



*TRANSLATION*

**KINGDOM OF CAMBODIA**

**NATION RELIGION KING**



**ROYAL GOVERNMENT OF CAMBODIA**

**2<sup>nd</sup> and 3<sup>rd</sup> Report**

**on**

**The Implementation of Convention on  
the Rights of the Child in Cambodia**

**2000 - 2007**

**Prepared by: CNCC**



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## **I. INTRODUCTION**

### **A- Introduction**

1. Cambodia ratified the Convention on the Rights of the Child (CRC) on October 15, 1992. The initial report on Cambodia's implementation of the Rights of the Child was submitted to the UN Committee on the Rights of the Child on December 18, 1997. In May 2000, Cambodia submitted a report in response to the questions related to the initial report and Cambodia's senior delegation participated in the 24<sup>th</sup> session of the Committee on the Rights of the Child held in Geneva on May 24, 2000. Then the Committee issued its concluding observations in June 2000, taking into account Cambodia's implementation of the CRC.
2. According to Article 44 of the Convention, Cambodia is obligated to present periodic report on the outcome of compliance with the concluding observations by the UN Committee of the Rights of the Child. This document is 2<sup>nd</sup> and 3<sup>rd</sup> report which stated children situation from 2000 to 2007.

### **B- Country Profile**

#### **1. Demographic Characteristics**

3. Cambodia's population has grown from 12.6 million in 2000 to 14.4 million in 2007<sup>1</sup>, with an average annual population growth rate of 1.81 percent<sup>2</sup>. Of the total population in 2007, approximately 43.9 percent are children below the age of 18. Fertility has substantially declined during this period, with the total fertility rate dropping from 5.3 children in 1998 to 4 in 2000 and 3.4 in 2005<sup>3</sup>. From a rate of 95 deaths per 1000 live births in 2000, Infant mortality declined to 66 in 2005 and under-five mortality rate declined from 124 to 83 per 1000 live births<sup>4</sup> during the same period. It is suggested that further decline will require further improvements in the standard of the living of the population and better access to health care and other social services. As of 2004, 85 percent of the population lives in the rural area while the remaining 15 percent lives in urban areas, with the average population density of 74 per square kilometre. The life expectancy of Cambodians is 64.14 and 57.87 years for female and male, respectively<sup>5</sup>.

#### **2. The Economy**

4. Cambodia has, since 1999, embarked on and made significant progress in the implementation of macroeconomic framework aimed at achieving long-term and equitable growth and sustainable development. The framework has a particular focus on sustaining macro-economy, strengthening banking and financial institutions, implementing financial reform measures to ensure appropriate management of public assets, and increasing public investment in developing physical and social infrastructure and human capacity. Cambodia has made a marked progress in strengthening political and economic stability, and integration with the international community.
5. Since 2000 to 2006, the Gross Domestic Product (GDP) has been growing at an average of 9.4 percent per annum; from 2004 to 2006 GDP has high increased with an average 11.4 percent per annum and especially 13.5 percent in 2005 and 10.8<sup>6</sup> percent in 2006. On the other hand in 2007 the GDP has increased 9.6 percent against estimation only 6.5 percent in early year. The annual per capita GDP was USD 288 in 2000 to USD 513 in 2006<sup>7</sup> and USD 589 in 2007. Cambodians living below the national poverty line decreased from 47 percent in 1994 to 34.67 percent in 2004, and by the first evaluation the poverty has decreased to 31 percent in 2007, which achieved the goal of poverty reduction in average 1 percent per year, in line with the Cambodia Millennium

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<sup>1</sup> - The First Revision of Population Projection for 1998-2020 (National Institute of Statistics, 2004).

<sup>2</sup> - Cambodia Inter-Censal Population Survey 2004 [National Institute of Statistics (p.9)].

<sup>3</sup> - Cambodia Demographic and Health Survey, 2005.

<sup>4</sup> - Report of National Strategic Development Plan 2006-2010.

<sup>5</sup> - Report of National Strategic Development Plan 2006-2010.

<sup>6</sup> - National Account of Cambodia, 1993-2006 (National Institute of Statistics).

<sup>7</sup> - Report of National Strategic Development Plan 2006-2010.

Development Goal. Non-income indicators such as ownership of consumer durables, housing quality and schooling indicate that the living standards of the population, including the poor, have improved during the reporting period. The rise in living standards, however, has been more pronounced in urban areas and amongst the riches quintile. The extreme poor who fall below the food poverty line have slower growth than the 'normal' poor. In 2004, 91 percent of the poor lived in rural areas with limited access to roads and basic services. The Government's five-year National Strategic Development Plan (NSDP) recognizes the need to address rural poverty and prioritizes the improvement of lives and livelihoods of the rural poor.

6. The Agriculture grew at an average rate of 5.5 percent in 2006 according to the fixed cost 2000. In this period the noted grow has 10.5 percent in 2003 and 15.7 percent in 2005<sup>8</sup>. Agriculture accounts for 1/3 of Cambodia are GDP and provide over 70 percent of the total labour force. Despite growth in the sector, annual agricultural yield varied greatly reflecting insufficient investment, overexploitation of natural resources and unfavourable climate conditions. Since 1999, the sector has undergone three separate years of negative growth, affected by political unrest, flooding and drought. Insecure property rights, poor infrastructure and weak governance are also limiting factors for the growth in agriculture.
7. Noted that, in 13 year from 1994 to 2007 inflation rate have keep below 5 percent per year. The currency of National Reserve Capital growth 17 times, from 100 million dollars to 1,700 millions dollars. From 1994 to 2006 the grows 8 times from 463 millions dollars 3.6 billions dollars. The income growth 5.7 times in average 10 percent per year, but the expenditure 4.2 times in average 13 percent per year.
8. The main engines of economic growth in recent years were garment manufacturing and tourism. The last decade saw sharp acceleration in textile and clothing production for export to the United States and Europe through the Most Favoured Nation (MFN) status and the General System of Preferences (GSP). According to fixed cost 2000 the drama goods exportation was in 2006 which growth 21.8 percent compare to 25.2 percent and 11.4 percent in 2004 and 2005. According to the fixed cost the country's total export was increased to 18.7 percent in 2006 compare to 9 percent in 2005<sup>9</sup>.
9. The Cambodia Tourism contributed significantly to economic development and provided opportunity jobs for local business and poor people. The national and international tourist subsequently increased especially in the last 2 years (about 20 to 25 percent per annum). Because of tourist dynamism the Royal Government of Cambodia considered this sector as a priority sector among 6 others in the economic and social development. There are many efforts, in order to boost the tourism development to make it easy to public, private and non-government organization sectors. In 2007, 2,015,128 foreign tourists came to visit Cambodia, there are growing 18.53 percent compared to 2006 and received income about 1,400 million US dollars increased 33.46 percent compared to 2006 (1,049 million US dollars) contributed about 14 percent of GDP and provided 300,000 employment opportunity.
10. The added value of industrial sector was increased 18.3 percent in 2006 after growing correction 16.6 and 12.7 percent in 2004 and 2005. The industrial sector including manufacturing industry 72.5 percent and construction 24.1 percent in 2006<sup>10</sup>.

### **3. Ratification of International Instruments**

11. Cambodia ratified the International Convention related to Children as following:
  - Convention on the Right of the Child in 1992
  - ILO Convention No.138 on the Minimum Age of Children enables work in 2000
  - Optional Protocol of the Convention on the Right of the Child on the Involvement of Children with Armed Conflict in 2002

<sup>8</sup>- National Account of Cambodia, 1993-2006 (National Institute of Statistics).

<sup>9</sup>- National Account of Cambodia, 1993-2006 (National Institute of Statistics).

<sup>10</sup>- National Account of Cambodia, 1993-2006 (National Institute of Statistics).

- Optional Protocol of the Convention on the Right of the on Sale, Prostitution and Pornography of Children in 2002
  - ILO Convention No. 182 on Prohibit and Urgent Activities for Elimination of all Worst Forms of Child Labour in 2006
  - PALEMO Protocol for Prevention, Prostration and Penalize to Human Trafficking especially Women and Children, which added on the UN Convention against Cross Border Criminal in 2006.
  - Huge Convention on Protection and Cooperation related to Inter-Country Adoption in 2007 (Come into force in August 1<sup>st</sup>, 2007).
12. Cambodia is party to other international instruments and protocols including the following:
- Convention on International Tobacco Controlling (2005)
  - UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons (2001)
  - Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (2000)
  - Convention concerning Discrimination in Respect of Employment and Occupation (2000)
  - Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1992)
  - Convention on the Elimination of All Forms of Discrimination against Women (1992)
  - Protocol relating to the Status of Refugees (1992)
  - International Covenant on Civil and Political Rights (1992)
  - International Covenant on Economic, Social and Cultural Rights (1992)
  - Convention on the Elimination of All Forms of Racial Discrimination (1983)
  - ILO Convention No 29 on Forced and Compulsory Labour (1970)
  - ILO Convention on concerning night work (1969)
  - The United Nations Supplementary Convention of the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1957); and
  - Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (1948).

#### **4. CRC and National Action Plan for Children**

13. In compliance with the Stockholm Agenda for Action, adopted at the First World Congress against Commercial Sexual Exploitation on Children, held in Sweden in 1996, the Government adopted a national Five Year Plan against trafficking and sexual exploitation of children for the period 2000-2004. The plan focused on four main areas including: prevention, protection, capacity rehabilitation and development and reintegration. The Cambodian National Council for Children (CNCC) is currently developing the second five-year national plan.
14. As a follow up to the Sixth East Asia and Pacific Ministerial Consultation on Children, held in Bali, Indonesia in 2003, the Government released *A Cambodia Fit for Children* (CFFC), its statement of commitments on children. CFFC was launched on International Children's Day on 1 June 2004. The document summarizes the Government's commitments for children state in the National Policy and Strategy Plans, aligned with key goals in World Fit for Children (WFFC), the Millennium Development Goals (MDGs) and the Millennium Declaration. In line with CFFC, the Government has called for ministries, institutions, local authority at all levels, parents, caretaker, teachers, and partners, civil society, and all NGOs to cooperate and listen to recommendations made by children and to mobilize good child participation.

#### **C- Process of Drafting the Combined Second and Third Report**

15. CNCC coordinated and establish a Report Writing Team on the Implementation of the Rights of the Child in Cambodia. The Report has been developed in collaboration with relevant Ministries and Institutions, NGOs and the UN through sectoral working groups. Once the draft report is completed, the permanent secretariat of the CNCC will convene a consultative meeting to seek

comments from various stakeholders working in relevant sectors. Then there were provided recommendations of children from City-Provinces by National Forum of Children, which held on February, 25-26 2007.

## II. GENERAL MEASURES TO IMPLEMENT THE CONVENTION

### A- Legislation

#### Recommendation of the Committee:

- Review the existing laws to bring them into line with the provisions of the Convention, in particular with general principles (arts. 2, 3, 6 and 12). Special attention needs to be paid to the areas of birth registration, family and alternative care, and juvenile justice.
- Include children's rights concerns in the current and future process of drafting legislation, in particular the draft Civil, Criminal and criminal Procedures Code.

16. Ministry of Justice leads the process to enhance existing legal frameworks and review all forms of legislation, particularly child-related draft laws developed, the Draft Law on Juvenile Justice Conflict with the Law, Penal Code, Procedure Penal Code, Civil Code and the Law on Suppression of Human Trafficking and Sexual Exploitation. The Ministry of Justice issued Guidelines on the Implementation of Principles in National and International Laws, Being Applicable regarding the Protection of Victims of Crimes. The Guidelines incorporated many relevant provisions of the CRC concerning the protection of the victims who are children, (for example Article 16 of the CRC). The Procedure Civil Code was implemented across country in July, 2007.
17. Ministry of Social Affairs, Veteran's Affairs and Youth Rehabilitation (MoSVY) composed and implemented the National Policy on Alternative Care for Children and Minimum Standards on Alternative Care for Children and issued the Prakas on Inter-country Adoption. Meanwhile, Ministry enhance existing legal frameworks concerning social protection of children.
18. The Law on the Prevention of Domestic Violence and Protection of the Victims came into effect on 24 October, 2005. The Law provides legal mechanisms to prevent domestic violence and protect victims of domestic violence in addition to the existing legal provisions. The implementation of the Law on Domestic Violence is being spearheaded by the Ministry of Women's Affairs.
19. The draft law on Juvenile Justice has been finalized in September 2006 by the Working Group on Law Review of the CNCC and seek for further recommendations from the ministry's representative, national and international stakeholders by consultative meeting in May, 2007. This draft law focuses on children in conflict with the law (CICL); sets out the rules require to designate specialists to work for and CICL; require to have mandated roles of social workers in the criminal justice system; creates child-friendly procedures, minimum age of criminal responsibility, mitigated liability, alternatives to detention and imprisonment, diversion at various stages, family group conferencing and revocation of criminal record.
20. The Law on Suppression of Human Trafficking and Sexual Exploitation has an objective of suppressing acts of trafficking in human beings and sexual exploitation in order to preserve and enhance the good national tradition, to protect rights and dignity of human beings, and to improve the health and welfare of the people, and also to implement the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, and other international instruments or agreements with regard to trafficking in persons that the Kingdom of Cambodia has ratified. This Law have been adopted by National Assembly in December, 2007.
21. The Draft Law on National Tobacco Controlling stated "Prohibit to sale the Cigarette for Children under 18"

22. The Draft Law on Penal Code stated about children such as:
  - Responsibility on Penal of Children
  - Enable punishment implementing with Children
  - The impact on children and family
  - The impact of child care, filiations, putting children in dangerous situations, motivation for delinquency or dangerous.
23. The law on Inter-Country Adoption was drafted by MoSVY in collaboration with UNICEF. The purpose of the law is to ensure the best interest, protection, and the basic rights of the child. The draft law benefited from comments and recommendations obtained from Ministry, stakeholder and UN experts and specialized NGOs as well as from a national workshop in June 2003 where participants including representatives from embassies, national and international NGOs, civil society, relevant ministries and selected provincial Departments of Social Affairs, Veterans and Youth Rehabilitation.
24. The Royal Government also issued relevant Sub-decrees and Ministry of Tourism issued a Circular between 2000 and 2001 for prevention of commercial sexual exploitation of children targeting the tourism sector such as hotels, guest houses, restaurants and nightclubs; and inspection of cinemas and videos.

The MoSVY has issued Prakas in 2006 on the Conditions and Procedures for Admission, Administration, Rehabilitation of Children in Chom Chao Youth Rehabilitation Centre and Prakas on policy implementation of Alternative Care for Children. Inter-ministerial Prakas was issued in 2001 by MoSVY and the Ministry of Interior (MoI) on the Education, Rehabilitation and Vocational Training for Convicted Persons; Procedure No. 34 of the Department of Prison issued in 2003 aims to manage and care for pregnant convicts and their children in prison.
25. MoSVY revised a draft law on the rights of the disabled persons in the end 2006, which is being considered by the Council of Ministers and submitted to the National Assembly for ratify. The purpose of law is to strengthen the protection of the rights and interests of disabled and to suppress discrimination against them. Those rights are stipulated in the Constitution of Cambodia and treaties which Cambodia is party, namely right to life, education, access to health services. According to the law, the Royal Government of Cambodia shall create programmes preventing disability of every citizen through health care during pregnancy, provision of physically supporting food. Disabled students are entitled to study at educational institution, and those from poor family are entitled to access to public (state) equity education without tuition.
26. The Government issued a Sub-Decree on Civil Status No. 103 dated on 29 December, 2000. The Sub-Decree requires parents to report on the birth of their newborn within 30 days of the child's birth to the civil registrar at the commune office where their permanent residence is located (Article 17). In case of abandoned infant, the infant shall be delivered to, registered and given a name at the commune civil registrar where he/she was discovered (article 19). The Sub-Decree also facilitates providing birth registration and birth certificate to children with no birth certificate or birth registration staying in rescue or orphan centres (Article 20). There are Sub-Decrees No.60 and 17 in 2002 and 2004, respectively, amending the Sub-Decree 103. Article 8 of Sub-Decree No. 60 provides change the responsibility of the Commune Council in relation to civil registration work. Article 25 of the Sub-Decree No. 17 provides the adjustment to the procedure for birth registration beyond the 30 days limit. Meanwhile, the Draft of Civil Code also stated on the right and case of parent for child birth legislation.
27. To ensure the effectiveness of civil registration, the Ministry of the Interior developed guidelines No. 049 dated on 30 June 2004, on Mobile Civil Registration Campaign throughout the country. As a result of these efforts, the percentage of the population with birth certificates increased from an estimated 22 percent in 2000 to 89 percent in 2006 (as of November, 2006). Although at present, disaggregated information by age and sex is not available, but Ministry of Interior instructed all provincial and municipal governors to collate disaggregated data of citizens below 18 years of the age<sup>11</sup>.

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<sup>11</sup> - Statistics of the Ministry of Interior No 495 dated on 20 April 2006.

28. Law on Education was adopted and come into force in December 8, 2007; aims at defining on procedure and national require condition for build educational system and unity, which ensure with principle of administration of education freedom inline with Constitution of the Kingdom of Cambodia. This law aims at human resource development by providing a whole life education for all in order to provide learner got knowledge, skill, ability, dignity and morality behaviour to encourage the learner understand, love and involve in the prevention of National Identity, Culture and Language.

## **B- Coordination**

### **Recommendation of the Committee:**

- Take effective measure, including through international cooperation, to strengthen the role of CNCC in coordinating the implementation of the Convention at the national, regional and local levels.
- Provide the CNCC with more substantial human and financial resources to establish closer cooperation and coordination with non-governmental organization working the field of children's rights.

