls in the community have been much reduced through some measures, as following:

(a) The creation of state institutions and mechanisms like the Ministry of Women’s Affairs (MoWA) and the Cambodian National Council for Women (CNCW);

(b) The criminalization of denial of rights by public officials on gender-based discriminatory grounds²⁶;

(c) The increasing number of girls enrolled in school and women in public and private positions;

(d) The dissemination of CEDAW by gender WGs of ministries/institutions to subordinated officials.

34. There is unequal development between the cities and the rural areas and between different geographical areas²⁷. To respond to these, several measures have been taken which include the establishment of the National Committee for Sub-national Democratic Development (NCDD).

35. There are road repairing and construction everywhere. New schools were constructed so that there is almost a lower secondary school in every commune/sangkat, and the teachers have been encouraged to go and work in remote areas. For healthcare, there is a health centre for every one or two communes with the population between 8,000 to 12,000 people, and a referral hospital in each operational district with the population between 100,000 to 200,000 people. Where a health centre cannot be established due to there were less population, a health post is available in the area.

Besides the Social Protection Strategy for the Poor and the Vulnerable (NSPS) 2011–2015 the RGC set out the 2016–2025 NSPPF to accelerate progress towards the CMDGs realization and to determine a long-term roadmap which based on 2 main pillars; namely, social support system and social security system²⁸; it has also adopted the National Policy on Development of Indigenous Minorities in April 2009 to improve their living conditions, education and health care.

²⁵ Constitution, Art. 45, 46 and 48.

²⁶ Criminal Code, Art. 265 and 270.

²⁷ 2016–2018 National Population Policy, Point 3.1.1. Spatial and Regional Disparities, of Part 3 – Demographic Consequences on Development, p.11.

²⁸ 2016–2023 National Social Protection Framework p. xii.

The Ministry of Education, Youth and Sport (MoEYS) is implementing the inclusive education programs from pre-school to secondary schools, and has established the multi-lingual education program for indigenous children in the North-East provinces to increase the school enrollment and reduce school drop-outs.

36. One of the strategic objectives of the RGC was to improve the status of women²⁹. The RGC has increased the scholarship and dormitory for female students and improved healthcare and nutrition for women and children and thereby the gender gaps and mother and child mortality rate are reduced. In April 2017, within the framework of the national program to uphold the gender equality and to extend the woman's courage, the NCDD Secretariat collaborated with MoWA, MoI and related ministries in developing a Strategic Plan to Increase number of women at sub-national Administration.

Additional information on the works of MoWA, please see point No. 58 below and Appendix II – Achievement of the CMDGs on Goals No. 3.

B. Best interest of the child

CO No. 31

37. In all activities related to children, such as the development of plans, strategies, laws or regulations, the best interest of the child has always been taken into account, through the invitation of children's representative to express their views and concerns.

The principle on the best interest of the child has been incorporated in laws, regulations and policies related to children, especially the newly-adopted laws.

38. The JJ Law of 2016³⁰ aims at safeguarding the rights and best interests of alleged minors, supporting their rehabilitation and reintegration into society and community, and protecting society's and community's interest³¹. The basic principle of the law provides that all persons performing any minor-related function shall consider primarily on actions concerning to the best interest of minors. The court shall consider cases of minor as priorities, and shall consider applying diversion³².

39. The ICA Law of 2009 provides that in all decisions and actions concerning ICA, the best interests of the child shall be of paramount consideration.

40. The 2011 Law on Prison provides that juvenile detainees shall be separated from adult detainees. Children accompanying their mother shall be authorized to stay with the mother in prison until the age of 3. The accompanying children aged 3 and above, having no guardian to take care outside prison, shall be under the care of the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY). Special attention shall be paid to the particular needs of juvenile-convicted prisoners for education, vocational training, rehabilitation and reintegration³³.

C. Right to life, survival and development

41. The RGC has realized efforts to reduce the population poverty and hunger through economic, social and sectorial development, focusing mainly on the support given to the poor and creating the opportunity for the improvement of their livelihood and income generation in rural areas.

Please see Appendix II – Report on Achievement of the 2003–2015 MCDGs, Goal No. 1.

²⁹ Rectangular Strategy Phase III, p. 56.

³⁰ Promulgated by the Royal Kram No ns/rkm/0716/009 dated 14 July 2016.

³¹ Law on Juvenile Justice, Art. 1.

³² Law on Juvenile Justice, Art. 45 and 63.

³³ Law on Prison, Art. 41 and 67.

The Ministry of Health (MoH) applied child's health care in connection with the health care of women during pregnancy, before – during – and after delivery, and the care of the new born as well as toddlers until the child grows up. The ministry has increased the coverage of access to pre-natal care, safe delivery, post-natal care, the emergency services, the baby care with quality, and the prevention of mother-to-child transmission by providing 11 mandatory vaccines; the ministry also encourages breast feeding, the monitoring of child development, the provision of micro-nutrients and vitamins, the deworming and the treatment of children chronically under-nourished³⁴.

The RGC has a program on identification of the poor households for social assistance through the support for the poor and vulnerable, including baby and children. Special attention has been paid on small children during the 1,000 days of their development³⁵.

The Cambodian Red Cross has implemented a program on community health promotion in 25 city and provinces through the provision of hygienic latrines, hand washing facilities, community and school wells and ponds, and also the provision of nutrition and referral of pregnant women to appropriate services³⁶.

CO. No. 33

42. Drowning:

- The Law on Disaster Management was adopted in 2015. The reduction of disaster risks has been streamlined into the planning of education, health and agriculture. The Ministry of Economics and Finance (MoEF) has established a reserved food system to respond during time of disaster³⁷.
- There were incidences of drowning taken place due to the fact that Cambodian villages/communes are mostly surrounded by rivers, lakes and ponds, and flood each year during the rainy season.
- In 2007, MoEYS has collaborated with MoH developing a Handbook on the Prevention and Rescue of Victims of Accidents and Injuries, which was streamlined into the school program from grade 1 to grade 9, and also trained to teachers and community authorities. Currently, some NGOs³⁸ have volunteers who provide swimming lessons to children in the community and trainings on how to help rescuing drowned people.
- The CNCC has collaborated with NIS conducting a study on the impacts of the flood in 2011 on children's health, education and plays and on income generation activities. The study provided some recommendations, such as 1. Building of school and health centres on an highland areas, 2. Having special programs to assist victims of flood, 3. Cooperation among relevant partners, 4. Flood preparedness, and 5. Necessary assistance for continuation of education after flood.
- The Ministry of Water Resources and Meteorology (MoWRAM) implemented several projects related to vulnerability reduction such as the prevention of flash flood, setting up pumping stations, and the timely dissemination of information on weather³⁹.

43. Traffic Accidents

- The Handbook on the Prevention and Rescue of Victims of Accidents and Injuries also introduces measures on how to prevent the road accidents, especially to prevent head and bone injuries, first aid principles and the land traffic law.

³⁴ Source: MoH.

³⁵ CNCC Report on Children Situation in 2016 and Target for 2017, p. 8.

³⁶ 2015 Annual Report of the Cambodian Red Cross.

³⁷ Summary Report of the RGC Realizations 2012–2016, p. 84.

³⁸ Such as Safety When It Matters (SWIM) Cambodia and St. John Brigade Singapore.

³⁹ 2014–2018 NSDP, p. 76–77.

- The 2014 Land Traffic Law has been presented to students in education institutes to inform them about the traffic signs, how and when to use lighting and sound of vehicle, and what to do when there is a traffic accident. In 2015, the RGC has issued the Sub-Decree No. 86 on Vehicle Speed Limit to reduce traffic accidents.
- For additional information on percentage of children injured or died in accidents, please see Annex on point C1. Rights to life, Survival and Development.

44. Mines

- Cambodia has added an additional goal on the UN 8 MDGs goals: clearance of mine and ERW. The RGC issued the National Mine Action Strategy 2010–2019 to reduce mine/ERW casualties and other negative impacts and promote stability and regional and international disarmament.
- The RGC has also established a WG to manage, monitor and collect the data regarding access to services for mine/ERW victims so as to prepare a report in the name of state party to the Ottawa Convention⁴⁰.
- For more information, please see Appendix II – Report on Achievement of the CMDG 2003–2015, Goal No. 9.

D. Respect of child view

CO No. 35

45. Children are free to express their views in all issues related to them, including the legal procedures, alternative care, protection as well as the determination and implementation of a solution in an appropriate period of time. Children's views are taken into consideration in according to their age, maturity, capacity, and their best interests. These were obvious examples, *inter alia*, in the case of divorce and adoption: despite the minor does not yet reach the age of 15 years old, when the minor can express intention, the court shall ask the child's opinion before making the decision⁴¹.

Every year children and youth participate in all events related to them to express their opinions and needs to the RGC. Children representatives participated in social activities and meetings at national, sub-national, regional and international levels.

The CNCC developed a Guideline for the Implementation of Child Participation⁴² that provides key facilitating steps for those who are working with children⁴³. Many NGOs also have their policy related to child participation.

A Children and Policy Makers Forum has been organized every year since 2014, with the participation of around 200 children's representatives from all Capital/provinces. Children are allowed to raise their concerns and suggestions to the RGC for its consideration. With the children's suggestion, the 1st June public holiday has been kept up by the RGC.

The WCCC in the Capital/Provincial and Khan/District Councils must invite the representatives of committees and departments working for women and children to participate in their meetings⁴⁴. Some communes that are supported by NGOs have included children's representative in their CCWC.

⁴⁰ Decision No. 100 dated 27 May 14 on the Establishment of a Working Group to manage, monitor and collect data on services provided to victims of mine and ERW, Art.1.

⁴¹ Civil Code, Art. 1024.

⁴² Decision No. 018 dated 24 February 2014 on Guideline for the Implementation of Child Participation.

⁴³ Please also see Art. 41 of the Constitution, and Art. 12 and 13 of the CRC.

⁴⁴ Prakas No. 4275 on the Organization and Functioning of the WCCC (2009), Art. 4 and 6.

V. Civil rights and freedom

A. Birth registration, name and nationality

CO No. 37

46. The RGC ensures that birth registration is free of charge for all children, without any restriction on their status and that of their parents or guardians. In 2016 the RGC adopted the National Strategic Plan on Identification 2017–2026 that is a long-term policy for strengthening individual identification works, and to ensure its sustainability.

To enhance the implementation of formality, procedures and standards related to civil registration⁴⁵ and to strengthen the capacity of civil registrars at sub-national level, especially to support the National Strategic Plan on Identification, MoI has focused on the following tasks:

- Assign civil registrars at national level in 2016, in the past, civil registrars only exist in the communes/sangkat;
- Create monitoring system to report on the use of IT-based civil registration book and certificate in Kratie and Siem Reap;
- Has implemented IT-based Civil registration in 5 provinces;
- Build capacity of civil registrars at sub-national level on civil registration enforcement;
- Disseminate on radios and TVs in order to raise the awareness on civil registration and effective civil registration enforcement.

From 2002 to August 2017, 16,722,827 people have their civil status registered (8,282,258 women and girls).

Please see detailed information on birth registration in Annex on point D.1. Birth Registration.

B. Protection of identity

47. The Constitution and the Law on Nationality provide that Cambodian citizen including children shall not be deprived of their nationality in order to prevent the lost or absence of identity such as the name, nationality and family relations. The Civil Code requires that the child's father or mother shall request to register their child's birth within 30 days from the birth⁴⁶.

The Khmer nationality shall not be automatically lost due to adoption. When reaching the majority, the adopted child has the rights to see the documents and records related to her / his identity⁴⁷. MoI is revising, amending and adding procedures related to naturalization and nationality claim and abandonment, to fully comply with the Law on Nationality.

A child may file a suit for acknowledgment (paternity) and file a suit seeking confirmation of maternity against the woman who gave birth to him/her⁴⁸.

Please also see point 121 below.

⁴⁵ Sub-Decree No. 103 dated 29 June 2000 and Guideline No. 049 on Campaign on Mobile Birth Registration Nationwide dated 30 June 2004.

⁴⁶ Please see also Art. 33 of the Constitution, Art.2 of the Law on Nationality and Art.19 of Sub-Decree 103 and Art. 985 of Civil Code.

⁴⁷ ICA Law, Art. 46 and Civil Code, Art.1019.

⁴⁸ Civil Code, Art.1001 and 1004.