### **Strengthening the Role of CNCC to Coordinate Implementation of CRC**

29. CNCC was established by Royal Government in 1995 with responsibilities to provide advice and coordinate activities relevant to children; assist the Government in monitoring and reporting on the implementation of the CRC and its Optional Protocols as well as national programs for children; conduct researches and inform the needs and issues related to children to the Government, relevant institutions and agencies; and liaise with national and international partners for exchanging lessons learnt and perspectives related to the common goal of improving the situation of children. CNCC created four sub-committees in fulfilling the functions and specific sectoral coordinating of CRC implementation.
30. CNCC is currently developing a Sub-decree for establishing CNCC offices and sub-national (provincial) levels. This structure will be responsible for the fulfilment of its functions, facilitate implementation of CRC and Optional Protocols and collection of data relevant to children at the local level. CNCC's staffs have participated in a number of trainings and workshops on child rights both within and outside Cambodia.
31. CNCC has developed its programs with support from Government such as cost of water, electricity, a telephone line and some budget for event International Children's Day and from UNICEF for administrative, program and incentive for staffs and other programs has support form International Labour Organization/International Program for Elimination of Child Labour (ILO/IPEC). In the other hand there are a few NGOs such as International Organization of Migration (IOM), Save the Children Australia (SCA), Cambodia Acts, World Vision Cambodia, NGO CRC, ECPAT and COSECAM has supported and coordinate some activities and making reports. However, CNCC is still face with many problems such as resource person and budget.

## **C- Monitoring**

### **Recommendation of the Committee:**

- Consider establishing an independent mechanism (e.g. Ombudsperson for Children) to monitor the implementation of the Convention and to deal with children's complaints of violations of theirs in the child-friendly and expeditious manner, and provide remedies for such violations. The Committee further suggests that the State party conduct awareness-raising campaigns to facilitate the effective use by children of the mechanism.

## Children's Ombudsman for Monitoring the Implementation of CRC

32. This problem have been considering by government and International NGOs.

### D- Data Collection

#### Recommendation of the Committee:

- Continue with the development and strengthening of its data collection system, with a view to including all areas covered by the Convention. Such a system should include all children under 18 years of age and specially emphasize vulnerable groups of children as a basis for assessing progress achieved in the realization of the Convention. In this regard, the Committee encourages the State party to seek international assistance from UNICEF, among others.

33. The Statistics Law which governs all matters related to collection, processing, compilation, analysis, publication and dissemination of statistical data in the whole Cambodia. According to the article 11 of this law, the National Institute of Statistics (NIS) of the Ministry of Planning is responsible for these tasks. So far, NIS developed CAMInfo based on DevInfo, and launched in March 2004, with technical and financial supported from UNICEF and GTZ. CAMInfo has known that the Cambodia's Socio-Economic Indicator database for monitor on progressing prepare to the Cambodia Millennium Development Goal and other national, regional and global goals including World Fit for Children (WFFC). CAMInfo has the data from national and provincials to commune level, that enable to monitor on indicator at basic level. The Major data from Cambodia's Socio-Economic survey, watching administration data and database of commune/sangkat also operation into CAMInfo and updated twice a year. CAMInfo is use for currently report on implementation of Millennium Development Goal in 2005 and making government's report for submitted punctually to the UN committee.
34. In 2002, with supported from UNICEF and other NGOs, Ministry of Planning has developed the National database at commune/sangkat levels. This database was reviewed in 2004-2005 for reforming database quality and existing indicator, also added of indicator on health, education, prevention, water and hygiene. Commune/sangkat database has collected every year form data-book of village/commune/sangkat and used for tool of establish commune/sangkat investment plan.
35. In 1999 with supported from International Organization of Migrant (IOM), the Ministry of Social Affairs, Veteran, and Youth Rehabilitation (MoSVY) has created a Management Information System on repatriated and deported of children and women victim of trafficking that repatriated from other countries.

In 2002, information system of mine's victim Cambodia has developed. At the present time, this system just related the preliminary result of risk, and land mine/unexploded ordnance's victim. This information system updated every year.

In 2004, Ministry of Interior (MoI) developed database on convicted criminal sexual exploitation for collecting information by sexual abuse, trafficking and exploitation and give detail information in case of victim and suspected person enable use for governs tool committed.

In 2004, CNCC developed TSECInfo, a database on trafficking and sexual exploitation of children based on a regional database on CSEC (CSECInfo). Currently, TSECInfo contains limited data due to the difficulty of collecting information on the subject matter, and also because there is limited human resource for its development and maintenance within CNCC.

In 2007 MoSVY developed database system on Alternative Care for Children for collecting periodic data of children live in residential care center. Last data showed that, the totally of 8.666 children live long-term in 196 centers, that which 20 state centers and 176 NGOs care centre.

In 2006, the Ministry of Justice has developed a national child justice data collection and monitoring system, including the a computerised database in order to monitor developments of children in conflict with the law and child victim cases as the cases move through the different

stages and institutions of the criminal justice system. The system will integrate data of different criminal justice institutions.

## **E- Budget Allocation**

### **Recommendation of the Committee:**

- Give priority to ensuring that the maximum available resources are allocated to health, education and social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups.

36. The Government has a priority policy for social and economic expenditure with particular emphasis of four ministries [Ministry of Education, Youth and Sport (MoEYS), Ministry of Health (MoH), Ministry of Agriculture, Forestry and Fishery (MoAFF) and Ministry of Rural Development (MoRD)]. From 2000-2006 annual budgets of MoEYS increased from 13.6% to 18.8%, MoH increased from 8.4% to 11%, MoRD increased from 0.6% to 1.3% and MoAFF increased from 1.9% to 2.4%. In the other hand, the budget of MoSVY for assisting vulnerable children including orphans in state center, Oldster, Retirement Pension, Person with Disability has increased from 3.94% in 2003 to 6.66% in 2006 of National Budget package.

## **F- Awareness and Understanding of the CRC**

### **Recommendation of the Committee:**

- Strengthen its efforts to disseminate the principles and provisions of the Convention in to sensitize society about the children's rights. Special emphasis should be placed on the dissemination of the Convention among minority groups as well as in rural and remote areas.

37. Cambodia has taken certain actions directly and indirectly to promote awareness on the rights of the child and efforts related to government institutions, NGOs, international organizations and other stakeholders such as Buddhist monks and leaders. The Ministry of Information has mobilized radio, TV, newspapers, magazine and spots to promote public awareness on the rights of the child. Awareness has been raised among government staff and specialized institutions including the police and local authorities.
38. In January 2001, CNCC with financial support from UNICEF and UNHCHR organized national workshop on Royal Government's implementation of concluding observations of the UN-CRC Committee. There were about 100 participants; they are officials of ministries and governmental institutions, and representatives from national and international organizations. The purpose of the workshop was to find ways to implement the concluding observations. The consultative groups of the workshop made recommendations on several points, for example, regarding the general measure for implementing CRC, it was recommended that the government should strengthen law enforcement, review existing laws or regulations related to birth registration and amend parts of laws or regulations which are not consistent with provisions of the CRC.
39. In 2002, CNCC organized children's forums in three provinces with the participation of pupils, orphans and street children stay in state centre and NGOs centre and teacher from six provinces and city. The forums were organized with the aim to promote awareness on the rights of the child and implementation of the CRC appropriately to the context of Cambodia, to hold the values of the child and to promote child participation in implementation of the CRC.
40. Department of Youth of MoEYS has organized vocational training on awareness of the rights of the child to director and deputy director school, teachers and children of council for children at primary school and high school all 24 provinces/municipalities. Those children have been test about the child rights for valuating the knowledge and get presents.

41. NGOs have actions awareness on the rights of the child to people in community, Local authority and pupil through video show, leaflet, picture, booklet with picture that easy to understand. Meanwhile, in 2005 the NGO Vatanakpheap is working with 940 activities, including children from 113 remote villages in Pursat province to promote CRC and incorporating issues related to the rights of the child into the mobile library. In the other hand, Child Rights Foundation (CRF) collaborated with MoEYS awareness on rights of the child to trainees of 7 Teacher Training Colleges and teachers, student in 45 primary and upper secondary school in 3 provinces (Kandal, Siemreap, and Kampong Cham). The result student in teacher training, teachers and student have known about the basic of child rights particularly, understanding about child participation and prevention from sexual exploitation, corporal punishment of children and publish books for teachers.
42. With supported from UNICEF, advocacy kits with number of key indicators related to women and children have been issued to district and provincial governors to incorporate women and children's issues into their priority work. Up to 2006, Commune Committees for Women and Children (CCWC) have been established in 203 communes in six UNICEF-supported provinces. These committees act as advisory bodies to democratically-elected Commune Council on all women and child-related issues. Nation-wide scale up of the CCWC is currently being planned. Also, since the commune elections in 2002, all commune councils have selected one female councillor or a woman from commune to be in charge of women and children's affairs. Her role is to ensure that issues related to their rights are included in commune council planning and decision making.
43. CNCC, government agencies concerned, NGOs and children have been involved in organizing the International Child Day on 1 June and the World Day against Child Labour throughout the country. The campaigns aim to promote awareness among government officials at all levels, the public and children on the rights and issues of the child, particularly those related to violence, and the worst forms of child labour.

#### **G- Trainings of Professionals**

44. In 2004, the Centre for Lawyer Training and Legal Professional Improvement (LTC) organized a training of trainers on Child Rights and Legal Representation in Cambodia, and developed a training manual on the topic. The first training for 60 lawyer students was held in 2005, second training for 50 lawyer students was held in 2006 and third training for 44 lawyer students in 2007. In collaboration with the Ministry of Justice, LTC conducted trainings for 40 practicing lawyers on Child Rights and Legal Representation in Cambodia. Similar trainings were also conducted at the Royal Academy for Judicial Professionals for 106 student/incumbent judges and prosecutors in 2006 (Royal School of Magistracy) and 240 in 2007.
45. The four training modules and hip-pockets have been finalized with support from technical ministries, namely MoEYS, MoH, MoWA, MoSAY, MoP and MoI. All UNICEF-supported training materials have been printed and distributed to MoI for using in the 24 provinces. The national ToT trainings on health and education, targeting provincial and ministry trainers, were conducted in July 2006. The PLAU in collaboration with POH and POE conducted the provincial ToT trainings which were then followed by commune trainings throughout the country between August and October 2006. The national ToT trainings on Child Protection and Making Child Rights a Reality were organized for all trainers from 24 provinces and municipalities. In 2006, Ministry of Interior collaborated with NGOs have train ToT in 24 provinces and municipalities, 18 provinces and municipalities with supported from United Nation Development of Planning (UNDP) through partnership program on local administration and Asian Development Bank (ADB) through program in support of local development of commune/sangkat. The provincial ToT are planned to be organized in the six UNICEF-supported provinces by the end of 2006. UNICEF launched training to 36 trainees for subsequently training social workers.

### III. DEFINITION OF A CHILD

#### Recommendation of the Committee:

- Include in its legislation the definition of child.
- Take into consideration, in the process of drafting its new legislation, the incorporation of minimum ages of criminal responsibility and sexual consent.
- Enforce the law on minimum age for marriage.

#### A- Integrating the Definition of the Child into the Law (art. 1)

46. Article 48 of the 1993 Constitution recognizes the 4 basic rights of children. Definition of child was incorporated into laws and draft laws. For example, article 17 of the Draft Civil Code states that children are those aged below 18. Law on Marriage and Family, article 97 provides that age of majority is 18.
47. The legal minimum age for consent to sexual activity is defined in Article 2231-1 of the new Penal Code as starting from 15 years old.
48. The penal code 2007 in Article 212 is defined that “The minor aged below 14 shall be not put in pre-trial detention. The new penal code provided that the minimum age for criminal liability is 18 (Article 38). However, if circumstances of offence so required, court is entitled to impose criminal sanction upon minor aged above 14 (Article 39).
49. The Labour Law of the Kingdom of Cambodia states the minimum age for entering into labour force. The minimum age for wage employment of children is 15 years old and above. Children can involved in work even at the age of 12 if it is light work, it does not cause harm to the health and mental development and does not interfere with their education or training.

#### B- Enforcement of Minimum Age for Marriage

50. A marriage involving an under-aged couple, forced marriage or any act that hinder the freedom to the marriage is prohibited. Marriage is allowed for male and female aged from 20 and 18 years old, respectively. However, under special circumstance, boy aged below 20 and girl aged below 18 are allowed to get married if the girl is pregnant and parents or caretakers gave permission to do so.

### IV. GENERAL PRINCIPLES

#### A- Non-discrimination (art. 2)

#### Recommendations of the Committee:

- Effective measures to eliminate discrimination against girls in particular with regard to their access to education
- Eliminate discrimination against children living and/or working on the streets, children belonging to minority groups especially of Vietnamese origin, children affected by HIV/AIDS and children with disability

51. MoEYS has eliminated all informal contributions by parents for students in basic education level, because the government has increased the budget package to schools for implementation. The ministry has strengthened the management of learning and teaching, supported and offered scholarships to poor pupils, particularly girl students in total 60374 which are living in rural, isolate, facing difficulty area and minority group to enable them to attend school. This program was implemented in 215 village's primary schools in 17 provinces and cities in academic year 2003-

2004. Moreover, the ministry provided priority to new graduated female teachers choose a school, which is enable go to work, in order to avoid the difficulty because of workplaces are isolate that effect to their own safety. The ministry has provided opportunities to female disability pupils studied in Disable Children Centres by providing scholarship, pay attention to livelihoods, meal and appropriate dress. The ministry has built student dormitories in isolate, rural and difficulty areas (3 in Mondul Kiri province, 1 in Kampong Thom province and 9 in educational institutes) for providing the opportunities to poor female students enabled to study, which totally there are 1083 students for general school, 282 students in university. Moreover, since 2001 ministry has strategy to increase 6742 schools located near the villages in rural areas and 546 schools in isolate areas. The Ministry has raised the policy; there is one secondary school in a commune and at least one high school in a district or transform the principle schools in braiding primary school as the secondary schools in order to avoid droop out of poor female pupils, because of long way and unsafely. Further more, Ministry drafted Law on Education; one of the purposes is to eliminate discrimination basing on race, colour, sex, language, religion, political opinion, ethnic or social origin, property, disability, birth or other status.

52. The government policy does not discriminate against street children and those from minority groups, particularly children of Vietnamese origin.

Recently, Plan International Organization in collaboration with Ministry of Interior conducted research on issue of birth registration and come up with list of recommendations which drawn from comparative studies on this registration regime. Those recommendations would help the Ministry to set up better registration regime. The new regime would help solve problem regarding the status of Vietnamese.

Article 36 of Law on Prevention and Combat against the Spread of HIV/AIDS absolutely prohibits discrimination against persons or their family members presumptively infected by HIV/AIDS, in all field of life, such as promotion, employment. The safety system and disable livelihood have been paid attention. The draft law on Prevention and Promotion of the rights of disabled people was revised by MOSVY in 2001, and this draft Law was approved by the Council of Ministers' meeting in 2007 and was submitted to the National Assembly for adoption. The purposes of the draft is to protect the rights and interests of disabled, and to abolish all forms of discrimination, ensuring equal participation in all activities in society as non-disabled people.

#### **B- Best Interests of the Child (art. 3)**

53. The general principle of the Convention is considered a basis for developing principal laws and programs related to the child. Draft law on juvenile justice requires taking into consideration in all actions undertaken toward minor in conflict with law, their best interest and particular regard shall be paid to ensuring the right to life, maximum development of minors. Sub-decree No. 29 in year 2001 vests responsibilities of implementation of procedure on inter-country adoption in MoSVY and other relevant ministries, such as Ministry of Foreign Affairs and International Cooperation and requires adherence to the respect for best interests of the child in inter-country adoption process. Likewise, best interests of the child are incorporated in the draft law on inter-country adoption.

#### **C- Right to Life, Survival and Development (art. 6)**

54. Because of health issues or care services, such as the provision of nutrition, vaccination, and to measures undertaken to reduce mortality of children whereby the right to life, survival and development can be ensured, the detailed information in the section can be referred to part VII.

#### **D- Respect for the Views of the Child (art. 12)**

55. Article 74 of Constitution stipulates that Khmer citizens shall have right to freely express their views. The CNCC, have organized forums and events to provide children opportunity to express their views and to participate in decision making. The Five-Year draft of National Plan on Trafficking and Commercial Sexual Exploitation, for example, has incorporated children's views into the final document.

## V. CIVIL RIGHTS AND FREEDOM

### A- Birth Registration

#### Recommendations of the Committee:

- Make birth registration compulsory for all children without any type of discrimination by law
- Effective measures to enforce the existing sub-decrees related to the Resident Book and the Family Book, both of 1997, in particular to ensure that all children who were not registered at birth are registered
- Awareness-raising campaigns to encourage the registration of all children at birth

56. The Royal Government of Cambodia has issued relevant sub-decrees and guidelines to promote birth registration, for example, the sub-decree No. 17 June 2004. Its article 25 states the facilitation for registration of children who was not reported (registered) within 30 days after the birth. The new sub-degree on Civil Birth Registration has been reviewing by the Ministry of Interior in collaborate with the development cooperation partner. The Civil Code, which require to register the birth as obligation had been adopted by National Assembly in 2007.
57. The Ministry of Interior has promoted awareness on civil registration through the radio and TV to raise awareness and promote its effective implementation. A reporting system was also established at the district level to record population statistics and the results of the civil registration on quarterly, semi-annual, and annual basis.
58. From 01 August, 2002 to 30 September, 2006, of total number of 12,860,124, there are 716,608 were registered (female: 341,319). Of the same number, there are 11,828,208 (5,926,943 are female) were registered and have birth certificates an equivalent to 91.98 percent of the country's total population of 2006<sup>12</sup>.

### B- Nationality (art. 7)

#### Recommendations of the Committee:

- Review Law on Nationality in the light of the Convention with a view to eliminating all grounds of possible discrimination and eradicating and preventing children being stateless

59. According to the Law on Khmer Nationality, citizenship shall be granted to an infant born in the Kingdom of Cambodia and those born outside of Cambodia with parents of Khmer nationality or recognized as Khmer nationals.

### C- Preservation of Identity (art. 7)

60. The Constitution of Kingdom of Cambodia prohibits depriving Khmer nationality from Cambodian citizens, including children. Article 19 of the Sub-Decree on Civil Status No. 103 obliges authorities to register abandoned children. Moreover, MOSVY have been encouraged to pay attention for this issue to children are living in Government and NGO Centres, as stated in the Policy on Alternative Care for Children.

<sup>12</sup>- Report of Ministry of Interior 01 August to 31 December 2006.

## **D- Right to Participation of Children**

### **Recommendations of the Committee:**

- (a) Further measures including legislation reform to:
  - Promote the participation of children in the family, the school and other institutions
  - Ensure the freedom of opinion, expression and association
- (b) Measures to increase public awareness of the participatory rights of children in families, communities, institutions and schools

61. The Children have been participated in several national or international forums and consultations which organized by CNCC and NGOs (Coalition NGO for solving the child sexual exploitation in Cambodia, the NGO committee for Child Right, Child Right Foundation) and International Organizations. The forums and consultations meeting as follow:
- Some national forums and workshops on the Promotion of Actions against Trafficking in Cambodia, involved child victims of trafficking and sexual exploitation, pupils and child rights activists from Children and Youths Clubs. The Children's statements and recommendations have been considered and incorporated into the Five-Year National Action Plan against Trafficking and Sexual Exploitation of Children.
  - In 2004 and 2007 there were 5 representative of children participated in the Child Forum for the Mekong Region. The statements and recommendations of children have been raised to high level officer of 6 countries in order to solve by there own country. On the other hand, in 2007 the Children's recommendation have been put into the agenda for senior officer meeting of the Government of the 6 countries of the Mekong Region, which held in Beijing in December, 2007.
  - The consultation workshop on Violence against Children were participated by 225 children. 30 child representatives participated in the national consultation of teenager. 2 representatives of children were selected to participate in a regional consultation in 2005.
  - The children representative participated in the 5<sup>th</sup> Ministerial Consultation Meeting on Children of East-Asia region and Pacific in Beijing, China in 2000, the 6<sup>th</sup> in Bali, Indonesia in 2003, and the 7<sup>th</sup> in Siemreap, Cambodia in 2005.
  - There were 5 children participated in the 1<sup>st</sup> Child Conference of South-East Asia region, which held in 2006, in Philippine. A girl participated in High Level meeting, in order to review the results of Special Meeting for Children in the UN office in New York in 2007.
  - Over 3000 children participated in International Children Day every year, which presided over by the leader of the Royal Government of Cambodia, national and international guests. In those ceremonies the children representatives had their speech, express their ideas and requests to the Royal Government.
62. Child Assistance for Mobilization and Participation (CAMP) organization participated in activities related to campaigns against sex tourism by cooperation with the Ministry of Tourism.
63. The TV programmes. 'Youth Today' for 15-minute and hundreds of programmes covering the topics on child labour, trafficking, HIV/AIDS, health and nutrition have been produced by young people and aired on national TV weekly, which supported by UNICEF. 27 young people received journalism training to produce regular news magazine and TV programme.

## **E- Freedom of Expression (art. 13)**

64. Freedom of expression is stipulated in Article 41 of the Constitution. The Law on amendment of Article 63 of the Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia during the Transitional Period defined to eliminate the penal sanction of 8 days to 1 year's imprisonment, just fining as money for defamation makers.

#### **F- Freedom of Thought, Conscience and Religion (art. 14)**

65. Provisions for freedom of religion are made in Article 43 of the Constitution. The Government has allowed the establishment of churches and mosques and others where followers can practice their belief, and in this regard, there are no limitations to the enjoyment of freedom of religion.

#### **G- Freedom of Association (art. 15)**

66. The article 42 of the Constitution provides the right to freedom of association. There are many associations and non-organizations were created, for example CAMP. The purpose is to participate in and make campaigns against sex tourism as well as trafficking and commercial sexual exploitation of children.

#### **H- Protection of Privacy (art. 16)**

67. Article 38 of the Constitution defined on insurance to protect lives, reputation and dignity of citizen and have no arbitrary interference on physical of a person. Draft law on juvenile justice conflict with law prohibits publication of information revealing identity of minors (article 5), and hearing of case of children in conflict with law shall be held in camera. However, there are still instances of publishing the photos of children without hiding their faces or identity.

#### **I- Access to Appropriate Information (art. 17)**

##### **Recommendations of the Committee:**

- Special legislation to protect children from harmful information, in particular from television programmes and films containing brutal violence and pornography, and to guarantee their access to appropriate information

68. The Government issued a Sub-Decree on Management and Control of Cinema and Video in September 2000, which requires all cinemas and videos produced within and outside of the country to obtain a permit before starting their businesses. To enhance enforcement of the Sub-Decree, Ministry of Culture and Fine Arts issued a circular in October 2000 confirming that the Ministry shall not issue permit for any production of video tape, laser disc, video CD, DVD and karaoke containing pornography, robbery, killing, violent acts, drug trafficking, sexual exploitation, child trafficking and abduction.
69. Ministry of Information issued a guideline to TV broadcasters not to air images containing acts of rape or obscene acts. Movies depicting acts of violence, killing, abduction or terrorism shall only be aired after 9 pm. All TV stations shall not air staged acts containing violence that affects children and shall not allow children to perform in any program that does not give educational message to or that negatively would affect the child. All broadcast materials containing contents that encourage children to smoke and take alcohol shall be prohibited.
70. The Government issued a principle and measure to suppress and prevent electronic dissemination of obscene female and children images. The recommendations include:
- Blocking Internet IP that transfer obscene images;
  - Create a committee to monitor all means of transmission of obscene images; with the financial support for education, monitoring, inspection and control effectively;
  - Ministry of Justice to fill in the gap by including in the new draft law on suppression of human trafficking and promote its quick adoption;
  - Ministry of Women's Affairs shall draft guidelines to facilitate implementation during the period waiting for approval of the new law;
  - Each ministry shall advise and educate staff not to watch or communicate obscene images;
  - Develop campaign for youth and social education through collaboration of relevant ministries.

## **J- The Right Not to Be Subjected to Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment (art. 37. a)**

71. Torture, physical abuse is prohibited in the Constitution. The existing laws define torture as physical injuries inflicted upon any person by authorities. The Criminal Code contains about torture and punishing offenders. Prisoners can also file a complaint about torture with competent authorities, and convicted will be punished and sentenced accordingly. Law on Marriage and Family prohibits ill-treatment of children by parents. The Law on Prevention of Domestic Violence and Protection of Victims prohibits violence in family. It is act committed by either parent upon child. Violence consists of act of torture producing mental and physical suffering. Those committed act of violence would be punished basing on existing criminal law (art. 35). The Ministry of Education, Youth and Sports (MoEYS) issued a guideline on disciplining children, and recommends verbal warning or penalizing children by asking the child to write down many expressions or to write down the penalty in on a notebook. Only the Disciplinary Council has the authority to punish children, but not through physical punishment.

## **VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **A- Parental Guidance (art. 5)**

72. Cambodian citizens make all effort to become good parents and assume responsibility for raising, caring, providing education, advice and direction to, and preparing for the future of their children. According to the Cambodian tradition, the grand parents, uncles, aunts or other members of relatives also contribute significantly to taking care of and advising children with compassion and affection. However, some parents are uneducated, and may not be able to provide adequate guidance to their children.

### **B- Parental Responsibilities (art.18)**

73. The term family has not yet been defined in the Cambodian law. Parents have responsibilities for the education and welfare of children as well as guiding them to become good citizens, allowing the child to develop both physically and mentally. Parents are guided by Cambodian custom and traditions in undertaking this duty.

The duty of raising children to become good citizens is stated in article 47 of the Constitutional law. The law on Prevention of Domestic Violence and Protection of Victims incriminates any person who has committed an act of violence to children regardless of their relationship with the child. However, the enforcement of this law would not be so much fruitful since capacity of law enforcement officials is limited and the law is not yet disseminated widely. There remain challenges in parental responsibilities due to poverty and lack of education.

### **C- Separation from Parents (art. 9)**

74. Divorce forces the separation of children predominantly from the father, although the court will intervene in the event of disagreement between the parents, and the best interests of the child will be taken into account. Article 73 of the Law on Marriage and Family asserts that "for the children's interest, the decision on which party will receive the custody of children shall be determined in accordance with the agreement of the divorcing husband and wife. According to the general principle, a baby who is still breastfeeding shall be under the custody of the mother". Children neglected or abused by parents will be entrusted to their relatives. Children are temporarily separated from convicted mothers in prison, the Circular No 15 dated May 22<sup>nd</sup>, 1995 on direct relation with contradictor and female convict, which are prisons with their baby determined that the provincial department of Social Affairs should be direct contact with the prison authorities in order to withdraw the baby over 6 months form convict mother in prison. The provision also advises regular visits to maintain personal contact between the mother and child.

#### **D- Family Reunification (art. 10)**

75. There is not yet refugee law in Cambodia. There is law on immigration; however, there are not provision dealing with children in rejoining their families abroad or in Cambodia. Since 1988, by supporting of International Red Cross Committee, the Cambodian Red Cross carried out the ‘family tracing programme’. From 2000 to 2007 Cambodian Red Cross found 1263 broken families in war period on 343 cases, among those there were 1,344 people including children and sent and received 120,919 messages to other countries Red Cross, in order to trace the families and person in abroad.

#### **E- Illicit Transfer and Non-Return (art. 11)**

76. Various measures have been undertaken to combat illicit transfer of persons. The draft law on Inter-county Child Adoption and the Civil Code aims at preventing illicit transfer of children (paragraph 6).

#### **F- Recovery of Maintenance for the Child (art. 27.4)**

77. Law on Marriage and Family provides that the rights and duties of parents and children remain unchanged their relations with parents in the event of the parents’ divorce. When parents are legally divorced, the children receive maintenance in accordance with the court’s decision. However, in rural areas the mothers often care for the children alone with assistance from the father. According to article 323 of the code of penal, courts shall impose penal sanction of 1 month to 1 year with fine as money from 100,000 to 2,000,000 KhRiel to a spouse who failed to provide child with alimony for at least 2 months.

#### **G- Children deprived of their family environment (art. 20)**

##### **Recommendations of the Committee:**

- (a) Effective measures to promote, through counselling and community-based programmes, the family as the best environment for the child and to empower parents to take care of their children in order to avoid placement in child welfare centres.
- (b) Policies and regulations regarding children’s institutions and other forms of alternative care
- (c) Strengthening social services particularly for children orphaned by the HIV/AIDS endemic
- (d) Strengthening alternative forms of care such as foster families
- (e) Sufficient financial and human resources for these purposes

78. In 2001, MoSVY organized a national survey of child care service providers in Cambodia. The results from the survey were used to review policies, law and regulations on the provision of alternative care for orphans and abandoned children. The regulation on the management of orphanages is being reviewed to promote alternative care in a family environment and communities.

In 2005, the MoSVY established a database on the situation of children in residential care, in which data is entered on a half-yearly basis by a team of social workers who visit all residential care facilities in the country. The Government promotes community and family-based child care with a focus on reintegrating orphans and abandoned children into communities and primary care givers or foster families. However, the number of children in the orphanages and children’s centres remains high.

79. In the end of 2007, there are 20 State orphanages and 176 NGO run long term residential care centres that house 2,240 and 6,383 children. These children are mostly poor, orphans and street children. In addition, a relatively limited number of children victims of violence, exploitation or trafficking are cared for in short term rehabilitation centres.

80. In order to improve the child living in the centres, the Government issues Sub-degree No 116 dated on 26 October 2006 on allowance policy of victims staying State orphanages. MoSVY issued regulations on Alternative Care for Children, including the following:
- Notice No. 2911 dated on 18 October 2000 on Strengthening the Management of Orphans and internal rules for State run orphanages;
  - Prakas No. 91 dated on 25 April 2001 on Conditions and Procedure for Admission of Abandoned Children to Orphanages
  - Guideline No. 02 dated on 23 January 2002 on Strengthening the Management of Orphans in orphanages managed by the State and by other organizations;
  - Prakas No. 038 dated on 21 February 2005 on Establishing an Advisory Committee on Alternative Care for Children Committee responsible for oversight and provision of advice on issues related to the alternative care for children without primary caregivers;
  - Prakas No 074 dated on 28 April 2005 on Establishing Technical Working Groups to assist the Advisory Committee on Alternative Care for Children including working group for developing guideline on alternative care, working group for developing minimum standards, working group for monitoring and evaluation and working group for defining form of alternative care outside institution which well implemented.
  - MoSVY is also developed two sets of Minimum Standard on Alternative Care: on residential care, on pagoda-based care, and family based care and on group home care, aiming at protecting the rights and ensuring long term physical, mental, moral development of orphans and other vulnerable children.
- A Prakas on the Minimum Standards on Residential Care are putting in use since 2006. The Minimum Standards list quality of care standards relating to welfare, development, participation and management of residential care facilities of children.
81. On 26 April 2006, the Royal Government of Cambodia adopted a National Policy on Alternative Care for Children. The Policy lists the different types of alternative care available to children without primary caregivers in Cambodia, and sets out the principles of alternative care. Family and community based care is favoured above residential care, long-term options are preferred over short-term options and national forms of alternative care, such as national adoption and relative care, foster family care are preferred above international forms of alternative care. In the Policy, the Government stipulates that residential care and international adoption are options of last resort. The policy has following purposes:
- To ensure that children benefit from, international instruments and national laws, especially the CRC and its four principles;
  - To ensure that children develop in family and the communities, especially in primary caregivers family and communities which are their hometown or original places;
  - To ensure that children are able to access to health and educational services without charge, and to spiritual support so that they can survive and develop; and
  - To increase capacity of communities for care and protecting vulnerable children through the promotion and strengthening all safety network of communities.
82. MoSVY's Strategic Plan 2004-2008 aims to promote basic care for orphaned and abandoned children at community and family levels. At the end of 2006, The Ministry has signed a Memorandum of Understanding (MoU) with 104 (50 NGOs and 54 International NGOs) active in implementing programs to support orphans and vulnerable children.
83. MoSVY is promoting changes in the infrastructure of child care centres to create a child-friendly environment. Eight centres were built into houses resembling family households, where 10 to 15 children can live together under the care of the centre staff. As the government's resource is limited, additional resources are crucial to ensuring sufficient provision of appropriate services. State and NGO-run centres receive contributions from charity and private donors.
84. The government continuously increased allowance for children in the orphanages. At the end of 2006 the government issued sub-degree No.116 stated on allowances policy for children staying in

government's orphanages. According to this sub-decree the babies under 2 years old receive 60,000 KhRiels for milk; 120,000 KhRiels for clothes, basic materials, hygiene and treatment. Children above 2 years of age receive 45,000 KhRiels for meals; 120,000 KhRiels for clothes school, sport and other basic materials and treatment. Children who are chronic ill, disabled and HIV/AIDS receive 20,000 KhRiels more for their health care. The sub-decree also lists the number of caretakers in state facilities according to number and age of children: 1:3 for babies under one year, 1:5 for 1-3 year olds, 1:10/15 for children above 3 years old and 1:2 for children with disabilities and HIV/AIDS babies.

85. Children living in pagodas are those from poor family, vagrants, or orphans whose parents died of HIV/AIDS. With the support of Buddhist monks, these children attend the local primary school, literacy classes and vocational training, although such activities remain limited. Such support is provided from charities and Buddhist followers.
86. There are also other vagrants dissociated from their families and live on the street. According to a report in 2006 by Phnom Penh Department of Social Affairs, Veterans and Youth Rehabilitation, there were 4,189 street children in the capital alone. On the other hand, according to the 2006 reports of Sub-committee of Vagrant Issue Solving in Kampot, Kampong Cham, Kandal, Pursat, Oddar Meanchey, Banteay Meanchey, Battambang, Kampong Speu, Kampong Thom, Takeo provinces and Sihanoukville there are totally 2,197 vagrants.
87. Prison Management Procedure No. 34, issued by the Ministry of Interior, states that the Director of a prison shall take appropriate actions to ensure the health and welfare of the infant born in prison, pregnant women and postnatal mothers.
88. The National AIDS Authority (NAA) estimated in 2003 that 60,000 children were infected with HIV/AIDS. The study also indicated that HIV/AIDS among poor families has a severe implication on the welfare of the families. A study in 2000 on home based child care network in Cambodia revealed that 40 percent of children with families living with HIV/AIDS lived without basic needs such as food and clothing, and 30 percent undertook house work while 21 percent started working to support their family<sup>13</sup>.
89. MoSVY's Strategic Plan (2004-2008) covers issues regarding people living with HIV/AIDS as below:
  - Strengthen and expand community centre and network to provide social service to individuals and families infected with HIV/AIDS;
  - Strengthen life skills and awareness raising programmes to support families infected with HIV/AIDS<sup>14</sup>

MoSVY developed a Strategic Plan on HIV/AIDS (2003-2005), organized a forum on social impacts of HIV/AIDS and awareness rising on HIV/AIDS prevention.

90. A National Taskforce on Orphans and Vulnerable Children (OVC) was established in 2006, and will be conducting a situation analysis on OVC around country, develop a multi-sectoral strategic framework, a three-year National Action Plan (2008-2010) and costing estimation for implementing this plan and protecting, caring and supporting OVC.

## **H- Adoption (art. 21)**

### **Recommendations of the Committee:**

- Continue with the process of enacting its legislation on inter-country adoption
- Undertake legislative reform of the existing legislation on domestic adoption
- Accession to the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption of 1993
- Strengthen the adoption bureau.

<sup>13</sup>- Social and Economic Impacts of HIV/AIDS on family with adolescent and infant in Cambodia (p 4).