C. Freedom of expression

48. The freedom of expression is guaranteed by the Constitution⁴⁹. Children are given the opportunity to freely express their opinion, which will be considered and weighed according to their age, physical and mental development and their degree of understanding about their action⁵⁰. All children's opinions and suggestions were considered and included into different Action Plans.

The RGC has collaborated with DPs and NGOs in preparing the participation of children's representatives in different meetings at sub-national level, national level as well as at the regional (ASEAN) and international, such as:

- The ASEAN Forum every two years, 3 forums between 2010 and 2016;
- The Geneva meeting to present report on "My life, My suggestions"; and
- Many other meetings, conferences and workshops.

D. Freedom of thought, conscience and religion

49. Freedom of religious belief and worship is guaranteed by the State⁵¹.

MoEYS allows Muslim girls to wear ijab in class.

The 2011 Law on Prison provides that all prisons shall have facilities for detainees to practice their religion⁵².

Although Buddhism is determined by the Constitution as state religion, the citizens may widely practice other religions, such as Catholicism and Islam.

E. Freedom of association

50. The RGC established the National Council for Youth Development to encourage youth to volunteer for works and to foster national unity and gender equality⁵³. Please see Annex on point 6. Data on children's organization.

51. The RGC collaborated with NGOs on the establishment of children networks. Please see Annex on point 6. Data on children's organization.

52. The Law on Associations and NGOs was adopted in 2015. Although this law determines that founders of association or NGO shall be 18 years old or above, this law does not prevent or block child freedom of association⁵⁴. As of 2017, 2,117 associations and 3,117 NGOs have been registered by MoI.

F. Protection of privacy and image

53. Privacy has been protected by the Laws. Abuse of dwelling entering, intercepting and recording private conversation, and violation of person's image are punishable with imprisonment and fine⁵⁵.

The JJ Law provides that it is prohibited to release or broadcast the image and information that could reveal the identification of minor and effect the minor's credential in education, labour, accommodation or safety⁵⁶.

⁴⁹ Constitution, Art. 41.

⁵⁰ JJ Law, Art. 5.

⁵¹ Constitution, Art. 43.

⁵² 2011 Law on Prison, Art. 13.

⁵³ Sub-Decree No. 66 dated 18 February 13 on Organization and Functioning of the YCC Secretariat, Art. 8.

⁵⁴ Law on Association and NGOs, Art. 1, 3 and 5.

⁵⁵ Criminal Code, Art.299, 301 and 302.

Besides the right to injunction and to demand the elimination of effect of infringing act, the victim also has the right to damages related to personal characteristics and in the accordance with the provisions on tortious acts⁵⁷.

The media reporters are now more professional than ever and have participated in the protection of the identity of child victim as well of that of children in conflict with the law.

The RGC is now preparing a draft law on cyber crime.

G. Access to information

54. Cambodian children have access to appropriate information in accordance with their needs through the media, social network and from different organizations, especially there are:

- TV stations whose broadcasts cover all municipality/provinces. Each TV station has special programs on child education, especially the Cambodia's National TV (TVK).
- All stations are prohibited from broadcasting violent, brutal and obscene scenes⁵⁸.
- 42 radio stations in the municipality and provinces, and some of them have programs specifically for children⁵⁹.
- Special campaign events on HIV/AIDS, WASH, Avian influenza, human trafficking, drug abuse, school enrollment, and other advertisements.
- Besides these, children can increase their understanding through reading, as there are now more and more books written in Khmer for different ages of the children.

The advertisement of tobacco products through the media and other means or programs is prohibited, including the free distribution of the products to smokers⁶⁰. MoH finalizes the draft Law on Alcohol Control that defines different measures to reduce alcohol impacts⁶¹.

55. Victims have the rights to receive detailed and specific information on their case, including the alternatives to legal procedure and trial, their medical status, their family and community, their vocation training and all other information⁶².

The Ministry of Information is developing a draft Law on Access to Information, which defines the duties of public institutions to provide and disseminate information publicly. The RGC is now urging all TV stations to broadcast more programs for children during prime time, and to modify inappropriate comic scenes.

H. Roles of the media

56. The media has actively participated in the promotion of child rights and protection. The TVs and radios have several programs linked to the public education, including the children. These programs include child rights, child labour and exploitation.

The social media, especially Facebook, is now widely used to raise the awareness on and promote the CRC, through activities of government institutions such as the CNCC, and NGOs.

⁵⁶ JJ Law, Art. 5.

⁵⁷ Civil Code, Art. 10–13.

⁵⁸ <http://www.asiawaves.net/cambodia-tv.html>.

⁵⁹ http://phnom-penh/restonet/pp/annuaire.nsf/webpages/liste_radios_gb.html!opendocument&l=gb.

⁶⁰ Law on Control of Tobacco Products, Art. 11.

⁶¹ Draft Law on Alcohol Control, Art. 8.

⁶² 2009 Policy and Minimum Standards on the Protection of the Rights of Victims of Human Trafficking.

VI. Violence against children

A. Abuse and neglect

CO No. 50

57. In 2013, Cambodia was the first country in the region that organized a research on Violence against Children (VAC).

Detailed information is mentioned in the Annex, point E1. Violence against Children.

In 2016, MoWA conducted a secondary data analysis on Women's Experience of Domestic Violence and Other Violences.

Please see detailed information in Annex, point E3, Report on Data Analysis on Women Experiencing Domestic Violence and Other Violences 2016.

Although there is not yet a comprehensive research, drug has also been considered as a main cause of violence.

58. To respond to the above findings, the RGC introduced several measures against violence on women and children.

MoWA developed 2014–2018 Neary Ratanak IV to continue up-holding the gender equality and women's empowerment.

In 2015, the RGC launched the 2014–2018 NAPVAW, which identified areas of priority for the responses and prevention strategies.

MoWA developed Guidelines on Legal Protection of Women's and Children's Rights in Cambodia for its judicial police agents and other stakeholders to use when providing support to victims.

MoWA also developed Referral Guidelines for Women and Girl Survivors of Gender based Violence to support to agents who provide related services, so as to improve the quality of services and to supplement to the 2005 Law on the Prevention of Domestic Violence and the Protection of Victims and the 2007 Criminal Procedure Code. The guidelines are the practical tools for the implementation of domestic laws so as they are in line with CEDAW and international conventions on HR.

In 2016, MoWA cooperated with MoH in developing the Minimum Standards for Basic Counseling for Women and Girl Survivors of Gender based Violence aiming at providing guidances to all service providers on know how to use human rights process/approach in assisting the victims.

In 2017, MoWA developed 2017–2021 Positive Parenting Strategy, aiming at protecting and reducing VAC and creating a safe family environment with equity, gender and non-violent.

The production of video spots educating nonviolence to be used in the community is being discussed.

Please see also point No. 77 below related to the development of the Action Plan to Prevent and Respond to VAC 2017–2021 resulted from the study on VAC.

59. Please see point 9 para.3 above on the establishment of a National Child Protection Committee.

60. At sub-national levels, there are the Capital/provincial and district/khan WCCC and the Commune/Sangkat CWCC that play roles local coordinators and implementers with the main focus on educating parents and guardians on education, hygiene, nutrition, childcare, child protection and enrolment in community pre-school.

According to a common study organized in 2016 by UNICEF, Plan International, SC, CCF, and WVI, most of the CCWCs have successfully performed their duties despite limited capacity and funds in child protection⁶³.

61. MOH developed the “A Clinical Handbook for Managing Health Care for Women Subjected to Intimate Partner Violence or Sexual Violence” which was disseminated in 2017 and successively trained to relevant staffs in accordance with the instructions of the Ministry.

MoEYS disseminated the hotlines of MoI’s AHT-JP Department, Legal Aid of Cambodia, LICADHO, LSCW, CWCC and WEC in the library within factories. MoEYS also implemented programs such as ethics education to avoid violence and discrimination in Phnom Penh and Siem Reap, prevention of child labour trafficking, provision of simple vocational trainings in community education centres, and trainings for school principals on measures to reduce drop-out in six provinces⁶⁴.

The Ministry of Tourism has collaborated with related ministries, institutions and DPs organizing 524 dissemination meetings on Child Safe Tourism with hotel owners and their staff in 25 capital/provinces, participated by 34,710 participants.

For the investigation using child friendly procedures, please see point No. 137 and 153 below.

B. Corporal punishment

CO. No. 41

62. The word “discipline” in article 1045 of the Civil Code does not mean punishment, but rather refers to teach and discipline so as the child become a good citizen. This article was stipulated with the view that the child’s understanding is still limited, if discipline rights is not given to parents, the child may act wrongly, and the discipline shall only be to the extent necessary and for educating child at home.

In fact Art. 1045 applies only to situation where the child commits any activity deemed to be antisocial, such as the petty crime, and shall not be authorized to use as an excuse to practise abuse or violence. Any punishment that is physically or mentally harmful to the child shall not be allowed as such. In case a parental power holder punishes the child over “the extent necessary”, this shall be subject to the suspension or divestment of the parental authority⁶⁵.

However, Strategy No. 4 of the Action Plan to Prevent and Respond to VAC 2017–2021 has targeted formulating and amending laws and policies through advocacy for amendment of Art. 1045 and 1079 of the Civil Code that involves corporal punishment of children.

Based on the results of the meeting between children’s representatives and the representative of the National Assembly’s Legal and Judicial Commission on 21 July 2017, the representative of the Legal and Judicial Commission has promised to bring concerns regarding the interpretation and implementation of the above article to the Minister of Justice so as to prevent the misunderstanding the use of the provisions of the laws.

63. For the public education, awareness raising and social mobilization on dangerous impacts of corporal punishment, please see point No. 58 above.

64. MoWA has incorporated the NPA on Child Development into the Strategic Plan of Neary Ratanak IV to contribute to the child rights upholding and elimination of discrimination on children⁶⁶.

⁶³ Protecting Cambodian Children? The Role of Commune Committees for Women and Children, and Informal Community-based Child Protection Mechanism in Cambodia, p. 5–7.

⁶⁴ CNCC, Report of Children Situation in 2016 and Targets for 2017.

⁶⁵ Explanatory Note on Article 1045 of Civil Code.

⁶⁶ Source: CNCW.

The CNCC Secretariat has mainstreamed the NPA on Child Development 2016–2018 into 3 ministries; namely, MoSVY, MoH and MoWA and to 3 provinces, Tbaung Khmum, Siem Reap and Prey Veng.

C. Sexual exploitation and abuse

CO. No. 72

65. According to the 2009 Criminal Code that defined the age for sexual majority at 15 years⁶⁷, all acts of rape, prostitution, sexual abuse on minor below 15 shall be considered as severe crimes that shall be punished with imprisonment from 7 to 15 years⁶⁸. Indecent acts on minor below 15 shall be punished with imprisonment from 1 to 3 years⁶⁹.

The NCCT issued the Guidelines on Law Enforcement to Suppress Human Trafficking and Sexual Exploitation⁷⁰ that defines the measures to be taken against each offense.

In addition to the Guidelines on the Use of Court Screen and TV-Linked Testimony from the Child/Vulnerable Victims or Witnesses⁷¹ to effectively enforce the 2008 Law on the Suppression of Human Trafficking and Sexual Exploitation, MoJ issued Guidelines No. 01/09 dated 23 February 2009 on the Implementation of Articles 42 and 43 of the Human Trafficking Law and the Explanatory Note for the Human Trafficking Law in 2013 that describe explicitly the general concepts and the principles of each article.

The RGC established the Cambodian COMMIT WG⁷² to coordinate all activities related to human trafficking and migration at national and regional level.

The 2009 Law on Tourism provides the shared responsibilities between the Ministry of Tourism and other ministries, institutions and relevant authorities in the prevention of sexual exploitation in tourism⁷³. The manager of hotels or guesthouses should:

- Instantly complain or report to the competent authority, in case of having known or suspected human trafficking and confinement, child trafficking and sexual exploitation/prostitution, disseminations of pornographic pictures and materials;
- Register the identity and other information of all guests upon the beginning of their stay.

Minors are prohibited from the premises of an adult tourism entertainment centres, and the managers and licensees of adult entertainment centres must ban and take reasonable measures to ensure that no minors are present⁷⁴.

MoSVY developed policies regarding the Protection of the Rights of Victims of Human Trafficking and the Minimum Standards on the Protection of the Rights of Victims of Human Trafficking as presented in item 139 of this report.

For detailed information on child exploitation, sexual abuse and trafficking please see Annex on Point I.3 Sexual Exploitation, Abuse and Trafficking.

⁶⁷ Criminal Code, Art. 239.