<sup>14</sup>- MoSVY's Strategic Plan, 2004-2008, (p.57).

91. Procedures and regulations on inter-country adoption has been reviewed and strengthened by developed standards and guidelines on inter-country adoption, including the following:
- Sub-Decree No. 29 dated on March 14, 2001 on Inter-country Adoption of Orphaned Children;
  - Prakas No. 074 dated on April 3, 2001 on the Modality and Processing of Application for Inter-country Adoption of Orphaned Children;
  - Note No. 1481 dated on September 26, 2001 on Restriction of Internet Advertisement that Affects the Rights of the Cambodian Child;
  - Note No. 010 dated on January 6, 2003 on Notification to Applicant for Adoption from Cambodia.
92. The number of children internationally adopted between 2000 and 2007 with Government approval is presented in the table below:

Year	Total	Girls
2000	454	278
2001	428	272
2002	490	228
2003	280	166
2004	194	107
2005	173	91
2006	294	143
2007	249	104

Source: Adoption Bureau, as of year end 2007

To ensure effective management of inter-country adoption, MOSVY developed the draft law on Inter-Country Adoption. The draft law was developed in line with the CRC and the Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country, and is currently being considered by the inter-ministerial in the Council of Minister.

The Kingdom of Cambodia interred as a party of the Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption in early 2007. Cambodia designated the Central Authority and strengthening the Adoption Office for carry out this Convention.

#### **I- Periodic Review of Placement (art. 25)**

93. There are regulations to strengthen management of orphanage centre, such as, Guidelines No. 2 dated January 23, 2002 on Strengthening the Quality of Management of state and NGOs Orphanages, Prakas No. 616 dated November 22, 2006 on Minimum Standard for Base-Care in the Centre .There is also a committee established to oversee and advise on issues related to alternative care for children.

#### **J- Child Abuse and ill-Treatment (art. 19 and 39)**

##### **Recommendations of the Committee:**

- Effective measures to prevent and combat child abuse and ill-treatment of children within the family, at school and other institutions, and in society at large
- Inter alia, law enforcement should be strengthened with respect to such crimes
- Adequate child-friendly procedures and mechanisms to deal with complaints of child abuse in order to provide children with prompt access to justice and to avoid impunity for the offenders
- Educational programme to combat traditional attitudes within society regarding child abuse and ill-treatment

94. According to the Cambodian tradition and custom, parents, caretaker or teachers would discipline and give advice for correcting the fault of child. In cases where a child is severely punished or subjected violence, relevant authorities and persons may intervene to place the child in custody of their grand parents or relatives, or to be sent to a rescue centre.
95. The Government is committed to preventing abuse and violence against children in the family, at school or institutions, and in the nation as a whole through adoption of relevant laws:
  - a) The Law on Marriage and Family forbids parents from physically abusing their own child, children in law, foster-children or step-children. Parental power shall be revoked from parents who:
    - fail to educate their children
    - force the children to commit crime or acts against society
    - mistreat their children
    - break moral standards that can exert bad influence on their children.

Such a decision shall be decided by the court. The Regulation on Court System, Penal Law and Procedure of Penal Code applicable in Cambodia during the Transitional Period may also be applied to penalize the parents.

- b) Law on Suppression of Human Abduction, Trafficking and Exploitation aims to fight sexual exploitation and immoral conduct on human, including children.
  - c) Law on the Prevention of Domestic Violence and Protection of Victims aims to prevent domestic violence, protect victims and strengthen the practice of non-violence and promote a harmonious family environment and society.
96. The Ministry of Woman Affairs developed the five-year strategy plan (2004-2008) call “ 2<sup>nd</sup> NEARY RATANAK ”, which contained many activities for publishing through printing, leaflet, picture, 20 three wheels motor taxi which contained educational message “No violent, Family happy ” and 3 billboards in Phnom Penh and 3 others in Kampong Cham province. Besides the billboard publishing, the Ministry of Woman Affairs organized forum to distribute the Law in some provinces, which participated from 76 Sangkat polices chief, 83 Militaries Police (PM) and 83 Commissioned Officer from all Military General Directorates ( 9 are females). The 3 minutes of TV spot was produced and aired on TV5 for 39 days and TVK for 3 months. There are 4 times aired.
97. The minimum standard on residential care prohibited disciplining, which effected to physical, mental, and social development of children. This standard also defined on main responsible duties of director’s centre for avoiding children from violent, trafficking, exploitation and other abuses and defined the child right for complaining and get the formal preventing in case of child abuses. In MoSVY’s Youth Rehabilitation Centre, a child breaching the rule of the centre may be disciplined by carrying out extra work on gardening or if children are being disciplined for physical fights, they will be isolated for a period of time.
98. When an individual intentionally commits an act of violence and causes injury on another person, the individual shall be subjected to punishment in accordance with Article 41 of the Provisions relating to the Judiciary and Criminal Law and Procedure applicable in Cambodia during the Transitional Period. A person who commits sexual harassment shall be punished in accordance with Article 42 of the same law. Any person attempting to commit, or commit rape shall be punished in accordance with Article 5 of the Law on Aggravating Circumstances, dated November 19, 2001.

There are procedures for court ruling on complaints related to child abuse to ensure children’s access to justice and avoidance of criminalization of children. MoSVY and NGOs have provided legal services, intervention, investigation, counselling, and offered lawyer and temporary shelters to victims and children in conflict with the law.

## VII. BASIC HEALTH AND WELFARE

### A- Right to Survival and Development (art. 6.2)

#### Recommendations of the Committee:

- Multisectoral approach to address the issue of childhood morbidity and mortality, recognizing the critical role of illiteracy, lack of clean water supplies and food insecurity in the current pattern of childhood illnesses
- Identification of priority areas on the basis of the baseline data collected by careful and comprehensive research
- Strategy to take account of the fact that most healthcare takes place outside health facilities and outside State control
- Recognition of the needs of particularly isolated communities
- Measures for establishing an efficient primary healthcare sector, including strategies to

99. In order to address the persistently high infant and child mortality rates (compared to other countries in the region), a high-level consultation was held in 2004, presided over by Samdech Akkak Mohasena Padei Techo **Hun Sen**, Prime Minister of the Kingdom of Cambodia, and members of the Child Survival Partnership (UNICEF, WHO, USAID, World Bank, European Commission, ADB, JICA and DFID). A ‘score card’ on 12 key child survival interventions and indicators concerning the child survival (breastfeeding post partum, rehydration, breastfeeding, additional food, Vitamin A, pneumonia treatment by using anti-biotic, measles and tetanus preventive vaccination, impregnated mosquito net, malaria treatment, destroying aedes mosquitoes and birth delivery by health trained and skilled workers) were agreed upon in the high-level advocacy meeting.
100. In 2004, only 67.1 percent of people aged between 7 and 15 years old, and 69.6 percent of people over 15 years old were literate. Furthermore, there are gaps in literacy between urban and rural areas, and between males and females as shown in the tables below:

#### Literacy Rate among Children aged between 7 and 15 years old

	Overall	Phnom Penh	Urban	Rural Areas
Total	67.1 percent	89.1 percent	75.0 percent	63.5 percent
Male	74.4 percent	93.9 percent	80.5 percent	71.3 percent
Female	60.3 percent	84.7 percent	69.6 percent	56.3 percent

#### Literacy Rate among the Population aged 15 years old and over

	Overall	Phnom Penh	Urban	Rural Areas
Total	69.6 percent	90.7 percent	77.2 percent	65.9 percent
Male	80.2 percent	96.1 percent	84.9 percent	77.5 percent
Female	60.1 percent	85.7 percent	70.0 percent	55.6 percent

Low literacy among women and girls, particularly in the rural area, is a concern as this negatively impacts poverty reduction, infant mortality, child survival; better family health, and educational attainment of their children.

101. Cambodia’s Rectangular Strategy “for Growth, Employment, Equity and Efficiency”, focuses on 1) provision of access to safe water and hygiene to all citizens; 2) provision of freedom from risks

associated with water that threaten the lives and living conditions of people; 3) provision of sufficient water to meet the need for ensuring food security and economic activities; 4) Ensuring pollution-free-water environment and the support for fishery and aquatic ecosystem.

102. Twenty-nine percent of households had access to safe water in 1998 (60.3 percent for urban and 23.7 percent for rural areas)<sup>15</sup>. This percentage was on an increase to 44 percent in 2004 (72 percent in urban areas and 40 percent in rural areas)<sup>16</sup>. Households with sanitation facilities increased from 14.5 percent (49 percent in urban and 8.6 percent in rural areas)<sup>17</sup> in 1998 to 22 percent (55 percent and 16 percent for the urban and rural areas, respectively) in 2004<sup>18</sup>. The Ministry of Rural Development has provided education on health, sanitation and use of clean water and latrines to local communities to increase their awareness on good hygiene practices.

### **1. Reduction in Child Mortality**

103. Infant and under five mortality rates decreased significantly between 2000 and 2005. Infant mortality rate declined from 95 per 1,000 live births<sup>19</sup> in 2000 to 66 per 1,000 live births in 2005<sup>20</sup>; while under five mortality rate dropped from 124 per 1,000 live births<sup>21</sup> to 83 per 1,000<sup>22</sup> live births during the same period.
104. The decline in child mortality rates is a result of multiple, inter-linked factors, notably the decline in average birth giving by a woman, the decline in poverty, better nutritional status of children and mothers, improved access to water and sanitation, increased immunization rates, and better access to healthcare.
105. In Cambodia most children have experienced the three major child killers, namely acute respiratory illness (ARI), fever and diarrhoea. ARI in the last two weeks decreased from 20 percent to 9.5; however, fever remains unchanged (35 percent) and 19 percent (in 2000) to 20 percent (in 2005) for diarrhoea. The Cambodia Demography and Health Survey 2005 shows that ARI caused 30 percent of child death, diarrhoea and dengue fever came next for 27 and 11 percent respectively, and that a number of children died from measles.

### **2. Maternal Health**

106. Maternal mortality ratio (MMR) in 2005 was at 472 per 100,000 live births. The average birth giving by a woman decreased from 4.0 percent in 2000 to 3.4 percent in 2005. The proportion of married women aged 15-49 using modern birth spacing methods increased from 19 percent in 2000 to 27 percent in 2005. Over 1/6 or 17 percent of deaths among women aged between 15 and 44 are caused by pregnancy and birth delivery.
107. The Cambodia Demography and Health Survey indicates that the proportion of deliveries attended by skilled health personnel increased from 32 percent in 2000 to 44 percent in 2005, and 69 percent of pregnant women received antenatal care compared to 38 percent in 2000. At the same time according to the report on the health information system, birth deliveries at the public health services increased from 32 percent in 2005 to 46 percent in 2007 and 88 percent for the antenatal care in 2007.

### **3. Primary Health Care**

108. The provision of full vaccination to babies and children has increased. Immunization against hepatitis type B for children started in 2002, and has reached nationwide in 2005. In October 2000 Cambodia was declared and certified to be free from polio. The immunization programme also immunized pregnant women and women of reproductive age against tetanus in all provinces and

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<sup>15</sup>- Towards strategy on population (p. 15) and the Cambodia's Millennium Development Goals Report (p. 9).

<sup>16</sup>- Cambodia Inter-censal Population Survey 2004, (p. xiv).

<sup>17</sup>- Towards strategy on population (p. 16).

<sup>18</sup>- Cambodia Inter-censal Population Survey 2004, (p. xiv).

<sup>19</sup>- Cambodia Demographic and Health Survey, 2000.

<sup>20</sup>- Cambodia Demographic and Health Survey 2005 Preliminary Report.

<sup>21</sup>- Cambodia Demographic and Health Survey, 2000.

<sup>22</sup>- Cambodia Demography and Health Survey, 2004.

municipalities. The results of immunization programme 2000-2007 are summarized in the table below:

Type of immunization	2000	2001	2002	2003	2004	2005	2006	2007
TB-BCG	83 %	78 %	75 %	76 %	95 %	87 %	87 %	90 %
Polio 3	71 %	70 %	64 %	69 %	86 %	82 %	80 %	82 %
Diphtheria, Whooping Cough, Tetanus - DTC3	71 %	71.5 %	64 %	69 %	85 %	82 %	80 %	82 %
Measles	69 %	70 %	62 %	65 %	80 %	79 %	78 %	79 %
Hepatitis B	-	-	-	-	-	28 %	44 %	53 %
Tetanus for pregnant women at least twice	46 %	48 %	43 %	43 %	51 %	51 %	50 %	50 %
Tetanus for female at reproductive age	17 %	30 %	19 %	26 %	23 %	19 %	18 %	15 %

*Source:* Data from the Ministry of Health, National Vaccination Programme.

#### 4. Nutrition

##### 4.1. Breastfeeding

109. The Cambodia Demographic and Health Survey shows that exclusive breastfeeding has been more prevalent over the last 5 years, with 60 percent of infant under age 6 months being exclusively breastfed in 2005. This is a significant increase in the practice, compared to 2000, when only about 11 percent of infant below the age of six months were exclusively breastfed. To promote breastfeeding, a No. 133 Sub-Decree on the Marketing of Products for Infant and Young Child Feeding was adopted on 18 November 2005. This sub-decree intends to contribute to providing sufficient nutrition and safety to infants and young children through safeguarding and promoting breastfeeding and encouraging the correct and proper provision of additional food according to their age in order to ensure the proper consumption of products other than the breastfeeding only when they are required on a well-informed basis. It also limits and prohibits the marketing and advertising of both local and imported products for infant and child feeding, and imposes penalties in relation to the marketing of products. There has been a better improvement of provision of additional food to infant above age 6 months, with an increase of 76 percent in 2000 to 82 percent in 2005.

##### 4.2. Elimination of Vitamin A Deficiency

110. Vitamin A supplementation has been widely conducted in Cambodia through a village network of health workers, volunteers, and through a two-time-per-year-campaign targeting children aged between 6 months and 5 years old, lactating mother within 8 weeks after child birth. According to Ministry of Health's National Nutrition Program, the coverage of Vitamin A for infant aged 6 months to 5 years old increased from 63 percent (in 2000) to 86 percent (in 2007). The coverage of Vitamin A for breastfeeding mothers increased from 49 percent (in 2005) to 59 percent (in 2007).

Coverage of Vitamin A	2005	2006	2007
Infant aged 6 months to 5 years old	72 %	79 %	86 %
Breastfeeding mothers	49 %	53 %	59 %

##### 4.3. Iodine Deficiency Disorder

111. Iodine deficiency has negative effects on child health, including goitre, impaired mental functions, and retarded mental and physical development. According to a study in 1997 conducted by UNICEF showed that 17 percent of the population suffered from iodine deficiency disorder. To

address this problem, the Government introduced in 2004 a sub-decree enforcing compulsory iodization of all edible salt produced, imported and consumed in the country. As a result, the production of iodized salt increased from 20 per cent of the estimated national requirement in 2003 to more than 100 per cent in 2004. Household consumption of iodized salt increased from 14 percent in 2000 to 73 percent in 2005.

A yearly product of iodized salt, based on the need of 75,000 tons	2005	2006	2007
	127,056 tons	141,389 tons	140,309 tons

#### 4.4. Anaemia

112. The Cambodia Demographic and Health Survey 2000 and 2005 show that children aged between 6 and 59 months old who suffered from iron deficiency anaemia dropped from 63.4 percent to 61.9 percent, of which the serious anaemia decreased from 2.0 percent to 0.7 percent; the pregnant women dropped from 66 percent to 57 percent; and women of reproductive age between 15 and 49 years old dropped from 58 percent to 47 percent. For women of reproductive age, particularly pregnant women, anaemia may affect the health of their baby. That is why Ministry of Health has paid attention to implement a nationwide iron foliate supplementation programme targeting women of reproductive age, pregnant women, and women who breastfeed the baby 42 days after delivery. In addition in order to eliminate iron deficiency among children and women in Cambodia, the national committee on nutrition has been collaborating with, other organizations, particularly the NGO RACHAR to fortify fish sauce, soy sauce, and instant noodles called “Tara”.

### 5. Integrated Management of Childhood Illnesses

113. To address pneumonia and diarrhoea, the Ministry of Health has been implementing an action plan on Integrated Management of Childhood Illnesses (IMCI) as its main strategy. The strategy contains a series of programmes aimed at promoting disease prevention, treatment, immunization and improvement of child nutrition and hygiene practices through strengthening the linkages between the health service and the community. The strategy includes establishment of appropriate referral system, provision of paramedic services, and transfer of child patients to health facilities with sufficient services and intensive care, raising awareness for community and counselling parents or caretakers who are treating children at home.

Accordingly, the implementation of IMCI has expanded seven fold, from 45 health centres in 2002 to 533 health centres by end of 2007. The target is to reach all 669 health centres and provincial and district health facilities by 2010.

	2002	2003	2004	2005	2006	2007
Number of health centres implementing the Action Plan	45	86	164	322	456	533

Source: Ministry of Health (Department of Eradication of Communicative Disease)

114. Dengue remains endemic in a number of provinces in Cambodia. Various actions have been undertaken by the National Dengue Control Commission in collaboration with provincial and municipality Departments of Health and local authorities through awareness raising among local households to eliminate the dengue vector breeding grounds and distributing chemicals for controlling mosquito larvae. As a result, the fatality dengue rate dropped from 1.5 percent (in 2000) to 1.0 percent (in 2007).
115. Cambodia has strived to prevent the epidemic of malaria by strengthening community health education and distribution of impregnated mosquito nets in areas with high and medium level of

malaria incidence. As a result, the fatality rate of malaria reduced from 11.4 cases among 1,000 population (in 2003) to 7.3 percent (in 2005) and 4.2 cases (in 2007).

116. Schistosomiasis causes one of critical health issues particularly among people living along the Mekong and its tributaries in Kratie and Stung Treng provinces, while intestinal worms also cause health issues among people living in rural areas and the suburbs, particularly school children and women of reproductive age. Hygiene education has been conducted IEC materials and radios in combination with the provision of de-worming tablets. In 2004, the nationwide de-worming programme has made Cambodia the first country in the world to protect 75 percent of its primary school children free of worm infestation.

## **B- HIV/AIDS**

### **Recommendations of the Committee:**

- Effective measures for the prevention of HIV/AIDS, including awareness-raising and educational campaigns

117. Cambodia has successfully prevented the spread of HIV/AIDS, with a decline in the prevalence rate among adults aged 15 to 49 from 3 percent (in 1997) to 1.9 percent (in 2005). The HIV prevalence among pregnant women aged 15 to 24 years of age visiting antenatal health care (ANC) centres also declined from 2.5 percent (in 1998) to 2.1 percent (in 2005). At the same time, this is still the highest rate in the region, and preventing the increasing spread of HIV/AIDS from husband-to-wife and from mother-to-child remains a priority. Estimates of children living with HIV/AIDS vary between 7,300 in 2003 and 2,840 in 2006.
118. Decrease in HIV prevalence mainly attributed to aggressive and focused interventions through promotion of 100 percent condom use, peer community-based education, comprehensive awareness-raising campaign, direct education as well as through local media and advocacy.
119. The National Policy to Prevent Mother-to-Child Transmission (PMTCT) of HIV was developed in 2001. The policy focuses primarily on the four following principles: 1) prevention of the spread of HIV from husband to women of reproductive age; 2) prevention of unwanted pregnancy among women living with AIDS; 3) PMTCT through provision of antiretroviral therapy, adoption of safe child delivery and raising; and 4) access to care and support services by women, children and family living with HIV/AIDS in the community.
120. In 2007, there were 95 health care centres that provided PMTCT services, increasing from 2 in 2002. There were 530 HIV positive pregnant women who had their babies delivered in the hospitals, among whom 505 women received anti-retroviral (ARV) in 2007. The number of centre providing Voluntary and Confidential Counselling and Testing (VCCT) of HIV/AIDS increased from 22 (in 2002) to 200 (in 2007).
121. There is a steady increase in the number of children and adults receiving ARV. In 2006, 50 percent of children, who acquired therapy, received ARV. This rate stood up to 90 percent in 2007. In 2005, 12,355 adults received ARV. A year after in 2006, this number grew to 20,131 and 26,664 by the end of 2007. Recognizing the importance of decentralized responses through multi-sectoral mechanism to HIV epidemic, the Government, established the National AIDS Authority (NAA) in 2001 to lead the coordination and monitoring of national response through all ministries/institutions, and provinces and municipalities. NAA is responsible for establishing and supervising implementation of Cambodia's National Strategy on HIV (2001-2005 and 2006-2010). The immediate challenge is to ensure progress and define a strategy to prevent the spread of HIV from husband-to-wife and mother-to-child.

## C- Children with Disabilities (art. 23)

### Recommendations of the Committee:

- Work in close collaboration with and support the activities of NGOs working in this field in order to develop early identification programmes to prevent disabilities
- Implement alternative measures to the institutionalization of children with disabilities
- Plan and carry out awareness-raising campaigns to reduce discrimination
- Establish special education programmes and centres and encourage the inclusion of disabled children in the educational system and society
- Establish adequate monitoring of private institutions for children with disabilities

122. The Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) established the Disability Action Council (DAC) through a Prakas No. 308 dated on 26 October 1999. DAC is the permanent semi-autonomous body that has the role to provide consultation on issues related to the welfare of disable people in collaboration with government, policy maker, and NGOs representatives, to coordinate and prepare a comprehensive national approach for rehabilitation, a provision of equal opportunity, and prevention of disability.
123. MoEYS, in collaboration with MoSVY and DAC, developed a policy on education for children with disabilities, which has been submitted to MoEYS for approval and implementation. At present, the draft of the main plan for executing this policy has been finalized. The training manual on inclusive education policy for children with disabilities has been prepared for the functional trainers and student trainers. UNICEF is currently providing technical and financial assistance for developing such document. Currently, MoEYS is equipping the schools with tools of collecting data on disabled children through Education Management Information System (EMIS).
124. In 2000, MoSVY in collaboration with DAC and other development partners started a rehabilitation programme and other programmes to promote the wellbeing of disabled children. Recipients of the programme include:
  - 72 children with disabilities (32 boys and 40 girls) living in state- run centres;
  - 2,007 children with disabilities (1,148 boys and 859 girls) receiving support services from NGOs;
  - 8,793 children with disabilities (7,217 boys) living in communities in 20 provinces and municipalities<sup>23</sup>.
125. The 2007, statistics on disabled children writes that:
  - There were 103 children with disabilities (68 boys and 35 girls) living in state- run centres.
  - There were 857 children with disability (526 boys; 331 girls) receiving support services form NGOs (9 NGOs).
  - There were 13,598 children with disabilities living in communities in 11 provinces and municipalities (86 districts).
126. In 2006, MoSVY and DAC, with support from UNICEF, established a community-based project to strengthen MoSVY's staff capacity to coordinating victim assistance services being provided by various actors including local and international NGOs. The initiative aims to improve linkages between MoSAVY and victim assistance partners through national coordination; monitoring and evaluation of community based rehabilitation, standardization of disability awareness raising materials and promote community participation to empower people with disabilities in making decision on their needs and requirements.

<sup>23</sup>- MoSVY's Report, 2000, (p. 10, point d).

127. Each year, out of 1,433 children with disabilities 721 receive rehabilitation service and are monitored and consulted by NGOs. 2,661 sets of prosthetics have been provided. 749 children with disabilities were integrated into secondary education. There are 22 medical doctors and 22 nurses serving in selected referral district hospitals trained in basic surgical skills to promote immediate care for land mine victims.

#### **D- Right to Health and Health Services (art. 24)**

##### **Recommendations of the Committee:**

- Improve and extend healthcare services and medicines to guarantee the access of children belonging to poor families and other marginalized groups

128. Paragraph 61 of the Government's policy platform states that priority will be given to the establishment of health facilities throughout the country where basic health services can be delivered to citizens, particularly the poor and vulnerable groups, in an effective, equitable and sustainable manner. The Government will continue to emphasise the implementation of preventive and curative measures for communicable diseases and maternal and child care in order to reduce mortality rates and the promotion of health education and information, particularly in the rural areas. The poor shall have free access to health care services in all referral hospitals and health centres. Access of the poor to quality health services will be provided through the expansion of the equity fund. The Government is committed to developing and effectively implementing laws and regulations relevant to health in order to ensure quality health service delivery and food safety. The Government will continue to implement policies encouraging the use of traditional medicine in conjunction with modern medicine through appropriate and sufficient information and control.
129. In order to ensure better access to health care, especially the poor and children, the Government has expanded its health care system by building and rehabilitating health posts and health centres to enhance the provision of health service delivery in accordance with the health coverage plan and health sector strategic plan 2003-2007 as follows:

- Develop, repair and expand health posts and health centres that are at the forefront of the public health system. This has been on an increase as shown in the table below:

	2000	2001	2002	2003	2004	2005	2006	2007
Health post	4	4	10	11	40	44	79	95
Health centre	702	765	812	823	832	872	881	881
First level referral hospital	-	-	-	28	28	25	25	28
Second level referral hospital	24	31	35	24	26	28	27	30
Third level referral hospital	-	-	-	13	15	16	17	18
National referral hospital	8	8	8	8	8	8	8	8

- The health centres that operate to deliver health service to the people and children in remote areas include the health posts that provide preliminary health service and refer patients to the health centres or referral hospitals. Those health posts will become health centres in the future based upon the minimum package of activities and receive basic medical tools, equipments and medicine while the staff receive training on the minimum package to provide services to the people, women and children with general health consultation, postnatal maternal and infant care, reproductive health, antenatal care, hygienic and safe delivery, provision of 7 types of immunization to children, tetanus toxoid injections for pregnant women and women of

reproductive age, mental health care, nutrition, prevention of HIV transmission from mother-to-child, child health care, integration of child diagnosis and treatment, birth spacing, adolescent reproductive health, abortion, care after abortion, infectious diseases (venereal disease, gynaecological disease, HIV, TB, Hansen, malaria, dengue fever, bird flu), non-infectious diseases (high blood pressure, diabetes, breast-uterus cancers, mental health, odonto-stomatological health, eye-care, minor surgery and dressing), health education and home-base care.

- There are 76 referral hospitals nationwide, excluding 8 national hospitals in Phnom Penh. These hospitals have to provide the patients with services such as diagnosis and treatment of women's diseases, surgery, obstetric, gynaecological disease, venereal disease, AIDS, odonto-stomatological disease, infectious disease, and general disease, medical laboratory, especially any services the health centres cannot provide. Currently, the referral hospitals that operate large surgery (grades 2 and 3) increased from 24 in 2000 to 48 in 2008.
- In addition, there are national referral hospitals such as National Centre for Mother and Child Care, National Paediatric Hospital, Kantha Bopha Children's Hospital, Angkor Hospital for Children, Jajavarmann VII Hospital. These hospitals are specialized in service delivery for pregnant women and children. In addition, there is a cardiology centre which is fully equipped. It has been operated since 2001 to provide services within the cooperation between the Kingdom of Cambodia and the Republic of France. The National TB Centre, built with Japanese government's grant aid and fully equipped, has been officially opened since 23 March 2002.

130. In addition, the private sector is very active in providing health service and is expanding rapidly. In 2005 there were 234 private clinics with authorization from the MoH to deliver curative services. There were also 33 stomatological consultation and treatment services authorized by the MoH, while 8 private clinics and 3 clinics operating under cooperation with NGOs. In 2007, there were 1,000 general private clinics, 115 stomatological consultation services, 27 polyclinics, 6 maternity wards with authorization to operate privately.
131. In order to ensure equal access to public health services, equity fund has been established to exempt poor families from paying medical fees. The equity fund is being operated in all health facilities where the health financing system is implemented. This represents an effort to ensure the poor, particularly children, have access to qualitative public health services. The equity fund was implemented in 70 operational districts in 2003. Currently, this fund is being implemented in 36 operational districts, including 27 districts using the budget assistance of the development partners and other 9 districts using the national budget. The number of poor patients accessing the fund has increased from 5,234 in 2002 to 19,937 in 2003 and from 89,320 in 2006 to 152,213 in 2007 (MoH). Bed occupancy rates, especially among children, have increased significantly in hospitals where the equity fund is being implemented. At the same time, the number of community health insurance project has increased from one in 2003 to 9 in 2007.

## **E- Adolescent Health**

### **Recommendations of the Committee:**

- Comprehensive and multidisciplinary study to determine the scope of adolescent health problems, including mental health, as a basis for promoting adolescent health policies and strengthening reproductive health education
- Development of child-friendly counselling services as well as care and rehabilitation facilities for adolescents

132. MoEYS and other relevant ministries have been working closely with development partners to integrate issues of general and reproductive health, and AIDS into the school curriculum. In 2005, MoH worked with health development partners to integrate adolescent reproductive health service into the existing public health service system as well as the development of protocol and documents

for training health workers. There are 12 health centres that have provided adolescent reproductive health service since 2005.

133. Mental health programme has been strengthened and expanded to include diagnosis and treatment of paediatric psychiatry being provided in a hospital and 13 health centres. The mental health program has also provided a series of training for psychiatrists and nurses.
134. With regards to human resources, the number of students completing medical training increased from 109 (in 1998) to 559 (in 2003) and about 12,000 trainees have received in-service training on minimum package of activities<sup>24</sup>.
135. In 2005, 1.26 percent of gross domestic product (GDP) was allocated to the health sector. This allocation has been steadily increasing since 2002. The disbursement of the national budget to MoH increased from 6.6 percent (in 2000) to 10.5 percent (in 2006).

Year	2000	2001	2002	2003	2004	2005
Total expense (in US\$ Million)	401	437.6	486.6	551.75	513.3	533.1
(thousand Million in riels)	1545.1	1707.2	1922.4	2207.3	2078.6	2132.6
Budget disbursed to MoH,( in US\$ Million )	26.4	33.3	41.5	43.2	47.4	56.1
(thousand Million in riels)	101.8	129.7	164.4	173.0	192.1	224.5
%	6.6	7.6	8.6	7.8	9.2	10.5

*Source:* Statistical Yearbook 2006. NIS, MoP- December 2006

136. Challenges exist in the health sector, including the following:
  - There are currently limited number of health centres providing full minimum package of activities and referral hospitals providing third level of complementary package of activities to support health coverage plan;
  - Some health centres do not have sufficient staff, particularly midwife and paediatric health service provider, and sometimes do not have sufficiently trained staff for maternal and child health care;
  - There is a shortage of medicine, modern medical equipments, servicing rooms, particularly separate room for youth services;
  - Limited people's awareness, particularly among parents, on caring for young patients and seeking treatment at health facilities due to the lack of accurate information on services that can be accessed, information on places that can offer the needed services and the time when the services are provided, and on exemption from charge for the poor and children, and lack appropriate incentive for support from village/commune in promotion of awareness on health, warning sign, and accessing services at local health facility;
  - Malnutrition remains a critical issue in the remote rural areas, particularly among children;
  - Participation in health service utilization remains limited, particularly among the poor.
137. Following are key actions to address the above mentioned challenges:
  - Building and expanding existing health facilities according to the health coverage plan;
  - Ensuring sufficient provision of medicine and medical equipments on regular basis to meet practical needs.

<sup>24</sup>- Report of National Strategic Development Plan 2006-2010.

- Provide additional training for midwife and health workers currently working on critical sections, such as in supporting women, and children;
- Continue implementation of all health programs, particularly on health education and awareness raising and changing people's behaviour as prescribed in the National Health Strategic Plan;
- Provide incentives for staff working in remote rural areas by increasing allowances on night duty, travel, and accommodation on the actual basis;
- Encourage midwife, who are skilful health workers, to help delivery in the health centre.
- Expand health financing system to all health centres and referral hospitals, implementation of equitable fund, and move toward health insurance for all people including children in the future;
- Implement the National Strategy on child survival in order to reduce child mortality and to achieve the Cambodia's Millennium Development Goals;
- Implement national policy on Nutrition, and the national policy on Infant and Young Child Feeding in order to promote maternal and child nutrition;
- Implement National Strategy on Reproductive and Sexual Health, including youth reproductive health from 2006 to 2010;
- Mobilize support from communities to participate in local health promotion so that they learn on warning sign and timely transfer of patients to health facilities;
- Continue communicating extensively the issues related to health, caring, protection, treatment and prevention from epidemic of communicable diseases, including HIV/AIDS;
- Continue providing services at the local level, especially remote village/commune;
- Enhance the roles and responsibilities of medical doctors, midwives, and nurses for the local people;
- Build confidence in the children with disabilities and children living with HIV/AIDS;
- Increase national budget to cover for maternal and child health care;
- Increase collaboration with all funding and health development partners to promote the provision of maternal and child health services, particularly for financial and technical support.

138. While almost all health-related indicators have shown a positive trend in recent years, the remaining challenges include the ability to attain easier and affordable access to services for the poor in order to bridge the gaps between urban and rural areas as well as between different socio-economic groups, and better rural roads and higher wages for civil servants would facilitate solving some aspects that contribute to narrowing the gaps.

#### **F- Social Security and Childcare Services and Facilities (art. 26 and 18[3])**

139. Article 36 of the Constitution stipulates the rights of citizens to access to social insurance and economic interests described in law. Article 46 guarantee the rights of women to take leave with pays during delivery of baby. It requires State to facilitate women, especially ones in rural area, without support to get support, making them access to medical treatment, and their children access to education and decent standard of living. Law on Social Security Schemes for Persons Defined by the Provisions of the Labour Law was adopted by the National Assembly, and promulgated by the king in 2002. The purpose of this law is to create the system of social security, by providing allowance, including one for health and social sectors and for labour-related risk, such as danger resulting from labour and occupational risk. The law contains provision on granting national security fund and pension for survivors of the victim. Children are also considered survivors.

#### **G- Standard of Living (art. 27, paras. 1-3)**

140. Cambodia takes much attention to improving standard of living of its people. This is reflected in existing legal framework, such as in the Constitution, articles 52 and 63. Drawing from this, measures putting into effect the relevant laws or policy have been taken to reduce poverty and to improve standard of living. Consequently, poverty is reduced and health and welfare of people have seen improvement. However, poverty is still major concern, and achieving decent living standard is a long way to go.

## VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

### Recommendations of the Committee:

- Effective measures to:
  - (a) Make primary education free and compulsory for all children
  - (b) Increase enrolment rates and decrease drop-out and repetition rates
  - (c) Increase access to schools, in particular for poor children, girls, children belonging to minority groups and children living in remote areas
- Measures to improve education system by:
  - (d) Increasing budget allocation for the education sector
  - (e) Providing training to upgrade teachers' skills
  - (f) Making the school curricula more relevant to children's needs
  - (g) Expanding opportunities for vocational training and non-formal education including at secondary level.
  - (h) Establishing an evaluation system to measure the quality and effectiveness of the education system

### A- Education

#### 1. Ensuring Access to Equitable Educational Services

141. The Government embarked on a pro-poor education sector-wide reform to achieve more equitable access to basic education, as embodied in the Education Strategic Plan and Education Sector Support Programme (ESP/ESSP). Pro-poor policies to reduce barriers to universal enrolment and completion of primary education have been implemented, including abolition of school fees in 2001, provision of lower secondary scholarships for poor and ethnic minorities starting in 2002, and completion of incomplete primary schools.