⁶⁸ 2008 Human Trafficking Law, Art. 28, 34, 41 and 42 and Criminal Code, Art. 241.

⁶⁹ 2008 Human Trafficking Law, Art. 43 and Criminal Code Art. 340.

⁷⁰ Guidelines No. 001 dated 20 October 2008 on the Implementation of the Human Trafficking Law.

⁷¹ Prakas No. 62/08 dated 06 October 2008.

⁷² Decision No. 71 dated 20 November 2009 on the Establishment of the Cambodian Working Group against Human Trafficking in the Great Sub-Mekong Region, called the Cambodian COMMIT Working Group.

⁷³ Law on Tourism, Art. 11.

⁷⁴ Law on Tourism, Art. 56 and 57.

D. Torture or other cruel, inhuman or degrading treatment or punishment

CO. No. 39

66. The law guarantees there shall be no physical abuse against any individual. The prosecution, arrest, or detention of any person shall not be done except in accordance with the law. Cambodia does not have criminal offense related to the status of individual.

Youth Rehabilitation Centres are open; residence is voluntarily. Social centres aim to solve the problems of street people through counselling, healthcare, and provision of vocational training so they can make income and do not go begging. Both centres are not detention centres, but where to find assistance. The RGC recognizes that those centres shall improve their services and need more resources to respond to the international standards.

Please see also points No. 135 and 136 below.

67. Minors who commit an offence shall be subject to supervision, education, protection, and assistance⁷⁵. However, a court may impose a criminal penalty on a minor of 14 years and above if warranted by the circumstances of the offence or the character of the minor. A minor under 14 years old may not be the subject of criminal actions, and may not be temporarily detained. The investigating judge can decide to send the minor temporarily to his guardians or Rehabilitation Centre while waiting for the Court Decision⁷⁶.

According to the legal principles, the court may take other possible options instead of punishment, such as community works, blame or experience.

68. The Sub-Decree on the Establishment and Functioning of the Youth Rehabilitation Centre was adopted on 29 September 2017⁷⁷. The inter-ministerial WG under the leadership of MoSVY for the development of regulations related to the J.J. Law implementation has developed Strategic and Executive Plan 2017–2019 for the effective implementation of the law.

However, the RGC always appreciates measures in the community rather than putting the child in a centre.

69. The 2006 Minimum Standards on Residential Care for Children and the 2008 Minimum Standards on Alternative Care for Children in the Community required that a complaint mechanism being established, and make sure that children are informed of their rights and the procedures.

70. Cambodia does not have a separate law on the protection of child victims, but existing laws and regulations can assist children to seek justice by filing complaints to competent authorities, as stated in Art. 6 para. 1 of the Criminal Procedure Code.

If a civil party does not receive any payment for damages or compensation from the convicted person or from the civil defendants, he may request the Prosecutor to impose imprisonment in lieu of payment⁷⁸.

71. For the time being the Court is the sole mechanism where children can seek assistance on the investigation related to all rights abuse, as stated in the Optional Protocol.

As for the CHRC, it is a governmental institution that assists the RGC on HR issues.

Related to child abuses, CHCR does not receive the complaint; the victim shall file complainant to the court in accordance with the existing procedures.

Please see also point No. 22 above.

72. Cambodia adopted the Law on Drug Control in 2012, and has much reduced the issues through many activities, mainly by mainstreaming the awareness on drug dangers into the national education program, raising the awareness directly in the community and

⁷⁵ Criminal Code, Art. 39.

⁷⁶ Criminal Code, Art. 96 and 212.

⁷⁷ Sub-Decree No. 155 dated 29 September 2017 on Organization and Functioning of the Youth Rehabilitation Centre.

⁷⁸ Criminal Procedures Code, Art. 533.

through the media, entertainment services, and the adoption of drug abusers treatment program in the community⁷⁹.

73. In compliance with the OP to the Convention against Torture acceded in 2007, the RGC has created a National Mechanism⁸⁰ to prevent torture, whose duties are to monitor all detention centres and their infrastructure nationwide. The Mechanism is now upgraded to a National Committee⁸¹. NGOs have also participated in this monitoring.

E. Measure to promote recovery and social reintegration of child victims

74. MoSVY's Prakas No. 852 on Implementation of the Policy on Protection of the Rights of Victims of Human Trafficking and Prakas No. 857 on Minimum Standards for Protection of the Rights of Victims of Human Trafficking provided detailed intervention procedures to assist victims of human trafficking, starting from the identification, rescue, physical and psychological treatment, provision of vocational training and reintegration back to the family and community.

For additional information, please see Annex on points E. Violence against Children and H. Special Protection Measures.

F. Child helpline

75. The General Commissariat of the National Police has 2 special hotline numbers 1288 and (023)997 919 that receive calls 24h per day on all abuses and take timely actions on investigation and suppression. All provincial Police Commissariats also have their own hotlines.

- In 2017, the Phnom Penh Municipality announced its hotline number 1299 for all emergencies.
- Some NGOs also have child helplines: Child Helpline Cambodia (CHC), AFESIP, Mith Samlanh and WV.

Follow-up of the UN study on violence against children

CO. No. 42

76. In 2013, Cambodia has conducted a research on violence against children and young adults. The results of the study underline urgent needs to solve VAC of all kinds, and to establish a NAP to effectively prevent and respond violence and uphold child rights.

Please see detailed information on the findings of the Study on VAC in Cambodian in 2013 in Annex, point E.1. Violence against Children.

In 2014, 13 ministries/institutions⁸² declared their commitment to respond to VAC so as to looking forwards to the development of a NPA on VAC; in 2015, MoWA led the development of the Action Plan to Prevent and Respond to Violence against Children 2017–2021 which was officially launched in December 2017. This plan is informed by principles and strategies of INSPIRE. Targets and goals are set for all key partners, clearly affirming the country's commitment to child safety.

Responding to its commitment, the Ministry of Cult and Religion (MoCR) developed a Curriculum on "Buddhist Response to Violence against Children" to be included in the Bachelor Degree of Buddhism education academic programme all over the

⁷⁹ 2014–2018 NSDP, p. 29–30.

⁸⁰ By Sub-Decree 122 dated 07 August 2009 On the Establishment of National Torture Prevention Mechanism.

⁸¹ By Royal Kret N0. ns/rkt/0817/619 dated 22 August 2017 on the Establishment of National Committee against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment.

⁸² MoWA, MoSVY, MoEYS, MoH, MoI, MoJ, MoLVT, Ministry of Tourism, Ministry of Information, Ministry of Cult and Religion, NIS of Ministry of Planning, the CNCC and National AIDS Authority.

Kingdom⁸³. Moreover, from 2010 to May 2018, MoCR has disseminated the concepts of Buddhism for Children 141 times, to 185,276 participants in 25 Capital/provinces.

Cambodia has organized a consultative meeting on the preparation of the Draft of the ASEAN Action Plan to Eliminate Violence against Children in 2015 to review, comment and give additional inputs to the draft. As a result, the plan was adopted by the ASEAN Ministerial Meeting on Social Welfare and Development (AMMSWD).

VII. Family environment and alternative care

A. Family environment and parental guidance, and parents' responsibilities

CO. No. 44

77. To promote the effective implementation of the 2010 National Policy on ECCD, the ECCD Committee has been established in April 2013⁸⁴.

On positive parenting, please see Annex on point F.1. Family Support.

78. In 2015, The RGC issued the Sub-Decree No. 119 on the Management of Residential Care Centre. MoSVY has been entrusted to review and evaluate the competency and possibility to transfer the centre management functions to the sub-national level and cases of children that can gradually be transferred to the sub-national administration, and oblige the centres to prepare and keep the file for each child, have family reunification and reintegration programs, and develop the internal regulations on the prevention and resolution child abuse cases, including also complaint procedures⁸⁵.

B. Separation from parents

79. The laws provide that parents have the duty to take good care of their children. In case the parents abuse their rights or neglect their obligations while exercising their parental power, the court may order the suspension or divestment of the authority of the parental power holder⁸⁶, and appoints new guardian. But the court may also dismiss a guardian of a minor who commits a wrongful act or other act rendering him or her unfit for the office of guardian⁸⁷.

The government policy was that child placement in family or community is the best, and that the institutional care is only of last resort and temporary⁸⁸.

C. Family reunification

80. If the reasons for the suspension or divestment of the parental authority have finished, the court may revoke its decision⁸⁹. The court shall dissolve an adoption in case there is severe abuse of the interest of the adoptee, and the natural parents being able to carry out suitable care and custody of the child. The child shall then have the same relationship with his/her natural parents and their blood relatives terminated as a result of the full adoption re-establishes after the date of dissolution⁹⁰.

⁸³ MoCR Prakas No. 162/17 dated 09 October 2017 on The Launch of the book on Buddhist Responses to VAC for Bachelor Degree of Buddhist Education.

⁸⁴ By Royal Kret No. ns/rkt/0412/317 dated 04 April 2013 and Sub-Decree No. 190 on the Establishment and Functioning of the General Secretariat of the National Committee.

⁸⁵ Sub-Decree No. 119 (2015) on Residential Care Management, Art. 4 and 9.

⁸⁶ Civil Code, Art. 1048.

⁸⁷ Civil Code, Art. 1073.

⁸⁸ 2006 Policy on Alternative Care.

⁸⁹ Civil Code, Art. 1049.

⁹⁰ Civil Code, Art. 1016 and 1017.

MoSVY's 2011 Prakas No. 2280 on Procedures to Implement the Policy on Alternative Care provides that when there is a danger that a child will be separated from his/her family due to a situation of risk, it shall be a priority to prevent such separation through supportive services to the family. The 2006 Prakas on Minimum Standards on Residential Care stipulated that the centre shall evaluate the possibility of reintegration every year. Please see also point No. 83 below.

D. Recovery and care for the child

81. Abused children without family care are taken care either by state or NGO centres. They are provided with psychological support, basic education and vocational training in accordance with their age and willingness. After they got stability/recovery from the trouble they have experienced, they are reintegrated back into their family or community. Please see detailed information in Annex, point 11.b related to the Partnership Program for the Protection of Children (3PC).

E. Children deprived of a family environment

CO. No. 46

82. MoSVY Prakas No. 2280 provides the operating principles, procedures, formalities, roles and responsibilities of all actors involved.

In August 2011, MoSVY launched the Standards and Guidelines for the Care, Support and Protection of Orphan and Vulnerable Children that provides vital guidance on essential needs of the child as an individual.

83. According to the 2015 Sub-Decree No. 119 and its Strategic Plan 2014–2018, MoSVY has developed an Action Plan for Improving Child Care targeting Safe Returning of 30% of Children in Residential Care to their Families in between 2016 and 2018. In 2016, 267 out of 406 centres housing 11,788 children in 5 capital and provinces are considered as the priority for the reintegration of 30% of the children back to family and community from 2016 to 2018. The Ministry has already asked the 5 capital and provinces, especially to the WCCC, DoSVY Directors and DPs to collaborate in the development of Capital/Provincial Executive Plan to effectively support the above mention Action Plan⁹¹.

F. Periodic review of placement

84. MoSVY has a Child Care Inspection Office⁹² under the Department of Child Welfare, that is responsible for the development and implementation of policies and legal frameworks related to the inspection of child care services, and the residential care inspection program twice a year, and extraordinary inspection as needed. In 2015, MoSVY issued an Instruction⁹³ to assign Focal Points within Capital/provincial DoSVY to take charge of the inspecting of residential and community based care services. The Minimum Standards for AC in the Community provides that the NGOs that reintegrate the children shall regularly conduct home-visits to the children.

In 2016, the Inspection Forms have been inserted into Tablets and 66 tablets have been provided to City/District/Khan focal points in 5 provinces⁹⁴.

85. The RGC has recently issued the Sub-Decree No. 34 dated 07 March 2017 on the Transfer of the management and monitoring of residential care centers to sub-national levels in order to move decision-making authorities and responsibilities to the sub-national

⁹¹ Report on Residential Care Institution Mapping in 25 municipality and provinces in Cambodia.

⁹² Established by Prakas No. 257 dated 21 March 2008, then revised by Prakas No. 225 dated 10 October 2011 on Establishment and Functioning of Offices and Centres under Child Welfare Department.

⁹³ Letter No. 008 MoSVY dated 25 March 2015.

⁹⁴ MoSVY: 2016 Annual Report and Targets for 2017, p.4.

administrations that are nearest to child victims and vulnerable children. The financial and human resources as well as the assets related to child welfare shall also be transferred to the sub-national levels⁹⁵.

G. Adoption

CO. No. 48

86. To push forwards the implementation of the ICA Law, MoSVY issued successively necessary regulations as mentioned in Appendix I – List of Child Related new Laws and Regulations Adopted between 2008 and 2018.

MoSVY and MoEF issued a joint Prakas⁹⁶ to ensure transparency and prevent any illegal financial remuneration⁹⁷.

MoSVY's 2011 Prakas No. 2280 provides detailed procedures on 1) identification of vulnerable children to be referred to related services at sub-national level and community, as well as the assessment of children and family situation for family preservation and reunification purpose, and 2) provision of AC services as a temporary solution, then prepare the permanent placement plan, including domestic adoption, ICA as well as case follow-up⁹⁸.

MoSVY has provided trainings to 14 ICA Agencies⁹⁹, Court Officials and Commune Chiefs in Banteay Meanchey and Battambang to build their capacity as ICA agency, decision makers on ICA and persons involved in ICA, and MoSVY is planning to conduct the same training in other 4 provinces. MoJ developed the Explanatory Note on Domestic Adoption and conducted workshops to disseminate this Explanatory Note in 2016.

The Guidebook Towards the Optimum Implementation and Application of the Hague Convention 1993 Related to ICA (Guidebook No, 1) has been translated into Khmer in 2010 then distributed to experts working on ICA.

Cambodia is reforming the Database of the ICA Administration, and has developed the country profile to be posted on the website of the Hague Permanent Office.

The ICA Central Authority has printed 1,200 flipcharts on ICA Procedures (2015) and went abroad many times for study visits and to exchange/discuss bilateral collaboration with diplomats, embassies, UN Agencies, ICA Agencies and experts who are interested in ICA in Cambodia.

So far, no adoption case has been processed under the ICA Law. From 2012 to 2017, the ICA Administration received the progress reports of 1,889 adopted children.

The domestic adoption (orphan), one of AC options prior to ICA, has not been functional.

H. Eviction of children and their family from their land

CO. No. 62

87. The expropriation of properties shall be exercised only in the public interest as provided for under the law, and shall require fair and just compensation in advance¹⁰⁰. It

⁹⁵ Sub-Decree No. 34 dated 07 March 2017, Art. 1 and 2.

⁹⁶ Prakas No. 448 dated 10 April 2013 on ICA Fees and Contributions.

⁹⁷ ICA Law, Art. 5 and 25.

⁹⁸ 2011 Prakas on Procedures to Implement the Policy on Alternative Care.

⁹⁹ 1. Amici dei Bambini, AIBI, 2. Cambodia International Family Apple (CIFA), 3. SOCIETE FORMONS UNE FAMILIE INC., 4. Cammenita Di Sant egidio, 5. CREIXER JUNTS, 6. NAAA Onlus, 7. CIAI, 8. Ariete Office in Phnom Penh, 9. Lo Scoiattolo ONLUS (LOSO), 10. Christian World Adoption, 11. Agence Francaise de l' Adoption, 12. Children's Hope International, 13. Adoption Associates, Inc and 14. Adopt Abroad.

¹⁰⁰ Constitution, Art. 44.

shall serve the nation and public interest, and for the development of public physical infrastructures¹⁰¹.

Cambodia does not have a law or policy on eviction of citizens from their land or house, except in the case they illegally occupy the public land or the land belongs to others. Although there were some land disputes, the competent ministries, institutions and authorities constantly solve the problems based on the law and by mutual understanding.

In 2012, the RGC has temporarily stopped the concession of economic lands so as to take measures for the sustainable interest of the population¹⁰².

As of the end of 2017, the RGC has distributed over 122,211.62ha of social land concession to poor families, including 3,304 families of demobilized armed forces in Oddar Meanchey, Preah Vihear and Svay Rieng.

As of the end of 2017, the RGC has issued 4,881,582 land titles, of which 4,647,886 titles have been distributed to the population (66.4% of the total of 7 million land plots). Among those title registrations, 3,626,158 land titles are registered with systematic land registration, and 519 land titles with collective land registration for 19 indigenous communities¹⁰³.

Despite such efforts, Cambodia recognizes there are more to be done to alleviate land disputes.

I. Children with incarcerated mothers

CO. No. 64

88. Female prisoners shall be provided with maternal health care before and after child birth¹⁰⁴. Children accompanying their mother shall be authorized to stay with their mother in prison until the age of 3 years and shall be provided with food, clothing and health care¹⁰⁵. Custody of the accompanying children aged three years and above, shall be under MoSVY if they have no custodian outside the prison. Special attention has been paid to the particular needs of juvenile convicted prisoners for education, vocational training, rehabilitation and reintegration. Torture, acts of cruelty and other forms of abuse against a prisoner shall be punishable according to the Criminal Code of Cambodia¹⁰⁶.

Some NGOs provide healthcare and education to children living with their convicted mother, like LICADHO and Prison Fellowship.

In 2015, the RGC established a WG to collect the statistics of pregnant convicted women and women having small children with them to request for forgiveness¹⁰⁷.

As of September 2017, there were 121 children (63 girls) living with their mother in prison; there were 46 pregnant convicted women all over the country as of January 2017.

The RGC made all efforts to ensure that children accompanying their mother in prison are protected. The RGC recognizes that there are more to be done to take good care of children accompanying their mother in prison and to minimize the impacts stemming from the situation in case it is inevitable.

¹⁰¹ Law on Expropriation, Art. 2.

¹⁰² Order No. 01 dated 07 May 2012, 2014–2018 NSDP, p. 52.

¹⁰³ Summary Report on Main Realizations of the Royal Government of Cambodia 2012–2016, p. 27–28.

¹⁰⁴ Law on Prison, Art. 40.

¹⁰⁵ Law on Prison, Art. 41 and 67.

¹⁰⁶ Law on Prison, Art. 81.

¹⁰⁷ Decision No. 09 dated 17 February 2015.

VIII. Disabilities, basic health and welfare

Disability

CO. No. 52

89. MoEYS adopted the NAP on Non-Formal Education 2008–2015 aiming at developing the human resource so as to contribute to the realization of the Education for All goals.

The Law on the Protection and the Promotion of the Rights of Persons with Disabilities was adopted in 2009 with the following objectives:

1. To protect the rights, freedoms and interests of persons with disabilities;
2. To prevent, reduce and eliminate discrimination against persons with disabilities;
3. To provide physical, mental and vocational rehabilitation in order to ensure that persons with disabilities are able to fully and equally participate in activities within society¹⁰⁸.

The RGC established the National Disability Strategic Plan (NDSP) 2014–2018 to increase the attention on women and children with disabilities so as they receive equal and full rights and fundamental freedom.

The RGC Sub-Decree No. 108 dated 30 August 2010 on Determining the Rate and Formality of Recruitment of PwDs provides that:

- Ministries, State entities which employ from 50 upward of civil servants shall has person with disabilities with qualifications and task responsibilities according to the type of career in the rate of 2% of total of civil servants.
- Legal Entities which employs from 100 workers upward shall has person with disabilities with career qualifications and task responsibilities according to the type of career in the rate of 1% of total of workers.
- Ministries, State entities and Legal entities which employ civil servants and workers less than the amount set above shall be encouraged to employ person with disabilities.

The Disability Action Council (DAC) is now implementing the Disability Rights Initiatives in Cambodia (DRIC) project with the long term goal to improve quality of life for persons with disabilities in Cambodia. The PwDs have more opportunities to participate in social, economic, cultural and political life through effective implementation of the NDSP 2014–2018.

A. Data on children with disabilities

90. Cambodia is in the process to develop a database on Children with Disabilities (CwD) and Ministry of Planning (MoP) conducts regular census. The 2013 Cambodia inter-censal population survey of NIS, MoP found that 2.06% of Cambodians have disabilities (a total of 301,629 persons, of whom 52.05% are men); there are more PwDs in rural areas than in urban areas, mostly, in the Kampong Chhnang and Kampong Thom province. Of all PwDs, 10.63% are children under 15 years old, which equal to 29.4% of all children of that age¹⁰⁹. For detailed information on disability disaggregated by age, sex, kind of disability and education, please see Appendix IV– Disability.

¹⁰⁸ Law on Protection and Promotion of the Rights of People with Disabilities, Art. 2.

¹⁰⁹ 2013 Inter-Census Survey, Report No. 5 on Disabilities, p. 23.

B. Adoption of policy for early screening, identification, early intervention and prevention

91. A interministerial Prakas between MoSVY and MoH defines Criteria and Degree of Disabilities¹¹⁰, and MoH NAP related to the early identification and prevention of disability have been created.

Please see also points No. 43, 44 and 100 of this report.

C. Provision of basic services for CwD with the responsibilities of the state

92. Between 2012 and 2016, hundreds of deaf-mute, blind and low intellect children have learnt braille through learning programs of NGO partners¹¹¹. MoI has printed Book on Guidelines on Inclusion of Disabilities into the Governance of the Sub-national Administration¹¹².

MoSVY has been operating the National Centre for Infant and Children to receive abandoned babies and children referred from hospitals and DoSVY. Currently, there are 136 babies and children with disabilities, age between 1 to 18 years, residing in this centre. Care, recreation activities, physiotherapy and simple vocational trainings are provided in this centre.

D. Health specialist training and mobile clinic

93. So far, there is no mobile clinic for CwD. The Ministry of Rural Development has conducts the awareness raisings on community hygiene and public health to improve the welfare of the population.

E. Awareness-raising programs with assistance of the media, civil society and community leaders

94. Awareness-raising programs on the rights of CwD and combatting discrimination against CwD are conducted by national DAC, Capital/provincial DACs, Ministry/Institution WGs and NGOs working on disabilities.

After the launching of the 2014–2018 NDSP, DAC disseminated the Law on Disabilities, the Convention on the Rights of PwD, the 2012 Incheon Strategy and the 2014–2018 NDSP to members of DAC in 20 Capital/Provinces with 810 participants, and to 19 ministries /institutions with 650 participants. DAC has also raised the awareness on the rights of PwD and combatting the discrimination against PwD to 85 relevant officials in Kampot and Svay Rieng, Koh Kong, Siem Reap and Rattanakiri.

F. Special education, non-formal education and teacher training adopted to various types of disabilities

95. The 2007 Law on Education provides that “the State shall encourage and promote the creation of special education for persons with disabilities”¹¹³:

- CwDs have the right to study with other students in normal programs;
- CwDs with special needs have the rights to receive additional teaching;
- CwDs who are not able to learn with other students have the right to receive special education in separate special classes.

¹¹⁰ Summary Report on Main Realizations of the Royal Government of Cambodia 2012–2016, p. 76.

¹¹¹ MoI’s 2016 Annual Report and Targets for 2017, p. 5.

¹¹² 2007 Law on Education, Art. 38–39.

¹¹³ Items 76, 78 and 79, General Comment No. 9 (2006) The Rights of Children with Disabilities.

MoEYS has established a Department of Special Education to 1) develop policies and plans for special education, 2) develop the special education infrastructures, and 3) provide opportunities to talented learners with disabilities. MoEYS has also established the Special Education Institute to provide trainings to teachers for people with disabilities at all levels and develop training curriculums and in-service trainings according with capacity at all levels and labour market needs for people with disabilities.

The 2008 Policy on Education for CwD has been amended into the Policy on Inclusive Education to embrace expanded coverage from preschool to higher levels.

G. Ratification of the Convention on the rights of persons with disabilities

96. Cambodia ratified the Convention in 2012.

H. Considerations of the committee's general comment No. 9 of 2006 on the rights of children with disabilities (CRC/C/GC/9)

97. There is no data on children crippled for the purpose of begging. Cambodia never recruits children into the armed forces, especially children with disabilities. There is no refugee child, unaccompanied children or displaced child with disabilities to be noticed¹¹⁴.

Basic health and welfare

A. Survival and development

98. The political program of the RGC continues to give the priority to child welfare development to promote the implementation of the CRC, especially to guarantee children rights to life and survival, development and participation. The 4 clusters of rights have been streamlined into several programs of the 2014–2018 NSDP. The 2011–2015 NSPS also sets out the support to children and youth.

For additional information on life, survival and development please see also points No. 99–102 below.

B. Health and health services, in particular primary health care

CO. No. 54

99. Cambodia considers health promotion and nutrition of the population as the first priority in human resource capacity building and development, especially those of the children. The RGC adopted the 2008–2015 HSP2 in order to enhance sustainable development of the health sector for better health and well-being of all Cambodians, especially of the poor, women and children.