142. New initiatives to improve the quality of basic education have been implemented, including:

- Revision of the curriculum from Grades 1-12 and adoption of new curriculum policy in 2005.
- Pilot implementation of child-friendly schools in 2000 and expansion beginning in 2001. Basing on the Education Strategy Plan (2006-1010) MoEYS outlines target to expand the coverage of Child-Friendly School (CFS) to 70% of the primary schools in the country.
  1. CFS national policy and operational plan formulated and was adopted in 2007.
  2. CFS is implemented in primary schools for helping all children to learn better, includes interventions in six dimensions:
    - a. Schools seeking out excluded children
    - b. Schools which ensure that all children learn well and achieve their best potential.
    - c. Schools promoting safety, health, hygiene and child protection.
    - d. Schools becoming gender responsive
    - e. Schools involving students, families and communities members
    - f. Schools which have sufficient resources

Child-Friendly School Policy and Master Plan, together with other four CFS implementation documents, was developed and adopted by Ministry of Education, Youth and Sport in 2007. Also, MoEYS has been developing other CFS supporting documents for all schools to start using from 2007. Those documents are:

- School mapping: for the implementation of Dimension 1 on Inclusive Education;
- Student-centred approach: for the facilitators and for teacher records of the implementation of Dimension 2 on Effective Teaching and Learning;

- Healthy food, drink, and living: for the implementation of Dimension 3 on Health, Safety, and Child Protection;
  - Students' Council: for promoting and increasing the participation from children, families, and community which is the Dimension 5 of CFS.
3. Pilot implementation of school readiness in Grade 1 to facilitate children's transition from home to school and strengthen the foundation of learning. In 2006-2007, CFS training was delivered to 373 trainers of Teacher Training Colleges to learn methods of CFS and 428 trainers in School Readiness Program (SRP) for grade 1, including Application Schools.
  4. In 2006-2007, training 18,000 student teachers from 6 provinces on CFS methods using the existing CFS modules. MoEYS has integrated terminology and technical pedagogy on child-friendly and school readiness program in teacher pre-service training, and has trained 582 teacher trainers from Teacher Training Colleges in 18 provinces and municipalities.
  5. 100% of grade 1 teachers in 6 provinces have been trained on SRP.
  6. In 2007, MoEYS provides pilot training to district trainers, teachers and school principal on the program on Effective Teaching and Learning as dimension 2 of CFS in 6 provinces in order to develop skills of teachers and support every Thursday technical meeting. MoEYS has provided training to 1,555 school directors and deputy directors (279 females), 2,392 basic education teachers (889 females) in two phases, 692 contracted teachers (203 females) in two phases, 303 multi-grade teachers (26 females) from remote and disadvantaged areas. The training focused on the implementation of CFS program, Information and Communication Technology (ICT), and short-course on key skills.
143. Law on Education was promulgated on December 8, 2007. Moreover, MoEYS has been developing sub-decree on Teacher Professional Ethics and amending some regulations in response to Institutional Development Policy. The ministry has also prepared and adopted long-term Education for All National Action Plan 2003-2015.

### **1.1 Pre-school Education**

144. In 2000, the MoEYS, for the first time formally articulated a "Policy on Early Childhood Education" which may constitute the first step towards a national Early Childhood Care and Education (ECCE). ECCE is focused primarily on children aged 3 to compulsory school entry, technically aged 6. ECCE is under auspices of the MoEYS which increasingly now recognizes the importance of early childhood education for the 0-3 as well as the 3-5 years old.
145. Section 4.1 of the Education Strategic Plan 2006-2010 supports early childhood development. Providing education to children from an early age would allow them to learn better at a later stage, and help reduce the chances of repetition and dropping that would enable them to pursue higher level of study at the primary level. The target for 2010 is to have 50 percent of children to have attended pre-school before entering primary education.
146. In the school year 2006-2007, there were a total of 2,641 pre-schools consisting of 1,524 public, 100 private and 1017 community pre-schools. Through mobilization by pre-school teachers and the participation of the parents and community, 130,288 children aged 3-5 registered in state pre-school classes, including 65,768 girls. From the school year 2000-2001 to 2006-2007, the number of children who attended pre-school increased from 55,798 to 130,288, of which 65,454 were girls. There was 4,923 pre-school staff, of which 4,680 were female in the school year 2006-2007. 5-year-old children who have gone through the upper level of pre-school and admitted in grade 1 in primary school increased to 3,013 children, which is 3.65 percent.

MoEYS encourages all provinces and municipalities throughout the country to promote pre-school education as researches and experiences show that children who had attended pre-school classes are more likely to be able to pursue higher education than those did not attend pre-school. Only 15 percent of children aged 3-5 had access to early child development services in 2006-2007 school year. Through home based education programmes, children can now receive children with sufficient support and care, and parents are provided with parenting education to offer care and guidance to their children.

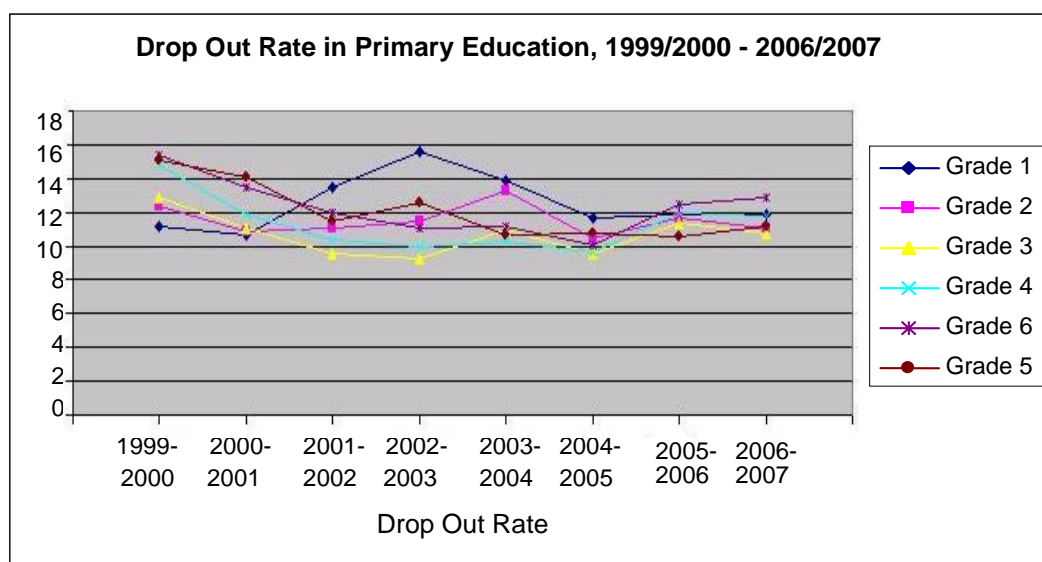
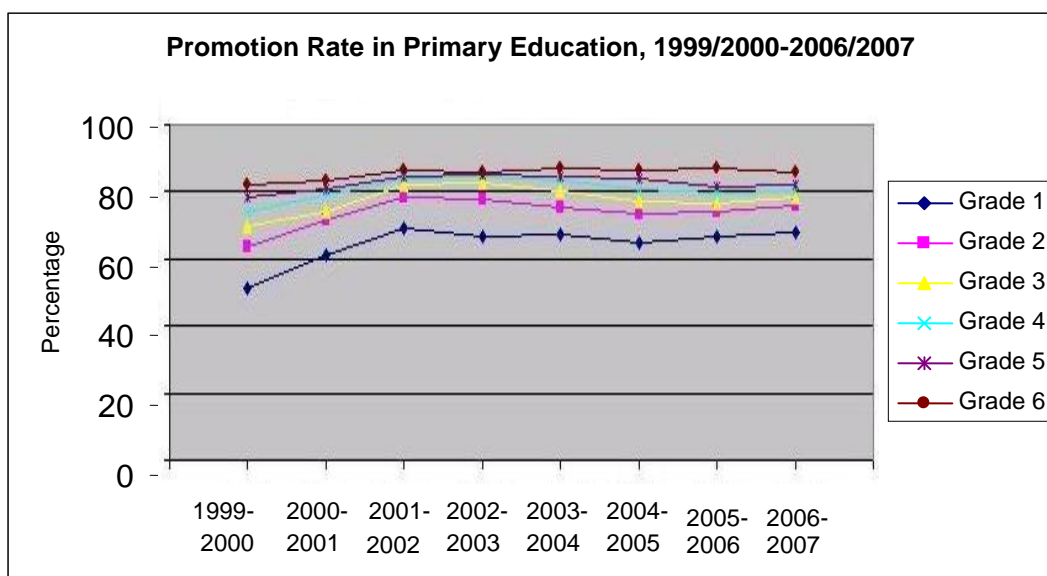
147. The Ministry of Education, Youth, and Sports (MoEYS) recognizes the importance of pre-school opportunities for young children. However, given its limited resources, it is unable to provide these. The Education Sector Strategic Plan calls for increased support from the private sector, communities, Non-Governmental Organizations (NGOs) and International Developmental Agencies to enable more children to benefit from early learning opportunities. The Ministry envisions sharing responsibility for the early childhood sub-sector with communes to determine standards for regulating preschools. Ministry offices, at all administrative levels, have provided policy guidance and technical support to Communes for early childhood programmes. This is in line with the National Plan for Education for All which calls for increased participation of Communes in community-supported services for 3-5 year olds.
148. Since late 2004, some 163 communes with the supports from the Ministry of Women's Affairs (MoWA), the Ministry of Education Youth and Sport (MoEYS), and the Ministry of Interior (MoI) have initiated the Early Childhood Development services for small children. This process also supports the current strategy of decentralization by the Royal Government of Cambodia, to help the Commune Councils to claim and deliver social services for children.

## **1.2 Primary Education**

149. Section 4.2 of the education strategic plan (2006-2010) focuses on the enhancement of enrolment in all grades of primary education (from grade 1 to 6) and the continuation of attendance until the end of the primary level, and ensuring quality of teaching. MoEYS is endeavouring to ensure equitable enrolment in primary education through filling the gap in gender, social situation, urban and rural, and to focus also on health care, hygiene, and environment, through child friendly schools.
150. In the school year 2006-2007, there were 6,365 primary schools nationwide and nearly 2.5 million students were enrolled, of which 47 percent were girls. The total number of education staff was 59,889 of which 23,261 were female. Of the total number of education, staff, only 20 percent were non-teaching staff. MoEYS is exploring an approach to improve the ratio of teaching staff to non-teaching staff.

Primary school enrolment rates have improved substantially and show diminishing gender disparity. In school year 2006-2007, the net enrolment ration in primary school was 92.1 percent, compared to 87 percent in 2001-2002. The completion rate of primary education is 90.08 percent of children (89.75 percent for girls and 90.41 percent for boys) reaching the final year of primary education in school year 2006-2007.

151. The net admission rate, which compares actual to potential admissions to Grade 1, has increased from 81 percent in 2001-2002 to 85.7 percent in 2006-2007. The survival rates from grade 1 to grade 5 and to grade 6 have only improved marginally. Between 2003 and 2006, the average repetition rate for grade 1 was 24 percent (22 percent for girls), and 13 percent for grade 3 (11 percent for girls). While some improvements have been observed between 2000 and 2005, low promotion rates and high drop out rates in grade one to three in primary education continues to be a serious issue, as seen below:



152. The average age of entry into primary school was as late as 7.6 years in 2001 compared with the proper age of entry of six years, which, coupled with the high repetition rate, makes the completion of the full cycle of primary education very difficult for children, particularly for girls.
153. Other factors contributing to high drop-out rates include the high percentage of incomplete primary schools, with approximately 23.6% of primary schools not offering the full six grades in school year 2006-2007.

### **1.3 Lower Secondary Education**

154. Section 4.3 of the Education Strategic Plan (2006-2010) promotes enrolment at all levels in the lower secondary education (from grade 7 to 9) and encourages pupils to pursue higher education to the upper secondary education. The target for year 2010 is to increase the number of students enrolled in lower secondary school to 1.2 million students ( 783, 910 students in 2006), of which 45 percent should be girls, 80 percent from the rural areas and 15 percent from poor families. The target is also to increase the net attendance in lower secondary education to 75 percent and survival rate to 76 percent.
155. While the net enrolment ratio and the gender gap in lower secondary improved from 17 percent (13.7 percent for girls and 19.5 percent for boys) in 2000-2001 to 33.7 percent in 2006-2007 (33.1 percent for girls and 34.3 percent for boys), children graduating from primary school to enter

secondary education still remains low. The number of lower secondary schools increased from 486 in 2003-2004 to 846 in 2006-2007. However, regardless of the expansion of physical infrastructure for grade 7 to 9 in recent years, it remains unable to respond adequately to the need for learning in lower secondary education because out of 1,621 communes only 811 (2006-2007) have lower secondary schools.

156. The efficiency of lower secondary school education requires greater effort to ensure improved learning outcome in order to meet the goals of education-for-all by 2015. The promotion rate for grades 7-9 made a little difference between 1999-2000 and 2005-2006 school years, and so did the drop out rate during the same period. The promotion rates for all grades in lower secondary education are still below target. While the drop out rates decreased substantially between the 1999-2000 school years and the 2001-2002 school year, the trend reversed between 2002-2003 and 2000-2006.
157. Six national outstanding students for lower secondary education have been sent by the ministry to join the International Young Scientist Championship; all of whom received medals (two silver and 4 bronze medals). In 2006-2007, the result of national Lower Secondary Leaving Examination was also very good; the passing rate was at 94.07 percent.

Student Flow Rates (Grades 7-9) for Both Sexes

School Year	Promotion Rate			Drop Out Rate		
	Grade 7	Grade 8	Grade 9	Grade 7	Grade 8	Grade 9
1999-2000	77.2	78.7	62.7	21.1	19.9	28.4
2000-2001	82.9	85.7	65.5	15.0	12.5	25.0
2001-2002	80.4	84.0	60.1	17.1	14.0	25.0
2002-2003	76.7	80.6	62.6	20.9	17.3	26.2
2003-2004	77.9	79.6	60.1	19.9	18.6	28.1
2004-2005	76.4	77.8	69.0	21.6	20.4	25.8
2005-2006	75.5	77.0	69.7	22.5	21.6	25.2

*Source:* Education Statistics & Indicators from 2000-2001 to 2006-2007

#### 1.4 Upper Secondary Education

158. Section 4.4 of the Education Strategic Plan 2006-2010 on upper secondary education states that efforts will be stepped up to increase enrolment in grade 10 to 12, particular poor children and girls, by providing scholarships based on merit and learning achievement, and other appropriate admission criteria for upper secondary education, in all provinces and municipalities. The total targeted enrolment at upper secondary education for 2010 is 300,000 (241,503 students in 2006), with 40 percent enrolment of girls, 20 percent of students from extremely poor families, to increase the net enrolment rate of upper secondary education to 25 percent, and to provide scholarships to 1,000 students in upper secondary education . 60 per cent of the recipients of the scholarships should be girls.
159. The net enrolment rate in upper secondary education increased from 7.7 per cent in 2000-2001 (5.4 percent for girls, 10 percent for boys) to 12.5 percent in 2006-2007 (11.3 percent for girls, 13.6 percent for boys), but remains below the targeted rate of 15 percent, and the gender gap remains a challenge. Poverty, lack of dormitories for girls from rural areas, and the demand in the labour market such as in garment factories, contribute to the low enrolment rate of girls in upper secondary education. Till 2006-2007, 152 out of 185 districts in Cambodia have upper secondary schools.
160. Increasing the pass rate of the final examination in grade 12, particularly for students from rural and remote areas, is one of the priorities of the education strategic plan in improving efficiency in upper secondary education. Promotion rate for upper secondary education, particularly for Grade 12, has

been following a negative trend between 1999-2000 to 2005-2006. For example, the promotion rate in Grade 12 decreased from 76 percent in 1999-2000 to 71.6 percent in 2005-2006, although improvements have been seen between 2003-2004 and 2005-2006 (Promotion rate in Grade 12 increased from 45 percent to 71.6 percent during this period, respectively). (EMIS: 2006-2007). The drop out rate decreased from 36.6 percent in 2003-2004 to 19.5 percent in 2005-2006 (15.1 percent for female students). In the 2000-2001 school year, the number of students taking the final upper secondary school examination increased significantly, although the pass rate remained low, at 40 percent. In the 2006-2007 school years, the pass rate increased to 72.76 percent which is 41,964 students (Report for the King, 2006-2007).

### **1.5 Non-Formal Education**

161. Section 4.5 of the education strategic plan (2006-2010) on non-formal education and vocational training focuses on assisting students for grades 3 to 9 who have dropped out from classes to re-enter schools and non-formal education, and expanding partnerships with NGOs and communities in implementing adult literacy programmes along borders and rural areas. By 2010, it targets reintegrate 120,000 children into the formal educational system, 150,000 children who have not attended school for 3 years to be referred to non-formal programmes, and 400,000 children to be enrolled into literacy programmes.
162. The literacy rate of people 15 years and above increased from 67 percent in 1998 (57 percent for females and 80 percent for males) to 74 percent (64 percent for females and 85 percent for males) in 2004, and 83 percent in 2005, which is short of the target of 90 percent (2005). In 2006-2007, 392,904 persons (251,432 are female) enrolled in vocational literacy program and the gender gap in literacy changed slightly over the years.
163. MoEYS has been implemented different forms of non-formal education, including programmes to reintegrate children in non-formal schools into formal schools through re-education and catch up programmes for children who have been out of school for less than three years. MoEYS has also been promoting increase in literacy through literacy classes and post literacy programmes, including the establishment of community learning centres to help maintain literacy levels and to strengthen life skills through vocational training. The non-formal education program has also enabled unskilled adults, particularly out-of-school youths, to be trained under the vocational training programmes. MoEYS has collaborated with international organizations to assist in ensuring quality and quantity of non-formal education. The ministry is making effort to establish information management system on non-formal education in order to ensure effective implementation of various programs which help non-formal education children, youth and local adults who have yet to gain simple skills, generating income to support their family.