As of 2016 health facilities all over the country comprise 1,165 Health Centres, 83 Health Posts and 110 Hospitals (9 National Hospitals, 24 Capital/Provincial Hospitals and 77 Referral Hospitals in 98 Operational Districts (ODs) in the 25 Capital/Provinces¹¹⁵.

The equity funds program is now implemented in all the 25 Capital/Provinces, covering a total of 1,258 health facilities (1 National Hospital, 21 Provincial Hospitals, 98 Referral Hospitals, 1,069 Health Centres and 68 Health Posts) with a total population of around 2.6M¹¹⁶.

MoH is performing child healthcare in connection to women healthcare during pregnancy, before, during and after delivery, and the healthcare of the new born and

¹¹⁴ Summary Report on Main Realizations of the Royal Government of Cambodia 2012–2016, p. 78.

¹¹⁵ *Ibid.* p. 81.

¹¹⁶ 2014–2018 NSDP, p. 119–121.

toddlers until they grow up. The Ministry has increased the coverage and access to pre-natal care, safe delivery, post-natal care, maternal emergency and baby care with quality as well as the mother to child transmission prevention and the provision of 11 main vaccines, breastfeeding, monitoring of baby and child development, the provision of micro-nutrients and vitamins, deworming and treatment of severe mal-nutrition.

100. Please see achieved results on Annex on point G2. Health and Health Services.

101. MoH disseminated the Roadmap on Accelerating the Nutrition Improvement 2014–2020 that focuses on some activities, such as counselling on nutrition to pregnant women, provision of additional micro-nutrients to children and women, treatment of wasting children, communication for behaviour change focusing on the first 1,000 days of life, elimination of financial and human resources obstacles in order to expand the nutrition intervention and push for inter-ministerial support and improvement of data on nutrition through existing system.

102. In the 2008–2015 HSP2, non-communicable diseases are considered as one of the 4 priorities to be addressed. To respond to this, MoH adopted the National Strategic Action Plan on the Prevention and Control of Non-communicable Diseases 2013–2020.

The RGC has adopted the National Strategy for Rural Water Supply, Sanitation and Hygiene 2011–2015 with the vision that everyone in rural communities has sustained access to safe water supply and sanitation services, and lives in a hygienic environment by 2025.

On rural development such as provision of safe water and community hygiene, please see Annex on point G.4.

C. Efforts to address health challenges

103. The main health challenges include:

- The mother, baby and child mortality rates as well as mal-nutrition rates remain high;
- Responses to communicable and chronic diseases as well as other public health issues are not effective;
- The provision of health services has not yet responded to the needs of the population both in quantity and quality, because of lack of medical instruments and technology in the Health Centres and Referral Hospitals, lack of health personnel/MDs especially in Health Centres in rural areas, and of inconsistency in the application of professional ethics among health workers;

MoH has made the efforts to address all above challenges through:

(a) Giving incentives to the state midwives, spreading the midwives to all health centres, increasing numbers of delivery waiting rooms, strengthening referral system from health centres to referral hospitals, antenatal and postnatal cares, provision of preventive medicines, and prevention of mother to child contamination of HIV;

(b) Provision of micro-nutrients to children, pregnant women and women who have just delivered baby, children deworming, trainings of community teachers and provision of services on a management of wasting¹¹⁷;

(c) Mainstreaming the works related to combat against communicable diseases and seeking support from main partners¹¹⁸. Enforcement of laws and regulations related to tobacco and alcohol control, and TOT on food safety and hygiene¹¹⁹;

(d) Health service provision through equity funds to poor women and children and to PwDs.

¹¹⁷ *Ibid.* p. 122.

¹¹⁸ *Ibid.* p. 125.

¹¹⁹ 2010 Most at Risk Young People Survey, p. 10.

D. Adolescents' reproductive health rights

CO. No. 56

104. In 2016, there were 718 health facilities all over the country where staff were trained on reproductive health of adolescents (adolescent friendly services) and are capable to provide the information on reproductive health.

MoH's Department of Mental Health and Drug Abuse is working to increase the access and coverage of primary and comprehensive services for mental health, detoxification and enhancement of understanding about mental health risks. In 2016, the Department provided trainings to health workers and launched mental health and drug abuse services in one health post, 194 health centres and 71 referral hospitals.

Please see further Annex on Point G2. Health and Health Services.

105. A study conducted by MoEYS in 2010 called "Most at Risk Young People Survey" found that there are three main factors influencing those adolescent behaviours: 1) self-confidence, 2) strong appreciation of peers and friends, and 3) Family and social atmosphere¹²⁰.

In 2012, MoEYS conducted another study called "Examining life experiences of young workers in entertainment sector who are at high risks of HIV transmission in four Cambodian cities", to analyse the situation of young workers in this sector.

In that year of 2012, the Royal University of Phnom Penh also conducted a study to get better understand about mental health problems, cognitive disorders, drug abuses, aggressive attitude, suicide, depression, and other effects on adolescent mental health¹²¹.

In 2013, NIS and MoH conducted a survey on Teenager Fertility, Socio-Demographic Characteristics and Risk Factors, to supplement the CDHS. It was found that there are several child related problems, such as aggressive attitude in family, abuses committed by boys, and suicide.

Please see Annex on point G3. Drug and Substance Abuse for more information on number of drug users treated in health facilities.

Adolescent friendly services

106. To address the risks of reproductive health and other communicable diseases among youth and adolescents, MoH conducted the interventions focusing on individual behaviour through enhancement of sexual act control such as delaying in sexual intercourse among adolescents, avoiding multiple partners, avoiding early pregnancy and improving health care seeking behaviours. In 2016, 718 health facilities provided reproductive health to youth and adolescents¹²².

E. Detoxification, treatment and rehabilitation in accordance with human rights standards

107. The Sub-Decree No. 162 dated 22 December 2010 on the Establishment of a National Centre for Treatment and Rehabilitation of Drug Dependents provides that the centre shall be under the management of MoSVY and aim at detoxify, treat, educate, rehabilitate, provide vocational training and reintegrate the recovered patients back into the community and family¹²³.

¹²⁰ 2012 Cambodian Mental Health Survey 2012.

¹²¹ MoH's 2016 Annual Report.

¹²² Sub-Decree No. 162 dated 22 December 2010 on the Establishment of Center for the Treatment and Rehabilitation of Drug Users, Art.1 and 3.

¹²³ Law on Drug Control, Chapter 6 on Treatment and Rehabilitation.

The 2011 Law on Drug Control¹²⁴ states that the State shall use all mechanisms to support the appropriate delivery of services for medical treatment and rehabilitation of all drug dependent users without any discrimination, and shall ensure that services for the reduction in harms caused by drug abuses, health services and national policies to mitigate health risks shall be in place and available. All expenses for medical treatment and rehabilitation of drug addicts at public centres shall be covered by the State, and the State shall encourage private-owned centres to involve in this task¹²⁵. The principles of treatment and rehabilitation include consent shall be obtained from the drug users or her/his guardian, scientifically medical and social services are align with national and international standards, no person under treatment and rehabilitation are subject to experiment, and confidentiality is protected¹²⁶.

As of 2016, there were 10 detoxification centers, of which 7 are state centers and 3 are private centers. 21,298 drug dependents have received the treatment¹²⁷.

Cambodia has not yet conducted a study on youth suicide due to lack of resources and techniques. Comprehensive and systematic measures to prevent and improve youth mental health have not yet been in place.

Recommendation No. 4 (2003): adolescent health and development

108. Cambodia has paid attention on adolescents whose physical grow, thinking and social development change so quickly, including the fact that they are moving towards the age of reproductive and sexual health¹²⁸. In general, the access to information and health services does not depend on the individual situations. The State has prevented the adolescent from the worst forms of labour through different measures as mentioned in points 125 to 128 (on child labour) below.

F. Measures to protect children from substance abuse

109. Direct incitement of a minor to unlawfully and regularly consume large quantities of substances shall be punishable by imprisonment and a fine¹²⁹.

Please see point 107 above on the establishment of centres for the treatment and rehabilitation of drug users.

The purpose of the 2011 Law on Drug Control is to prevent and combat drug offences, control all legal activities related to drugs and to ensure the fulfilment Cambodia's obligations as a party to the conventions and protocols of the United Nations pertaining to drugs.

The law punishes all acts of coercing minor aged 15 and above to illegally use narcotic substance by imprisonment and fine, and the punishment shall be doubled if the minor is under 15 and so as for the use of violence, threat or other actions that force someone to illicitly use substance. The act of facilitating illicit use of substance by minor shall be also be punished by imprisonment and a fine¹³⁰.

MoEYS issued the Guideline No. 16 dated 04 April 2017 on Taking Measures on Education and Dissemination to prevent Drug Abuse in Public and Private Schools, which warned that: 1) all education institutes shall develop plans and timetable on drug education, 2) incorporate drug issues in the monthly and semesterly examination, and 3) report to the competent authorities in case there is drug issue in the institute.

¹²⁴ Law on Drug Control, Art 100.

¹²⁵ Law on Drug Control, Art. 101–103.

¹²⁶ Summary Report on Main Realizations of the Royal Government of Cambodia 2012–2016, p. 3

¹²⁷ Item 2, General Comment No. 4 (2003) Adolescent Health and Development in the Context of the CRC.

¹²⁸ Criminal Code, Art. 343.

¹²⁹ Law on Drug Control, Art. 42–44 and 50–52.

¹³⁰ Dated 4 April 2017.

The 2015 Law on Tobacco Control prohibits the sale and distribution of all kinds of tobacco products to persons under 18 and pregnant women. Persons under 18 shall not be allowed to bring tobacco products into the Kingdom of Cambodia. It is prohibited to sell and distribute all types of tobacco products in schools and children's parks. The sale and distribution of all kinds of tobacco products to persons under 18 and pregnant women shall be punished by imprisonment and a fine¹³¹.

G. Social Security and Living Standards

Social Security and Childcare Services

110. The 2011–2015 NSPS was developed as a priority in the development and the safety net program for the poor and vulnerable with the provision of social welfare services, especially for children.

The RGC seeks “to continue to develop and to strengthen the social protection system in a unified, consistent and effective manner”. The 2016–2025 NSPPF that was adopted by the Council of Ministers on 24 March 2017 is a long-term roadmap for the social protection system development in Cambodia consists of two main pillars: social support and social security¹³².

The 2014–2018 NSDP strategies also strive to continue strengthening and developing the social support system in a unified, consistent and effective manner¹³³.

The Equity Fund has been implemented all over the country, covering 1,258 health facilities and a total of 2.6M people in 2016.

On childcare services, please see point 82 above.

H. Standard of living

CO. No. 60

111. Please see points No. 2 and 3 above.

The vision of the 2011–2015 National Strategy for Rural Water Supply, Sanitation and Hygiene is everyone in rural communities has sustained access to safe water supply and sanitation services, and lives in a hygienic environment by 2025.

I. HIV/AIDS

CO. No. 58

112. Cambodia took control on the spread of HIV/AIDS in 2000, by reducing the prevalence of HIV infection among persons over 15 years old to 0.6% in 2016. By projection, this may drop to 0.5% in 2020¹³⁴. Cambodia is “poised to become the first low-income country to achieve virtual elimination of HIV transmission by 2025¹³⁵”. In order to reach this goal and besides the fourth Strategy to Combat AIDS (2015–2020), the RGC has established the National AIDS Authority to be the sole body to coordinate and lead efforts related to AIDS under a unified strategic plan, with a unified monitoring and evaluation system.

Please see Appendix II – Achievement of the CMDG 2003–2015, on Goal No. 6.

¹³¹ Law on Control of Tobacco Products, Art. 1, 15–17, 44 and 46.

¹³² 2016–2025 NSPPF, p. xii-xiii.

¹³³ Point 19 of CNCC 2016 Report on Children Situation and Targets for 2017.

¹³⁴ MoH's 2016 Annual Report.

¹³⁵ The United States President's Emergency Plan for AIDS Relief, 2016 Cambodia Operational Plan, p.6.

Cambodia has paid attention on compliance with the Committee's General Comment No. 3 (2003) on HIV/AIDS and the rights of the child, including the development of national policies related to HIV/AIDS, law and regulations to prevent discrimination, and grant priority to children with HIV/AIDS.

IX. Education, leisure and cultural activities (art. 28–31)

Education

CO. No. 66

113. Cambodia has not yet been able to make basic education compulsory, but basic education has been guaranteed by the Constitution¹³⁶: the State shall provide free primary and secondary education to all citizens in public schools. Citizens shall receive education for at least 9 years.