### **1.6 Staffing and Development of Teaching Staff**

164. In 2006-2007 school year, the pupil to teacher ratio in primary education was 51.3% (37.3% for urban, 54.8% for rural and 61.6% for remote areas), higher than the target of 50%. This may be the result of disproportionate distribution as well as the lack of teachers. In secondary education, the pupil to teacher ratio was 30.6% in lower secondary education, and 33.2% in upper secondary education. Around 4 percent of teachers in primary schools in remote areas and 3 percent in rural areas did not receive teacher training (1 percent in urban areas). Teachers who gained only primary education were 32% percent in remote, 7.2% percent in rural and 6% percent in urban areas, respectively. MoEYS continues to focus on assisting disadvantaged teachers in terms of educational capacity and teaching skills to ensure that education services for each Cambodian child are of good quality and are effective.

### **1.7 Provision of Textbooks**

165. MoEYS provides textbooks for principal subjects to each primary school student for free. In secondary schools, one textbook was provided to every two students; although children in more vulnerable areas and remote areas were provide one textbook each. MoEYS has also provided one teaching material per subject for each teacher. Textbooks were widely distributed around the

country in the 2006-2007 school years. In the same school year, 24 percent of primary schools and 3 percent of lower secondary schools received teaching materials.

## 1.8 Development of Learning Spaces

166. The objective of the education strategic plan is to ensure that each village has a primary school from grade 1 to 6 located close to the communities and thus reduce the number of incomplete primary schools without full grades and to add classrooms and provide learning spaces for secondary education in areas where education services are insufficient, or in overpopulated schools. As a result, the number of incomplete primary schools decreased from 2,484 in 2000-2001 to 1,719 in 2005-2006, and remains 1,499 in 2006-2007.

## 1.9 Budget

167. The education strategic plan (2006-2010) has been implemented to reform the education sector, improve the quality of education and expand the scope of the activities of the sector. Government's financial disbursement to the sector which is one of priority action programs had increased from 17.3 percent of the overall national budget in 2004 to 18.3 percent in 2006 and will reach 20 percent in 2009. The approved budget for 2007 is 19.2%. About 60 percent of the allocated budget was for basic education with particular focus given on pro-poor expenses. Nevertheless, the timely and sufficient financial disbursement remains an issue and need to be addressed urgently.

## 2. Gender Mainstreaming and Progress

168. The enrolment rate of girls in primary education increased from 82 percent in 1999-2000 to 91 percent in 2006-2007. In lower secondary and upper secondary education, the enrolment rate of girls increased from 11.6 percent and 6.8 percent in 1999-2000 to 33.1 percent and 11.3 percent in 2006-2007, respectively. The gender gap of enrolment rate is -0.1% in 2006-2007 in lower secondary schools in both urban and remote areas. Also, only 0.6 percent of schoolgirls and 0.7 percent of schoolboys from remote areas continued their study in upper secondary education. The issue of bridging the gender gap in basic education remains a challenge, especially in lower secondary education. The ratio of boys to girls in primary education increased from 87 percent in 2001 to 89 percent in 2005. In lower secondary education, the ratio of girls to boys increased from 63 percent to 72 percent over the same period. The gender ratio at the upper secondary level has increased from 48 percent in 2001 to 57 percent in 2005.

**Table 3: Gender disparity of net enrolment in all areas**

	<b>Primary</b>			<b>Lower secondary</b>			<b>Upper secondary</b>		
	Girls	Boy	Gap	Girls	Boy	Gap	Girls	Boy	Gap
1999-2000									
Urban	87.1	94.7	7.6	23.3	28.0	4.7	21.3	33.5	12.2
Rural	81.6	89.0	7.4	9.1	15.1	6.0	2.8	6.5	3.7
Remote	49.3	56.4	7.1	0.9	1.3	0.4	0.0	0.0	0.0
National	81.7	89.1	7.4	11.6	17.1	5.5	6.8	11.9	5.1
2006-2007									
Urban	92.6	93.8	1.2	53.6	53.5	-0.1	31.7	34.8	3.1
Rural	91.1	93.2	2.1	30.0	31.4	1.4	7.0	9.3	2.3
Remote	82.8	89.0	6.2	9.0	8.9	-0.1	0.6	0.7	0.1
National	91.0	93.2	2.2	33.1	34.3	1.2	11.3	13.6	2.3

**Table 4: Completion Rate (EMIS, 2006-2007)**

	<b>Primary</b>			<b>Lower secondary</b>			<b>Upper secondary</b>		
<b>2005-2006</b>	Girl	Boy	Gap	Girl	Boy	Gap	Girl	Boy	Gap
Urban	94.86	103.17	8.31	70.11	81.45	11.34	33.07	46.17	13.1
Rural	90.47	89.62	-0.85	29.50	43.25	13.75	6.61	11.27	4.66
Remote	52.15	52.66	0.51	11.81	16.12	4.31	0.39	0.86	0.47
National	89.75	90.41	0.66	35.20	48.84	13.64	11.70	17.72	6.02

## 2.1 Impact on Poor, Disadvantaged and Ethnic Minority Children

169. Scholarships for students in grade 7-9 have focused on children from extremely poor families and disadvantaged groups such as girls and students from minority groups. This has been implemented in agreement with the schools, communities and commune councillors in respective areas. So far there are two major sources of scholarships, including Japan Fund for Poverty Reduction (JFPR), implemented in 21 provinces and municipalities. The Government of Belgium support the remaining three provinces.
170. Between 2003-2004 and 2005-2006, MoEYS provided scholarships through the Priority Action Plan (PAP) to a total of 21575 students from poor households and disadvantaged groups. JFPR provided two-year scholarships to 15087 students from 2003 and 2006 school years. 3 percent of 6535 students received JFPR scholarship between 2003-2004 and 2004-2005 dropped out from their classes. Update data on drop out is not available yet.
171. Improvement of access to quality and equitable educational service for minority ethnic groups remains an important element in the development of education strategic plan and support program. In 2006-2007, the net primary admission rate of girls in Mondul Kiri province was 8.6 percent lower than that of boys.
172. Net primary enrolment rates in Rattanak Kiri and Mondul Kiri provinces, where the concentration of ethnic minorities are the highest, were below the national average in 2006-2007 (See table 5). Net enrolment in primary education in Rattanak Kiri was 59.9 percent for girls and 74.1 percent for boys in 2006-2007. The net enrolment rate was also low due to the failure to comply with right age entry, particularly for girls. Specific strategies are therefore needed to ensure equitable access to education among ethnic minority groups, such as bilingual education, scholarships and training for teachers in areas with ethnic minorities.

**Table 5: Main indicators for primary education in provinces with minority populations, 2006-2007**

Province	Net Admission rate			Net Enrolment rate		Ratio of students to Grade	Ratio of students to class-room	Ratio of students to teachers
	Girl	Boy	Gap	Girl	Boy			
Mondul Kiri	74.2	82.8	8.6	78.6	84.0	42.6	42.6	16.0
Preah Vihear	82.1	82.6	0.5	90.0	88.2	48.1	51.3	43.5
Ratanak Kiri	52.4	55.2	2.8	59.9	74.1	45.2	62.3	24.0
Stung Treng	85.7	86.4	0.7	85.0	88.1	45.2	61.0	28.1
National	85.5	85.9	0.4	91.0	93.2	50.1	65.1	31.2

## **B- Vocational and cultural activities**

### **1. Sports**

173. Provincial and Municipal Department of Education, Youth and Sport has organized annual sport events for school children and the public. The department of education has helped establish sport facilities at schools, mobilized communities to participate in the development of soccer fields, basketball and volleyball courts, and facilities for athletics. Provincial and Municipal DoEYS has paid regular visit to monitor physical and sport activities at primary and lower and upper secondary schools under their respective supervision and MoEYS, in collaboration with sport organizations and associations, has been organizing annual national sporting events for students and has selected regional champion across the country as well as organized other public sport tournaments for friendship, health, and excitement. MoEYS is currently in the process of integrating sports programs into the final exams of lower and upper secondary schools.

174. In all provinces and municipalities, there is a shortage of skilled sports mentor to train athletes as well as specialists in physical education in primary schools. DoEYS also faces difficulties in finding the means to transport sports teams participating in national tournaments. There is also a lack of sport equipments and limited number of skilled officials in the area of sports.

## **2. The Arts**

175. MoEYS supports annual contests: drawing/painting, supporting and promoting traditional and modern singing and traditional dance at primary and secondary schools at provincial/municipal levels. The ministry has collaborated with Ministry of Culture and Fine Arts in coaching dancing to students at schools, and with JICA in training arts teachers of Youth Centre of the MoEYS.

## **3. Challenges**

176. Despite progress in the education sector, there still remain a number of challenges, as below:
- Nationwide shortage of school buildings in some areas (remote and disadvantaged areas);
  - The process of education reform is slow;
  - Lack of teachers (for remote and disadvantaged areas);
  - Some teachers teach subjects different from their specialty and some are lack of teaching methodology;
  - There is no dormitory for teachers assigned to work particularly in remote and disadvantaged areas;
  - Pre-schools have been increased only in cities, with most children in remote rural areas not having access to preschools;
  - Repetition and drop out remain unacceptably high;
  - Scholarship provision to poor children has not been done widely;
  - Teaching using child-friendly methods remains limited due to the lack of teaching materials, the fact that CFS program has not been implemented and disseminated widely to parents and students yet;
  - Literacy education remains an issue due to the lack of participation by the illiterate population and lack of cooperation by local authorities;
  - Redeployment of excess education staff to teaching jobs remains to be done in accordance with MoEYS's plan and certain conditions relating to redeployment shall be revised;
  - In highland areas, most schools are located far apart and access is difficult, making the process of communication and gathering information slow and difficult.

## IX. SPECIAL PROTECTION MEASURES

### A- Children in Emergencies

#### 1. Refugee Children (art. 22)

##### Recommendations of the Committee:

- Introduce legislation for the protection of the rights of refugee children in line with the relevant international standards.
- Develop a family reunification procedure to assist refugee children who might be separated from their families.

177. In 1992 Cambodia ratified the Convention relating to the Status of Refugees and its Protocol, but no law has yet been adopted to protect the rights of refugee children in line with the relevant international standards. Cambodia, however, has complied with and enforced provisions as stated in the Convention on the Rights of the Child and collaborated with the UN High Commissioner for Refugees (UNHCR) to protect refugees. In 2004, there were 698 refugees and asylum seekers in Cambodia, among whom 184 were children under the protection of UNHCR. Those people were groups of people from mountainous, asylum seekers, and refugees from Vietnam, China, Afghanistan, Sudan, Sri Lanka, Algeria, Somalia, Burundi, Cameroon, and Congo. In 2006, there were 187 refugee children who sought asylum in Cambodia. Of them, 162 were resettled to third countries, and 25 are still in Cambodia (UNHCR sites and rural areas). In 2007, there were 57 refugee children of 179 refugees.
178. UNHCR has collaborated with its partners such as UNICEF and Jesuit Refugee Service (JRS) to provide English language classes, knowledge of the rights of the child and facilitated their attendance at schools located close to their shelters.

#### 2. Children Affected by Armed Conflicts (art. 38)

##### Recommendations of the Committee:

- a. Effective measures for the identification, demobilization and psychological rehabilitation and reintegration in society of child soldiers.
- b. Undertake awareness-raising campaigns for army officials to prevent the further recruitment of child soldiers.

179. Law on Obligation to Defend the Motherland (1985) and Law on Military Service (2006) provide that the age to serve the army and age to be obliged to military service is from 18 to 30. The first stage of the DDR of soldiers was conducted in mid 2000, with 1,500 soldiers demobilized in four provinces. There were, however, no data on demobilized soldier aged below 18 years old.

#### 3. Mine Action

180. Cambodia is one of the most severely affected landmine and unexploded ordnances (UXO)-affected countries in the world. Cambodia has adopted a target to complete mine clearance in all target affected areas by 2012. Regardless of significant progress made, the target has not been met. The Cambodia Mine Action and Victim Relief Authority had redefined the target to be achieved by 2015.
181. The Cambodia Mine Action Centre (CMAC) has been working to raise awareness on the risks of landmines and to reduce accidents related to landmines and unexploded ordnances. Mobile teams have been established to promote awareness among the population living in high risk areas, and de-

mining efforts have been ongoing to clear minefields and destroy landmines UXOs. Incidences of mine-and UXO related accidents have not decreased in the last five years, with an average of around 800 people victimized each year. In 2000, of the victims, there were 242 children (189 boys, 53 girls) and 267 (215 boys and 52 girls) in 2005. However, the numbers of children victims decrease drastically to 140 (109 boys, 31 girls) in 2006 and 138 (119 boys, 19 girls) in 2007.

182. One of the factors that are responsible for this persistently high rate of mine and UXO victims is the close proximity of people's homes to mine fields. Other main, emerging issue is the tampering of UXOs, particularly by children, to collect and sell scraps metals.

## **B- Juvenile Justice**

### **1. Administration of Juvenile Justice (art.40)**

#### **Recommendations of the Committee:**

- Establish a juvenile justice system, taking into account the principles and provisions of the Convention, in particular articles 5, 37, 39 and 40 and other relevant United Nations standards in this field.
- Develop a comprehensive policy and programmes regarding the situation of children in conflict with the law with particular attention to the situation of children deprived of their liberty and to the prevention of juvenile delinquency.

183. Article 31 of the Constitution of the Kingdom of Cambodia states that the country recognize and respect human rights as prescribed in the United Nations Charter, the Universal Declaration on Human Rights and Covenants and Conventions relating to human rights, women's and child rights. At present, Cambodia has established and is strengthening its legal mechanism as appropriate to protect the citizens, especially the rights of the child.

184. The Cambodian law applicable to children in conflict with the law has been prepared to meet the standards stipulated in the CRC, UN Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Resolution), UN Standards for the Protection of Juveniles Deprived of their Liberty; and UN Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).

185. Criminal Procedural Code 2007:

- Article 100 indicates juveniles who shall be arrested.
- Articles 213 and 214 indicate the time limits for pre-trial detention of minor aged from 14 to 18 years old for commission of felony and misdemeanour.

186. Points made in draft of Juvenile Justice Law and Penal Code include:

- The minimum age for criminal responsibility;
- Special law on juvenile justice;
- Law on separate punishment which gives alternative to institutionalize the minors;
- Diversion of children from court system before proceedings;
- Conditions for placement of children in detention;
- Independent investigation on complaints; and
- Services after being released to freedom.

187. The Ministry of Justice created an inter-ministerial working group on Child Justice in October 2006. This specialised working group comprises of officials from the Ministry of Justice, Ministry of Interior, (Anti-Human Trafficking and Juvenile Protection Department and the Prison Department and Legislative Council ); MoSVY, MoEYS, and MoH. The working group has been tasked with the following duties:

- To develop guidelines on child-friendly handling of child victims' cases or child offender's cases;

- To develop joint protocols among relevant ministries on legal and social supports for children;
  - To organize the review of the draft law on Juvenile Justice;
  - To develop other policies concerning child justice and continue to monitor and assess all adopted policies.
188. A database on children in prisons has been established, with the data collection managed by the General Department of Prison of the Ministry of Interior. Information of 25 prisons throughout the country is collected at the end of every month and processed by the Ministry. The data enables regular monitoring of all prisoners in Cambodia including their gender, age, location and their legal status. As of 2007, there were 630 children (11 girls), among whom 190 were pre-trial detainees and 440 (11 girls) were convicted.
189. The attention of legal protection for children in conflict with the law (CICL) has been seen on increase. It is, however, found to have weakness and in many cases this kind of protection does not respond to the norm defined in the Convention on the Rights of the Child, UN Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Resolution), UN Standards for the Protection of Juveniles Deprived of their Liberty; and UN Minimum Rules for the Administration of Juvenile Justice (Beijing Rules). Establishment of juvenile justice with the judicial system for adolescents, and special law for trial and particular system for child detention is an important issue that government has paid attention to. At present, Ministry of Justice established a child justice working group comprising of members of relevant ministries. This working group is reviewing the draft Law on Juvenile Justice and drafting legal documents concerning juvenile justice proceedings. At the same time, Ministry of Justice has equipped video for interview the child in 5 provincial/municipal courts (Kandal, Battambang, Banteay Meanchey, Siemreap, and Sihanoukville) in the pilot program of child cases. Unfortunately, the lawyer and the judge have not yet been specially assigned to work on the child case.

## **2. Children Deprived of Their Liberty, including Any Form of Detention, Imprisonment or Placement in Custodial Settings (art. 37)**

### **- Children's Status in the Prison**

190. In the second Correctional Centre (Prey Sar), girls stayed with adult female but boys stayed separately. As a result of lack of buildings in a number of provincial prisons, children are forced to stay with adults.
191. In collaboration with the Youth Rehabilitation Department of MoSVY NGOs and NIOs, the General Department of Prison of the Ministry of Interior has provided training on literature, language, skills on motorbike repair, hair-cutting, traditional music, mushroom planting, painting, flower making, sewing, and construction for adolescents in detention in a number of prisons such as the second Correctional Centre, prisons in Battambang, Siemreap, and Kandal. At the same time, Ministry of Interior has cooperated with MoH, International Red Cross to provide the adolescents with health education and hygiene.
192. MoSVY, Ministry of Interior and a number of NGOs are implementing nutritional programmes for children living with convicted mothers in the correctional centre II at Prey Sar and in the prisons in 3 provinces. Milk, noodle, canned sardine, clothing and soap are provided every month. MoSVY with the support from UNICEF has also been running a preschool in the neighbourhoods of Correctional Centre II at Prey Sar and Siemreap prison to offer education to children living with their mothers.
193. MoI, MoSVY and the Ministry of Labour and Vocational Training (MoLVT), have been implementing inter-ministerial Prakas No 863 dated August 9, 2001 on education, correction and vocational training for convicted persons. MoSVY has also implemented a project on Rehabilitation and Reintegration of children in conflict with the law in four prisons covering 605 convicted children and pre-trial child detainees (2007) by providing them with vocational training such as hair-cutting, Khmer traditional music as well as recreational facilities.