The RGC has reformed the education system since 2001, and adopted several laws, policies and NAP so as to expand the access to education with equity, strengthen the education quality, and eliminate/reduce gender gaps, inequality and discrimination, such as the adoption on Law on Education, Policy on Child Friendly School, Policy on Education of CWDs, National Policy on ECCD and the Education Strategic Plans¹³⁷.

114. The 2014–2018 ESP which was developed within the context of the NSDP, underlined that MoEYS will:

- Continue to give a high priority to equitable access for high quality basic education services;
- Have an increasing focus on the expansion of Early Childhood Education;
- Expand access to quality secondary and post-secondary education; and
- Expand non-formal education, technical and vocational education, including the education for marginalized children and youth.

Several measures have been taken to reduce corruption in education, including the Anti-Corruption Law and the increase of teacher salary.

For more information, please see Appendix III – Education.

Leisure

115. MoEYS adopted the National Policy on Development of Physical Education and Sports, the Physical Education Program at Secondary School, and disseminated the Book on Physical Education at Primary School. The Ministry has also trained 9 different kinds of sports participated by 172 athletes¹³⁸. For more information, please see points No. 50, and 118–119 below.

Cultural rights of indigenous and minority children

116. The RGC recognizes the rights of indigenous minorities in maintaining their different cultures, costumes, traditions, beliefs and languages of their individual group. The RGC has established an inter-ministerial committee to work with UNDP to design the development programs for the indigenous people. The Ministry of Rural Development has created the Indigenous People Development Department to promote the living standard, and maintain cultures, costumes, traditions and beliefs of the indigenous people.

¹³⁶ Constitution, Art. 65–67.

¹³⁷ Rectangular Strategy Phase p. 48.

¹³⁸ Summary Report on Main Realizations of the Royal Government of Cambodia 2012–2016, p. 77.

In 2009, the RGC adopted the National Policy on Development of Ethnic Minorities, based on its long term vision: to make Cambodia a country of social unity with advanced education and bright culture free from poverty or illiteracy, and healthy.

Between 2012 and 2016, 76 ethnic minorities in 5 provinces have registered their identity¹³⁹, and between 2009 and 2013, there were 7 campaigns to disseminate the National Policy on Development of Ethnic Minorities¹⁴⁰.

Human and political rights

117. The contents related to child rights, human rights and political rights are integrated in the education program and handbooks, from grade 1 to grade 12, especially in lessons on social studies or morale and civics.

Relaxation, leisure, recreation and cultural and artistic activities

118. Cambodia pays attention on physical education and sports for the welfare of the population¹⁴¹. MoEYS has conducted annually the national and international sport competition between students on a number of sports.

The Ministry of Culture and Fine Arts has organized the following activities and special events:

- Nationwide Youth Festival under the subject of “Youth for National Culture”.
- The sixth Book Exhibition in 2017 under the subject of “More Reading increases Opportunities”.
- The Visual Arts Festival on drawing, cooking, kite, foods, poems, Khmer songs and cinema.
- 52 cultural videos have been produced for broadcasting in the cultural programs in TVK, 2 times per week¹⁴².
- The Fine Arts School has provided trainings on visual arts, music, dance, pays and circus, and has collaborated with Capital/Provincial Department of Culture and Fine Arts to provide trainings in schools and SCOs.

The CNCC Secretariat coordinated with the Phnom Penh International Institute of the Arts in organizing a drawing contest in 2016 and 2017 to greet the Children International and National Day on 1st June, and the International Day against Child Labor on 12th June. MoEYS organized a Youth Camp on the topic “Youth and Science” participated by 131 young people (39.7% female). MoEYS also organized an international camp participated by 1,800 students (55.55% female)¹⁴³. The Ministry of Information disseminated the programs on the Music Festival and Children’s Song in 2016, consisted of 15 songs on nutrition, 20 Q&A intellectual games for preschool children, 58 weekly educational songs for children, an educational story on “Cool roof”, 2 educational programs on domestic violence, and 2 short educational stories on understanding the National Day against Human Trafficking on 12 December 2016 and 2 programs to Greet the National Day against Human Trafficking¹⁴⁴.

Besides all above mentioned, the RGC has collaborated with the private sector in renovating and creating public playgrounds for children, playgrounds in school and Shopping Malls, special programs for children on TV, and education excursions and so on.

¹³⁹ Summary Report on Main Realizations of the Royal Government of Cambodia 2012–2016, p. 44.

¹⁴⁰ 2014–2018 NSDP, p. 69.

¹⁴¹ 2014–2018 NSDP, p. 69.

¹⁴² Source: Ministry of Culture and Fine Arts.

¹⁴³ MoEYS’s 2014–2015 Report and Targets for 2015–2016.

¹⁴⁴ Source: Ministry of Information.

Committee’s general comments No. 1 (2001), No. 7 (2005), No. 9 (2006), No. 11 (2009) and No. 17 (2013)

119. The objectives of education in Cambodia is to develop the human resources of the nation by providing a lifelong education for the learners to acquire knowledge, skills, capacities, dignity and good moral behavior and characteristics, in order to push the learners to know, love and protect the national identification, cultures and language¹⁴⁵. Education is directed toward the development of the child’s personality and dignity, and of the talents and mental and physical abilities to their fullest potential, and toward the development of respect for human rights and fundamental freedoms as well as the respect of natural environment¹⁴⁶.

On the implementation of the CRC at the first stage of infancy, please see points 41, 77 and 99 above. On the rights of children with disabilities, please see points 90 to 97; the rights of children of ethnic minorities, see point 116; the rights to relaxation, leisure, recreation and cultural and artistic activities please see point No. 118 above.

X. Special protection measures

A. Refugees and asylum seekers

CO. No. 75

120. A Refugee Bureau has been established in 2008 under MoI’s Department of Immigration to examine request for asylum submitted by foreigners¹⁴⁷.

Then the RGC issued the Sub-Decree No. 224 dated 17 December 2009 on Procedures for Recognition as a Refugee or Providing Asylum Rights to Foreigners in Cambodia to ensure the respect of human rights and the rights of refugees in accordance with the 1951 Convention and its 1967 Protocol relating to the Status of Refugees that Cambodia acceded in 1992.

The asylum seeker may be refused or expelled from Cambodia only if s/he¹⁴⁸:

- (a) poses a threat to the national security or public order;
- (b) has committed a crime against peace;
- (c) has committed serious non-political crime outside Cambodia; or
- (d) has been guilty of acts contrary to the purposes and principles of the United Nations.

If the request has been approved, the family members who are dependents of the Applicant for refugee status shall also be entitled to the same rights and be subject to the same obligations as the Applicant¹⁴⁹.

However, Cambodia recognizes the incompleteness of existing laws and regulations, as mentioned in the Gap Analysis of Child Protection Legislation in the Kingdom of Cambodia¹⁵⁰.

¹⁴⁵ 2007 Law on Education, Art. 2.

¹⁴⁶ CRC, Art. 29. Cambodia is a State Party, so Cambodia agrees that child education shall strive towards the objective.

¹⁴⁷ UNHCR, Cambodia on track to become refugee model for Southeast Asia, 20 October 2008.

¹⁴⁸ Dated 17 December 2009 Sub-Decree No. 224, Art. 7.

¹⁴⁹ Sub-Decree No. 224, Art. 7 on Procedures for Recognition as Refugee or Providing Asylum Rights to Foreigners in the Kingdom of Cambodia.

¹⁵⁰ Sub-Decree No. 224, Art. 9 and 13.

B. Children of Vietnamese origin

CO. No. 80

121. Cambodia does not have a discriminatory policy against other nationalities living legally in the country, including the Vietnamese. The immigrants and foreigners, who are residing legally and give birth to babies in Cambodia, shall have to register their babies' birth at the commune/sangkat of their permanent residence, or at their Embassy or Consulate in Cambodia. The nationality of the new born shall be determined in compliance with the Law on Nationality of Cambodia¹⁵¹.

The measures taken to prevent sexual exploitation and abuse of women and girls living in the Vietnamese communities are the same as those for all other children in Cambodia. For additional information, please see point D below.

C. Children living in street

CO. No. 70

122. Street children are considered as one of the 10 kinds of OVC that should be taken care of and supported. The RGC has established the National Committee on Street People since 2005 to prevent the flow of homeless people to the cities and to the neighboring countries. Subsequently, MoSVY established a Technical WG on Street People to support the National Committee to develop the strategic plans and find appropriate services for street people. There are vocational training centers for street people in the Capital and some provinces.

Many street children have received assistance from NGOs that provide a range of services such as accommodation, food, education, recreation and vocational training. The RGC has collaborated with NGOs to provide the services to street children by encouraging them to accept the services voluntarily, such as those of the 3PC.

Please see Annex on point F 11.b Childcare services.

123. In 2015, MoSVY organized a Conference on Street Children in Cambodia participated by international and regional experts. The Conference has decided to establish a Multi-sectoral WG to implement the recommendations of the conference¹⁵².

124. MoSVY has transformed Poor Senchey (Prey Speu) Vocational Training Center into the DoSVY Transit Center¹⁵³ and then issued the Prakas to revise the composition of the Technical WG¹⁵⁴ in order to increase the effectiveness in addressing street people issues.

The Phnom Penh DoSVY has cooperated with the Phnom Penh City Hall on the improvement of the infrastructures in the Transit Center such as renovation of dormitory, office, kitchen, dining area, water system, electricity, toilets and roads inside and around the centre, and equipment of food additional food supply and sleeping materials, ambulance and stand-by nurses as well as increase of food allowance to 4,000 Riels per day per person.

D. Children in exploiting situations

D.1 Economic exploitation, including child labour

CO. No. 68

125. For information on new legislations related to child labour, please see Annex I, point 4.b.

¹⁵¹ Gap Analysis of Child Protection Legislation in the Kingdom of Cambodia, p. 66.

¹⁵² 2000 Sub-Decree No. 103 on Civil Registration, Art. 27.

¹⁵³ OHCHR's Report: A/HRC/33/39 dated 26 August 2016, page 16.

¹⁵⁴ Prakas No. 482 MoSVY dated 29 February 2016 on The Transformation of the Por Senchey Vocational Training Center into the DoSVY Transit Centre.

126. Pursuing the 2008–2012 NAP on the Elimination the Worst Forms of Child Labour, the RGC launched the NAP on the Reduction of Child Labour and Elimination of Worst Forms of Child Labour 2016–2025 on 8 November 2016. The NAP highlights multi-sectoral intervention which requires collaboration from other ministries, institutions and related partners. Subsequently, the National Committee on Child Labour¹⁵⁵ has been established by RGC to facilitate the effective implementation of the plan.

Please see Annex on point 23.b under point I.2. Economic Exploitation including Child Labour on the number of children rescued and provided with vocational trainings.

127. There are also other activities related to the prevention of economic exploitation and child labour:

- The Ministry of Commerce has established and implement the Program called Better Factory Cambodia.
- The Ministry of Industry and Handicraft is attentive to the issues of children in industries and handicrafts under the ministry's competency, and urges all enterprises and manufactures to carefully check the age of the job applicants prior to recruiting them, in accordance to the Labour Code and the RGC's policies.
- Since 2014, Garment Manufacturers of Cambodia (GMAC) has signed an agreement with ILO BFC to eliminate child labour in Cambodia.
- The Ministry of Agriculture, Forestry and Fisheries has implemented the policy and 2016–2020 strategic plan on child protection and development in agriculture.

Child domestic workers

128. Child domestic workers are the main target of the campaign against CL in Cambodia. As the Labour Code does not cover this kind of work, MoLVT is conducting a study with partners to develop a child protection policy in this area. According to a study on child domestic workers in 2004, there were a total of 29,650 child domestic workers in Phnom Penh. The Inter-Census 2013 of the NIS showed that this number has decreased to only 6,890 in 2012.

MoI has issued regulations on the measures to be taken against abuse of child domestic workers. Following that, the Capital/Provincial authorities have issued its decisions to prevent child domestic workers, and have collaborated with the sub-national competent authorities rescuing the child victims of abuse.

D.2 The use of children in the illicit production and trafficking of substance

129. Direct incitement of a minor to unlawfully and regularly consume large quantities of substance shall be punishable with imprisonment from six months to two years and a fine from 1 to 4 million Riels¹⁵⁶.

Please see point 107 para. 1 above on the establishment of Centers for the Treatment and Rehabilitation of Drug Users.

Please see also point 109 above.

D.3 Sexual exploitation and abuse

130. Please see Section VI. Violence against Children on point C. Sexual Exploitation and Abuse.

¹⁵⁵ Decision No. 863 dated 24 March 2016 on Rearrangement of the Technical Working Group.

¹⁵⁶ By Royal Decree No. ns/rkt/1116/1044 dated 17 November 2016.

D.4 Sale, trafficking and abduction of children

CO. No. 74

131. The 2008 Human Trafficking Law and the 2009 Criminal Code defined the sale, prostitution, pornographic materials and obscene acts as criminal offences that shall be punished with imprisonment from 10 to 20 years, if the victim is a minor.

The suppression of human trafficking between 2012 and 2016 is as follows¹⁵⁷:

<i>Description</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Human trafficking and Sexual Exploitation (cases)	135	93	94	94	49
Crimes (Times)	838	790	716	751	529
Misdemeanours (Times)	1 856	1 926	2 098	1 958	1 483

From 2009 to 2012, MoJ disseminated laws related to women and children to 9,200 judges and prosecutors, court clerks and judicial policemen in the Capital / provinces¹⁵⁸.

On the number of children having received medical, mental and legal support, please see Annex on I. Special Protection Measures, point 24.b.

D.5 Other forms of exploitation

132. The laws prohibits media from publishing photo or picture that reveals the name or identity of the child involved in a civil or criminal litigation, except if authorized by the court¹⁵⁹.

The Ministry of Information has issued the Guideline No. 37 warning all TV stations and cable TV to refrain from broadcasting rape scenes or pornographic pictures, cruel scenes, activities of children outside education system that have negative impacts on children, and commercial advertisement enticing children to smoke or drink.

The Human Trafficking Law provides the concealment of identity of victim that “newspapers and all other mass media shall be prohibited from publishing or broadcasting or disseminating any information which can lead to public knowledge of the identities of the victims of offenses stipulated in this law”. Other forms of exploitation shall include the exploitation of prostitution of others, pornographic pictures and materials, commercial sex act, forced labour or services, slavery or practices similar to slavery, debt bondage, involuntary servitude, child labour or the removal of organs, which shall be punished¹⁶⁰.

MoSVY 2008 Prakas No. 198 provides that in all circumstances, the communication about and disclosure of child’s information shall respect and protect the best interest of the child¹⁶¹.

Besides all above mentioned acts, subjecting a minor to working conditions that are harmful to his or her health or physical development shall be considered as a form of exploitation, and punishable with imprisonment from 2 to 5 years, and to 15 years if it results in the death of the victim¹⁶².

Please see the provisions of the Law on Tourism on points 65 and 149.

¹⁵⁷ Criminal Code, Art. 343.

¹⁵⁸ Summary Report on Main Realizations of the Royal Government of Cambodia 2012–2016, p. 2.

¹⁵⁹ Law on Press Regime 1995, Art. 15.

¹⁶⁰ Law on the Suppression of Human Trafficking and Sexual Exploitation, Art. 10 and 49.

¹⁶¹ 2008 Prakas No. 198 on Minimum Standards of Alternative Care for Children in the Community, Art. 10.

¹⁶² Criminal Code, Art. 339 and 340.

E. Children in conflict with the law, child victim and witnesses of crime

E.1 Child justice

CO. No. 77

133. The JJ law helped increasing the protection of children from abuse when a Juvenile Court has not been in place. During the time when the JJ Law was not yet adopted, several activities have been done¹⁶³:

- The adoption of the Criminal Code in 2009 that contains special provisions related to children, such as community works, measures on monitoring, education and protection, the no-implementation of recidivism on children;
- The development of anonymous complaint procedures for incarcerated children;
- The legal support for children involved with the laws by BARK and NGOs;
- The implementation of the pilot project on prevention and diversion in 3 provinces;
- Capacity building provided to 78 prison guards from 24 Capital/Provinces on child rights, child development and child justice, implemented by the Prison General Secretariat.

134. Cambodia continues to accelerate the Legal and Judicial Reform, to:

- Strengthen the protection of fundamental rights and freedoms;
- Enhance the quality of legal process and related services;
- Enlarge alternative dispute resolution mechanisms;
- Strengthen the Legal and Judicial sector institutions to fulfil their mandates¹⁶⁴.

Cambodia is still facing challenges in justice, such as lack of expert judges for juvenile court, lack of officers working on new registration system (model court), lack of budget on penal cases, and lack of lawyer for minors¹⁶⁵. As of 2016, there were only 278 judges, 184 prosecutors and 218 clerks all over the country and there were a total of 1,203 lawyers¹⁶⁶.

135. Although, there has not been a juvenile court, the existing laws in force ensure that children are not abused or wrongly punished when entering in conflict with the law, especially during arrest and investigation.

The Criminal Code provides that only the conduct that constituted an offence at the time its occurrence occurred that may give rise to criminal conviction. A penalty may be imposed only if it was legally applicable at the time the offence was committed¹⁶⁷.

On execution principle when working with children in conflict with the law, please see point No. 38 above.

The laws provide that detained minors shall be separated from detained adults. Arrested minors shall be separated from adults, and by sex. Buildings and cells shall have enough natural light, natural ventilation; toilets with installed water supply system and electricity. Prisons shall have a health post, rooms for medical treatment of prisoners and a prison medical officer on a permanent basis.

Prisons shall have facilities for practicing religions, a library, education, vocational training, and exercise¹⁶⁸.

¹⁶³ CNCC's Report on Access to Justice, October 2013, points 1, 18 and 28.

¹⁶⁴ 2014–2018 NSDP, p. 14.

¹⁶⁵ 2014–2018 NSDP, p. 19.

¹⁶⁶ Summary Report on Main Realizations of the Royal Government of Cambodia 2012–2016, p. 12.

¹⁶⁷ Criminal Code, Art. 3.

¹⁶⁸ Law on Prison, Art. 5, 26, 28, 38 and 52 and JJ Law, Art. 11–14, 23 and 26.

136. To avoid abuse from adults, the JJ Law provides that the establishment of youth rehabilitation centres in the municipal/provinces to manage minors in conflict with the law under the supervision of MoSVY¹⁶⁹. Please see also point No. 68 above.

For the number of arrested minor under 18, please see Annex on I.4. CICL and Administration of Juvenile Justice.

MoSVY is preparing a three-year NAP 2016–2018 on the Implementation of the JJ Law. Currently, a pilot project is implemented in 5 provinces.

E.2 Protection of witnesses and victims of crime

CO. No. 78

137. The principles and provisions on basic rights of minors in conflict with the law stipulated in the JJ Law also provide protection for the victims of crime and the witnesses¹⁷⁰. The court shall organize non-public hearing, using child friendly procedures, and the lawyer, social worker or prosecutor may request to use the screen during the audience¹⁷¹.

MoJ has issued a Prakas¹⁷² on the Use of Court Screen and Courtroom TV-Linked Testimony from Child.

The MoSVY Policy on the Protection of the Rights of Victims of Human Trafficking No. 062 and the Prakas No. 857¹⁷³ define the practical steps in assisting the child.

The RGC is currently preparing a draft law on the protection of witnesses and victims of the crime, which would cover all cases.

E.3 Children deprived of their liberty

138. Please see points No. 133 to 136 above.

E.4 Death penalty of children and life imprisonment

139. Cambodia does not have capital punishment¹⁷⁴. Only the crime of genocide, the crime against humanity, the crime of war shall be punished by life imprisonment¹⁷⁵. But life imprisonment has never been applied on children.

E.5 Rehabilitation and reintegration

140. Please see point No. 131 above and Annex on point 25b under I4. CICL and Administration of Juvenile Justice.

E.6 Dissemination and training of the JJ law

141. After its promulgation, MoSVY and the CNCC disseminated the JJ Law 4 times in 2016 and 2017 (as of March), to 591 participants. In 2017, MoJ disseminated the law to judges, prosecutors, policemen, military policemen and local authorities in Siem Reap.

¹⁶⁹ JJ Law, Art. 76.

¹⁷⁰ JJ Law, Art. 5 and 6.

¹⁷¹ JJ Law, Art. 47 and 48.

¹⁷² Prakas No. 62/08 dated 06 October 2008 on the Use of Court Screen and Courtroom TV-Linked Testimony from Child.

¹⁷³ Prakas No. 857 dated 03 September 2009 on Minimum Standards of Protection of Victims of Human Trafficking.

¹⁷⁴ Constitution, Art. 32.

¹⁷⁵ Criminal Code, Art. 184, 189 and 195.

However, the dissemination was done in a small scale and short period of time due to limited resources.

In 2017, the Military Police organized 2 training sessions in Siem Reap on skills to work with child victims to its 69 officers (12 women) from all provinces.

F. Children in armed conflict, including physical and psychological recovery and reintegration

142. Except under the Democratic Kampuchea in the past, no single child is serving the armed forces. The age of military obligation is from 18 to 30 years old, and Cambodian female citizens shall fulfil on voluntary basis¹⁷⁶.

For detailed information, please see Annex on I.6. Children in Armed Conflict.

XI. Follow-up to the implementation of the optional protocol to the CRC on child trafficking, child prostitution and child pornography

A. Data collection

CO. No. 7

143. A comprehensive database on children has not been established beside separate databases in different ministries. In 2017, the database on criminal cases (including children cases) and gender related violence has been set up in 12 municipal and provincial courts for the first time. According to the plan, this system would be set up in all municipal and provincial courts. Please see point 27 above.

B. General measures of implementation

B.1 National action plan

CO. No. 9

144. The 2014–2018 NAP of the NCCT has been adopted and is now under implementation. In addition to direct monitoring of the implementation, regular monitoring and evaluation of counter trafficking activities has been undertaken through reporting on month, quarter and semester basis to find out the strengths, points to be improved and challenges. Please see also point No. 15 above.

B.2 Coordination

CO. No. 11

145. Please see point No. 9 above.

B.3 Dissemination and awareness raising

CO. No. 13

146. In November 2015, the CNCC organized a discussion to share tasks to different ministries and institutions. The RGC then issued the Circular No. 4 dated 17 March 2017 to providing the guidelines to all related ministries, institution and local authorities to pay attention on the implementation of Committee's recommendations, in collaboration with

¹⁷⁶ 2006 Law on Military Obligation, Art. 2.

national and international DPs, especially to the CNCC to well disseminate the Circular along with the CO. The CNCC has organized a workshop in 2016 to disseminate the Circular and the CO. to 80 officials from ministries, institutions and NGOs.

In 2017, the CNCC Secretariat organized 2 National Consultative Workshops on the implementation of the Committee's recommendations on optional protocol of the CRC to review the progress of the implementation.

MoEYS has instructed to all public and private schools to celebrate the National Day against Human Trafficking on 12th December, and has established structures on mainstreaming and reporting within the municipal and provincial DoEYS so as to strengthen the effectiveness in preventing human trafficking in the community.

During 2016, ministries, institutions and related DPs have organized 3,471 campaigns on the prevention of human trafficking with 253,094 participants. The Central Department of Border Police has participated in the dissemination of the Human Trafficking Law during 115 campaigns on the implementation of the Safe Commune/Village Policy to people living along the Cambodian-Thai borders. MoWA organized forums along the Cambodian-Vietnamese borders in Kandal province, with 300 participants.

The contents on the prevention of human trafficking, safe migration and the offenders' tricks have been integrated into 27,140 campaigns on education and dissemination of the Safe Commune/Village Policy in 23 municipality and provinces.

Other activities include:

- The production and distribution of posters and leaflets on human trafficking, especially child trafficking and under-15 child labour, with participation from NGOs such as WVI, Winrock International, Terre des Hommes Holland and Chab Dai.
- The production and distribution / dissemination of awareness-raising materials such as T-shirts, Information bags, agenda, banners, slogans, art performances, reporting, films and short Videos.
- The dissemination by the NCCT through the media such as Twitter, Facebook, telegram, Messenger. MoEYS has launched an incidental information system through social communication/media within schools, DoEYS and MoEYS, and among the inter-ministerial WG members and institutions to release the information of prevention works. The Ministry of Culture and Fine Arts has recommended inserting the messages on the impacts of trafficking, CL and sexual exploitation in the production of cinema and songs.

CO. No. 15

147. There is not yet a special budget allocations for the trainings of this Optional Protocol. However, several trainings of professionals working with children, such as judges, prosecutor, judicial policemen and local authorities have been organized. For more details on trainings, please see Annex on point 2.

C. Prevention of Child Trafficking, Prostitution and Pornography

C.1 Measures Adopted to Prevent Offences Prohibited under the Protocol

CO. No. 17

148. On point a and e of recommendation No. 17, please see point 65 above.

For point b of recommendation No. 17, please see point 46 above.

For point c of recommendation No. 17, please see points 127 to 130 above.

For point d of recommendation No. 17, please see point 87 above.

Mechanism to monitor and prevent child domestic worker has not yet been in place.

NCCT is an important mechanism of the state that leads, coordinates and urges the prevention of human trafficking. A total of 30,199 mass education and awareness raising campaigns have been conducted through public forums, meetings, workshops, the media and social network to the publics and all state officials at all levels down to the communities in 2016. The prevention educations have been done through:

- The distribution of key chains with contact numbers for emergency services;
- Billboards and posters on safe migration and reduction of human trafficking in libraries;
- The dissemination of hotline numbers of MoI's AHT-JP Department and NGOs (LSCW, LICADO, CWCC, WEC) in factories;
- MoEYS' scholarship to 7,308 students of public lower secondary schools and 2,600 students of upper secondary schools in 2016. 1,883 drop-outs students were encouraged to enrol in school in 2016;
- Morale education on avoidance of violence and discrimination in collaboration with CWCC;
- Child labour prevention program in collaboration with WV by providing means of transportation, school uniforms and so on; and
- The Cambodian Red Cross's food and cash assistance to victims, from 2017 to April 2018, assistance has been provided to 83,246 victims, of whom 2,587 were mothers and babies and 5,910 were orphans).

Another measure to combat human trafficking is the management of the flow of migrants, including children.

Surrogacy, as a part of scientific pregnancy, is firmly prohibited, and the embryonic development for commercial purpose or other purpose besides helping a married couple to have a baby is also prohibited. Cambodia recognizes that there is gaps in the laws on pregnancy¹⁷⁷.

C.2 Child Sex Tourism

CO. No. 19

149. Please see point 65 above.

D. Prohibition of Child Trafficking, Pornography and Child Prostitution and Related Issues

D.1 Existing Criminal and Other Laws and Regulations

CO. No. 21

150. The Human Trafficking Law has not been amended.

D.2 Impunity

CO. No. 23

151. In criminal matters, Cambodia's law is applicable to any person who instigates or is an accomplice to a felony or misdemeanor¹⁷⁸. The Criminal Code provides on the exclusion of criminal responsibility in cases, but the law never allows impunity.

¹⁷⁷ Prakas No. 679 dated 24 October 2016 on Management of Blood, Sperm, Bone Marrow and Human Stem Cells, Art. 12 and 17.

¹⁷⁸ Criminal Code, Art. 17 and 31–33.

The Law on Anti-Corruption and the Anti-Corruption Unit are special mechanisms to prevent corruption.

In 2017, MoJ conducted a 100-Day Campaign on Law Enforcement. The law on Witness Protection is being drafted.

D.3 Extraterritorial Jurisdiction and Extradition

CO. No. 25

152. Please see in the 1st and 2nd Report on the Implementation of the Optional Protocol to the CRC on Child Trafficking, Prostitution and Pornography 2002–2010 under point No. 46. The extradition of a foreign resident who has been arrested in the territory of the Kingdom of Cambodia shall be governed by the provisions of international conventions and treaties ratified by the Kingdom of Cambodia¹⁷⁹. So Article 5 of the Optional Protocol can also be considered as a basis of law.

Besides the agreements as stated in point 175 of this report, Cambodia has signed the treaties with different countries, such as England and Peru on transfer of the convicted.

E. Protection of the rights of child victims

E.1. Measures adopted to protect the rights and interests of child victims of offences prohibited under the optional protocol

CO. No. 27

153. Please see in the 1st and 2nd Report on the Implementation of the Optional Protocol to the CRC on Child Trafficking, Prostitution and Pornography 2002–2010 under points No. 53 to 61. In general, there are good collaborations between the CNCC and the Civil Society working for and with Children. More efforts are required to enhance legal support and understanding on the Optional Protocol among local authorities.

E.2 Criminal justice system and protection measures

CO. No. 29

154. Please in see the 1st and 2nd Report on the Implementation of the Optional Protocol to the CRC on Child Trafficking, Prostitution and Pornography 2002–2010 under points No. 53 and 54. Cambodia recognizes that although the RGC has adopted a Law against human trafficking, an explanatory note on the implementation of Criminal Code, Sub-law standards on child friendly procedures and child protection mechanism, and conducted several trainings, there are still more to be done to ensure the presence of the effective criminal justice system.

E.3 Recovery and reintegration of victims

CO. No. 31

155. Please see Annex on point 24b under I.3. Sexual Exploitation, Abuse and Trafficking. See also point No. 131 above.

¹⁷⁹ Criminal Procedures Code, Art. 567.

F. International assistance and cooperation

F.1 Multilateral, bilateral and regional agreement

CO. No. 32

156. Please see point No. 176 below (Regional and International Cooperation).

International cooperation

CO. No. 33

157. Please see point No. 21 above (International Development Agencies' Aid). Cambodia has signed bilateral and multilateral agreements related to legislative and justice sector as follows:

- Extradition Treaty between Cambodia and Thailand in 1998, and Agreement on the Transfer Referral of the Convicts and Collaboration in the Implementation of Criminal Conviction between Cambodia and Thailand in 2009;
- Extradition Treaty between Cambodia and Vietnam in 2013, and the 2016 Treaty on Mutual Criminal Assistance in 2016;
- Extradition Treaty between Cambodia and Laos in 1999, and the signing of a Treaty on Mutual Criminal Assistance is the process;
- MOU on Legal and Judicial Collaboration against Human Trafficking between Ministry of Justice of Cambodia and Vietnam in 2009;
- Agreement on Collaboration to Combat Human Trafficking between Cambodia and China in 2016;
- Agreement on Extradition between Cambodia and the Korean Republic in 2011;
- Extradition Treaty between Cambodia and France in 2015; and
- Extradition Treaty between Cambodia and Russia in 2017¹⁸⁰.

Currently, Cambodia is discussing with Russia, France and South Korea on mutual criminal assistance, and with India on Extradition Treaty.

Besides these, the COMMIT Cambodia has signed the MOU against Human Trafficking between Cambodia, China, Laos, Myanmar, Thailand and Vietnam¹⁸¹.

G. Ratification of the Optional Protocol on a Communication Procedures

CO. No. 34

158. Two consultative Workshops have been organized on the Optional Protocol on a communication Procedure. The Optional Protocol has been translated into Khmer and disseminated. Cambodia is now studying on situations and appropriate time to become the party to the Optional Protocol.

¹⁸⁰ 2014–2018 NSDP, p. 17.

¹⁸¹ Summary Report on Main Realizations of the Royal Government of Cambodia 2012–2016, p. 91.

H. Follow Up and Dissemination

H.1 Follow-Up

CO. No. 35

159. Please see points 25 and 146 above.

H.2 Dissemination of the CO

CO. No. 36

160. The public, civil society, professionals, youth and children can easily find the Report responding to Questions and Concluding Observation in tow main websites:

- The CNCC's website: <http://www.cncc.gov.kh/mcncc>.
- UNICEF's website: https://www.unicef.org/cambodia/results_for_children_20436.html.

XII. Follow-up to the Optional Protocol to the CRC on the involvement of children in armed conflict

A. General measures of implementation

A.1 Coordination

CO. No. 7

161. Please see points 9 and 10 above (Implementation and Coordination Mechanism).

A.2 Independent Monitoring

CO. No. 9

162. Please see point 22 above (Independent Monitoring).

A.3 Dissemination, Awareness Raising and Training

CO. No. 11

163. Please see point 146 above (Disseminations and Awareness Raising).

B. Data

CO. No. 13

164. Please see point 27 above (Data Collection).

C. Prevention

C.1 Age verification procedures

CO. No. 15

165. Please see point No. 46 on birth registration above and Annex on point B. The procedures for the recruitment of soldiers, armed force cadets, police officers and police

cadets do not allow for minors. The requirements for birth certificate at school enrollment and job application to encourage birth registration and prevent child labour. For more information, please see Annex on I.6. Children in Armed Conflict including their Rehabilitation and Social Reintegration.

D. Prohibition and related issues

D.1 Existing criminal legislation and provisions

CO. No. 17

166. Please see point No. 38 (Other Legal Provisions) of the 2002–2010 Cambodia’s Report on the Implementation of the Optional Protocol to the CRC related to the Involvement of Children in Armed Conflict. In the situation of complete peace, the amendment of the Criminal Code related to children in Armed Conflict shall be considered along with other regulations or special provisions shall be included in the separate law on child protection.

D.2 Extraterritorial jurisdiction and extradition

CO. No. 19

167. In principle, an extradition may be made only if the prosecuted facts against the wanted person constitute an offense under the laws of both the requesting State and the Kingdom of Cambodia¹⁸². The deletion of conditions of extradition that requires that the fact is an offence in the requesting state and in Cambodia (double crime) needs a deep analysis of the law and the determination of impacts on other provisions of the Criminal Procedures Code.

E. Protection, recovery and reintegration

E.1 Measures adopted to protect the rights of child victims

CO. No. 21

168. Cambodia does not have such a situation, as there is no child in the armed forces. For more information, please see Annex on I.6. Children in Armed Conflicts, including physical and psychological recovery and social reintegration.

CO. No. 23

169. Please see point No. 74 above (Measures to Promote the Physical and Psychological Recovery and Social Reintegration of Child Victims).

E.2 Assistance for physical and psychological recovery

CO. No. 25

170. Please see point No. 44 above (Victim of Mine).

¹⁸² Criminal Procedures Code, Art. 569.

F. International assistance and cooperation**CO. No. 26**

171. Cambodia has had good collaboration with UN Agencies, Embassies and Foreign Country Permanent Representatives in the realization of child rights in general, and in the implementation of the Optional Protocol.

G. Ratification of the Optional Protocol on complaint procedures**CO. No. 27**

172. Please see point No. 158 above (Ratification of the Optional Protocol on Complaint Procedures).

H. Follow up and Dissemination**CO. No. 28**

173. Please see point No. 146 above (Dissemination and Awareness Raising).

CO. No. 29

174. Please see point No. 160 above (Dissemination of CO).

XIII. Ratification of international human rights instruments**CO. No. 177**

175. Cambodia ratified the Convention on the Right of Persons with Disabilities in 2012, and the International Convention for the Protection of All Persons from Enforced Disappearance in 2013. Cambodia has already signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families¹⁸³. Besides these, Cambodia has also signed other international instruments, especially the Optional Protocol to the CEDAW¹⁸⁴ in 2009, and the Paris Agreement on Climate Change in 2016.

The RGC is considering the possibilities to accede the International Convention NO. 189 on Decent Work for Domestic Workers¹⁸⁵.

XIV. Cooperation with regional and international bodies**CO. No. 82**

176. As a member of ASEAN, Cambodia has actively collaborated with regional and international bodies, including:

- Hosted the 21st ASEAN Meeting in 2012 and has arranged the launch of the ASEAN Declaration on Human Rights and the Phnom Penh Statement.
- Organized a Consultative Meeting on the Draft ASEAN Action Plan on the Elimination of Violence against Children in 2015. As the result, the Action Plan has finally been adopted by the AMMSWD.

Besides these, Cambodia has ratified several ASEAN instruments, especially:

- The ASEAN Charter in 2008;

¹⁸³ <http://cambodia.ohchr.org/en/rule-of-law/overview>.

¹⁸⁴ <http://www.national-assembly.org/group-law>.

¹⁸⁵ Guidelines No. 01 dated 05 July 2013 on Management of the Labour Force and the Flow of Cambodian Migrant Workers.

- The Treaty on Mutual Criminal Assistance in 2010;
 - The ASEAN Convention against Terrorism in 2010¹⁸⁶;
 - The Hanoi Declaration on Welfare Improvement and Women and Children Development in ASEAN, in 2010;
 - The ASEAN Declaration on Zero HIV Transmission, Discrimination and Dead in 2011;
 - The Bali Declaration on the Enhancement of the Role and Participation of Persons with Disabilities in ASEAN, in 2011; and
 - The ASEAN Convention against Human Trafficking, especially Women and Children, in 2016¹⁸⁷.
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¹⁸⁶ <http://www.national-assembly.org/group-law>.

¹⁸⁷ ASEAN Human Rights Timeline, <https://humanrightsinasean.info/asean-background/asean-and-human-rights.html>.