### **3. The Sentencing of Children, with Particular Reference to the Prohibition of Capital Punishment and Life Imprisonment (art. 37)**

194. Article 32 of the Constitution provides that the death penalty shall be abolished. All forms of coercion, torture or treatment that aggravates the penalty imposed on a convicted prisoner or the detention conditions of an accused shall be strictly prohibited. The perpetrator, co-perpetrator and accomplice shall be punished by law.

#### **C. Children in Situations of Economic Exploitation**

##### **1. Economic Exploitation (art. 32)**

###### **Recommendations of the Committee:**

- Enforce the provision of the Labour regarding the minimum age for access to employment.
- Train and provide labour inspectors with the means to monitor child labour
- Appropriate sanctions to be applied to violators.
- Enact legislation protecting children from hazardous forms of labour
- Ratification of the new ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999

195. Poverty is the major factor leading children to participate in the labour force. Poor livelihood forces families to involve children in earning additional income. In 2001, there were 1.5 million working children aged between 5 and 14 years old in Cambodia, of whom 250,000 were engaged in severe working conditions<sup>25</sup>.
196. Elimination of child labour is one of the government's major works in building the country and promoting people's living standard, especially developing human resources and economy. Moreover, the Royal Government of Cambodia is committed to reducing working children from 16.5 percent in 1999 to 13 percent in 2005 and to 8 percent before 2015. Such determination is reflected in Cambodian Millennium Development Goals and National Poverty Reduction Strategy (NPRS). Ministry of Labour and Vocational Training (MoLVT), however, has established Child Labour Department to focus on the following key issues:
1. Eliminate the worst forms of child labour and reduce child labour by removing children from hazardous works, provide vocational training, and integrate them into the society;
  2. Collaborate with civil society organizations to combat trafficking of women and children.

With the financial support from ILO/IPEC, the Child Labour Department has drafted a National Plan of Action on Eradication of the Worst Forms of Child Labour (2008-2012). This national plan of action will be used as a joint policy framework to initiate a programme and a project to eradicate worst forms of child labour in Cambodia. The draft was already finalized by the inter-ministerial meeting of the Council of Ministers. In addition, the Department has implemented a pilot project supported by the U.S. Labour Department through ILO/IPEC. Since the project was implemented, the Ministry had withdrawn 4,275 children from hazardous works in the sectors of fishing, salt production, and rubber plantation from 2001 to 2004. Moreover, the Department has continued to implement a time-bound programme 2004-2008 to eliminate immediately the worst form of child labour. This program focus on child labour in certain sectors and regions as follows:

- Children working as domestic helper in Phnom Penh;
- Children working in fisheries sector (Kampot, Kep, Sihanoukville);
- Children working in salt production (in Kampot);
- Children working in rubber plantation (Kampong Cham);
- Children working in brick production (Siemreap, Kampong Cham);

<sup>25</sup> - Child Labour Survey (National Institute of Statistics) 2001.

- Children working as porters at the Poipet border crossing with Thailand in Banteay Meanchey;

Through this program, the Ministry plans to withdraw 16,000 children from hazardous works by end of 2008 so that they will have access to education and vocational training. The Ministry also plans to create employment for children and provide credits to 3,100 households of children working in the sectors of fishing, salt production, handicraft, brick production, and domestic children in the 7 target provinces and municipalities. 90 percent of the project has been achieved and 2,000 children beyond the plan have been withdrawn.

197. A National Sub-commission on Child Labour and Exploitation was established comprising of members from concerned ministries and establishments. The Sub-commission is responsible for over sighting and monitoring of the implementation of programmes relevant to the elimination of child labour, with significant attention to promoting awareness on child rights.
198. Through consultations on the abolition of worst forms of child labour, the Government will intervene directly in industrial and economic sectors that employ children. MoLVT defined priority sectors, such as services, agriculture, handicraft, mines, and stone blasting. Activities to receive special attention include:
  1. Children working as domestic helper;
  2. Children working in stone breaking/sand quarry, Children working in brick production enterprise, Children working as porter (by the border and at port), Children working in restaurant/Karaoke parlour, Children working in rubber plantation, Children working in salt pans, Children working at mineral quarry, Children scavenging at landfill site, Child beggars.

With financial and technical assistance from ILO, MoLVT has worked with the Association of Employers, Trade Union, the United Nations, and NGOs to eradicate the trafficking and sexual exploitation of women and children, provide safe migration education through reducing vulnerability. The education was provided to the most-high risk persons who would innocently become victims of sexual exploitation by informing them of the risks resulting from uninformed and unprepared migration. MoLVT has also paid attention to children and women who are poor, lack education and vulnerable to sexual and labour exploitation. The project has supported a program that helps vulnerable children and young women to improve their quality of life. Key activities of the child-focused project include multi-level interventions (from national to local levels); inter-institutional cooperation; information sharing; gender mainstreaming; engaging in national and provincial planning; establishing and strengthening the protection of vulnerable child group; capacity building; awareness raising; organizing child-youth forum; providing non-formal education; skill training and credit to rural areas to generating incomes; organizing workshops at national and provincial levels; monitoring and assessing project activities; conducting research and collecting data on trafficking; and publications.

203. The issue of domestic children is a serious one as it leads to violence and bans children from accessing to education. The poverty reduction strategy will help eliminate domestic work by children indirectly. To do so, the Government has enforced law, fined those who forced the children to perform domestic work, and widely disseminated at targets about the risk of domestic child labour.
204. Article 177 of the Labour Act of Cambodia states that the minimum age for entering into labour force is 15 years old. To prevent the impact of child labour related to employment, working condition, and risk, MoLVT issued a number of regulations:
  - Circular No. 012 dated 2 June 2000 on the Implementation of Sanitation and Employment Safety Measures in the Brick Making Industry;
  - Prakas No. 124 dated 15 June 2001 on Weight Lifting by Labour Force;
  - Prakas No. 106 dated 28 April 2004 on the prohibition of children engaging in hazardous working environment;
  - Prakas No. 305 dated on 14 December 2007 on Marine Fishing;

- Prakas No. 306 dated on 14 December 2007 on Working and Living Condition on the Farm
- Prakas No. 307 dated 14 December 2007 on Sanitation and Employment Safety Conditions in the Garment and Footwear Factories;
- Prakas No. 308 dated 14 December 2007 on Working and Living Condition in the Salt Industry;
- Prakas No. 309 dated 14 December 2007 on Working and Living Condition in the Brick Making Industry;
- Prakas No. 002 dated 08 January 2008 defining types of employment and light work that are eligible for children aged between 12 and 15 years old.

## 2. Drug Abuse (art. 33)

205. A study carried out in 2002 by the UN Office of Drug Control (UNODC) on the situation of drug abuse in Cambodia revealed that there has been an increase in the use of illegal drugs, particularly methamphetamine among youths, in urban areas. Additional risks include the spread of HIV/AIDS through intravenous drug injection (IDU) as well as through unsafe sex under the effect of drug are a source of major concern<sup>26</sup>.

The Royal Government of Cambodia has cared for education and rehabilitation of youths and children who use drugs by establishing 10 educational centres (2 in Phnom Penh, 2 in Battambang, 2 in Banteay Meanchey, one in Koh Kong, one in Siemreap, one in Kampong Cham, and one in Sihanoukville). As of the fourth quarter of 2007, 357 drug users including 113 children were admitted into the centres for treatment. 9 of those drug users voluntarily came to the centres; 164 were transferred to the centres by the competent authorities; and 184 others were brought by their families. During their stay in the educational centres, they received physical and psychological education.

Table dividing drug users by age, who were admitted to treatment in the centres

Age of Drug Users	Number of Drug Users	%
12 years old or below	5	1
13 to 15 years old	23	6
16 to 18 years old	85	24
19 to 25 years old	174	49
26 to 49 years old	70	20
Total	357	100

206. The Law on Drug Control:

- The Law on Giving Approval to Cambodia is a Party to the UN Convention against Illicit Traffic in Narcotic Drug and Psychotropic Substances (1988) was promulgated by the king by royal krom no. 0505/009 dated on 2 April, 2005.
- The Law on Giving Approval to Cambodia is a party to the UN Convention on Psychotropic Substances 1971 was promulgated by the royal krom no. 0505/010 dated on 2 April, 2005.

<sup>26</sup>- Cambodia Report to the Seventh East Asia and Pacific Ministerial Consultation on Children (23-24 March 2005), Siemreap, Cambodia.

- The Law on Giving Approval to Cambodia to be party to a Single Convention on Narcotic Drugs of the UN 1961 was promulgated by the royal krom no. 0505/011 dated on 2 April, 2005.
- The Law on Drug Control was promulgated by the royal krom no. 0197/01 dated on 24 Jan, 1997 and was amended and promulgated by royal krom no. 014 dated on 9 May, 2005.
- The Article 35.2 (new): punishment of 1 to 5 years imprisonment to those who, without the consent of the consumer, adds drug to food or beverages that causes severe danger to the consumer. Besides, offender shall be fined KhRiels 2 to 10 million. Punishment of 5 to 15 years imprisonment and fined KhRiels 10 to 20 millions in the case:
  - a. Having committed crime several times
  - b. Committed upon many persons
  - c. Committed upon a woman who offender knows that is pregnant
- New article 86:
  - 1). A person knowingly provide adolescent to sniff with any form of poisonous chemicals registered in the list of the Prakas of the Minister of Health shall be punished by imprisonment terms of 1 to 5 years and besides, offender shall be fined KhRiels 2 to 10 millions.
  - 2). Punishing by imprisonment terms of 5 to 10 years and shall be fined KhRiels 10 to 20 millions in the following cases:
    - a. Having committed several times
    - b. There are many victims
    - c. Causing severe illness
- Draft Law on Tobacco bans on sale of tobacco to children under 18 years old. The draft has already been finalized at the Council of Ministers' meeting.

203. Relevant regulations:

- The Royal Degree No. 0606/274 dated on 23 June 2006 on the Revision of the Royal Degree No. 0995/65 dated on 7 September 1995 on the Establishment of National Authority on Drugs Control.
- Circular No.3 dated on 23 October 2006 on Enforcement of Educational Measure, Treatment and Rehabilitation of Drug Addicted.
- Prakas No 303 dated November 15, 2000 on Establishing and Functioning of the Youth Rehabilitation Centre;

**3. Trafficking and Sexual Exploitation of Children (art. 34)**

Recommendations of the Committee:

- Review its legislation with a view to reinforcing it
- In the meantime enforce fully its current legislation against sexual exploitation
- Fully implement the Five-Year Plan of Action against Sexual Exploitation of Children (2000-2004) and allocate sufficient resources, both human and financial, for the implementation of the Plan
- Strengthen and expand social services for the rehabilitation of child victims of sexual exploitation
- Prosecute violators
- Strengthen bilateral collaboration especially with neighbouring countries and increase border controls

204. Cambodia has developed a five-year National Plan to combat trafficking and commercial sexual exploitation of children (2000-2004). Many activities have been carried out by government ministries, institutions, and other organizations with support from international development partners. Many major achievements have been accomplished.

### **3.1 Law Enforcement and Review**

205. The Law on the Suppression of Abduction and Human Trafficking and Exploitation (1996) is vague and provides insufficient definition on the subject, and lacks many important elements. The new law on suppression of human trafficking and sexual exploitation prepared by Ministry of Justice was adopted by the National Assembly in December 2007. The Law on Inter-Country Adoption, which was prepared by MoSVY and received feedbacks from relevant ministries and organizations, was once again submitted to the Council of Ministers in November 2007. Various legislations under review by the Ministry of Justice such as penal code also define factors relevant to human trafficking.
206. Law enforcement in Cambodia faces the challenges of unaware of the law, insufficient resources, materials, and capacity. Legal service and representation for victims of trafficking was provided by the Bar Association of Cambodia. The Government had provided financial resources to the operation of the Bar to ensure free access by the poor to legal protection. Assistance has also been provided by NGOs, such as the Cambodia Defenders Project and Legal Aid of Cambodia. Some courts in Cambodia, particularly the one in Kandal province, are increasingly using video tapes as evidence for investigating cases involving children, and not requiring child victims to present before the court. IOM with financial support from the Italian government has implemented a legal and policy support programme in five target provinces and municipalities to enhance the capacity of the law enforcement agencies and provincial courts in handling cases related to human trafficking.
207. With the support from Asia Regional Cooperation to Prevent People Trafficking (ARCPPT), Ministry of Justice has trained judges, prosecutors, police, and military police on laws relating to human trafficking and investigating skills. To strengthen the enforcement of the law, Ministry of Justice has issued Instruction No. 978 dated on 10 September 1997 on guideline on suppression of some offences and Instruction No. 700 dated on 1 July 2005 on prosecuting and sentencing offenders of human trafficking and sexual exploitation.
208. The Sub-Decree No. 63 dated on 4 September 2000 on Management and Control of Cinema and Video imposes fines on persons who show, edit, make images, copy, narrate, rent, sell and distribute pornographic video compact disc (art. 28); and imposes penalties on the perpetrator and co-perpetrators who produce pornographic video (art. 29). To carry out this sub-decree, the Government has issued a decision No. 10 on the establishment of inter-ministerial commission comprising of 7 participating ministries. This commission is led by Ministry of Culture and Arts. The commission has cooperated with local authorities of all provinces and municipalities to prevent suppress and punish the persons who sell and show pornographic video cassettes, VCDs, DVDs and magazines many times.
209. Following the Announcement No. 1051 dated on 10 October 2000, MoI has established a commission to coordinate a legal project to prevent children from being trafficked and sexually exploited. And following Sub-decree No. 40 dated on 13 May 2002, the Ministry has also established the Anti-Human Trafficking and Juvenile Protection Department (AHTJPD). MoI later released an Announcement No. 2154 dated 24 June 2002 on determining structure and duty of offices under AHTJPD. This department has 5 specialized offices at the central level, 17 provincial and municipal offices and 7 provincial and municipal specialized sections. These units have the duty to enforce the law by following the investigating procedure, collecting evidence and search for and arrest offenders.
210. To implement law enforcement against abuse, sexual exploitation and trafficking of children (LEASTEC), AHTJPD under MoI in cooperation with the coordination commission, UNICEF, World Vision, IOM, Save Children Norway and UNCOHCHR has trained focal point police forces. Under the programme, 600 special police sub-commissioners and police officers positioning at the borders of 13 provinces and municipalities and 1,500 judicial police officers and 294 special police

officers have also been trained. This training was to improve their investigating skills, search for evidence, rescue skill, interview technique and establishing cases for the court. At the same time, the Department has made a film entitled “Victims” and had it broadcast on television. The Department has established a 24 hour telephone hotline that can receive callers of two languages, Khmer and English. There are more than 800 calls a year. Moreover in 2007, AHTJPD prepared a child-friendly interview room equipped with camera video in 10 provincial and municipal police commissioners in order to help children get rid of their fear during the interview.

211. AHTJPD has pushed the provincial and municipal special units to implement the No. 023 plan of MoI, which includes 4 major measures: 1) Manage and monitor the situation; 2) Prevent; 3) Suppress; 4) Expand and strengthen human resources. In cooperation with the units of MoEYS, Ministry of Women’s Affairs, Ministry of Tourism, and local authorities, provincial and municipal special units have educated students and citizens about laws, tricks, and activities of the offenders. As a result, they cooperated with and provided them with information that led to the arrest of the offender. In cases that involve with foreign perpetrators, AHTJPD cooperates with the foreign embassies or consular to Cambodia to bring them to trial.
212. In August 2007, the Government established a national task force to combat human trafficking, smuggling, trafficking and sexual exploitation of women and children led by Deputy Prime Minister and Minister of Interior. This task force has issued a Decision No. 2815 dated on 15 August 2007 on the establishment of a secretariat which comprises of relevant ministries and is led by a General National Deputy Police Chief. The role of this secretariat is to assist the national task force in monitoring, appointing, and executing a campaign scheme; monitoring the implementation of the memorandum, agreement; coordinating and cooperating with representatives of national and international NGOs; disseminating a campaign plan; coordinating with the court establishments; and filing reports every 3 months to the national task force. In addition, the Government has issued a Notice No. 1748 dated on 7 December 2007, recognizing the 12<sup>th</sup> of December as anti-human trafficking day.
213. The non-governmental organizations such as COSECAM have investigated cases of child abuse, provided legal representation to victims and disseminated relevant laws.

### **3.2 Prevention and Training**

214. Ministry of Women’s Affairs in collaboration with relevant organizations has carried out programmes on enhancing awareness, providing reliable information on human trafficking and migration to the vulnerable groups. With financial assistance from Finish Government and in cooperation with IOM, the Ministry implemented the following activities between 2004 and 2006:
  1. Train 3,240 officials from relevant ministries and institutions and 18 provincial and municipal local authorities on Law on the Suppression of Abduction and Human Trafficking and Exploitation;
  2. Conduct advocacy at the national level on ratifying the United Nations Protocols, adopting Law on anti-Human Trafficking, implementing MOUs between Cambodia and Thailand and Cambodia and Vietnam; improving the people’s standard of living in order to reduce chances of being trafficked;
  3. Educate 112,340 participants in 6 provinces and municipalities through video, comedy shows, questionnaires, meetings in which handouts and materials as well as forms are distributed to village chiefs so that they can use when the trafficking incidents take place. In addition, there is continuous education conducted on radio and television;
  4. Conduct a test of a village fund programme in 10 villages of Kampong Ro district, Svay Rieng province. This fund covers three things: emergency fund, village fund (loan) and vocational training for households that are vulnerable targets of being trafficked. Between 2003 and 2006 with financial support from USAID and in collaboration with IOM, the Ministry carried out an education project to combat trafficking of women and children in 70 districts of 18 provinces. This project covered 305,000 participants.

As of 2007 to 2009 with financial assistance from the Finish Government and in collaboration with IOM, the Ministry continued the programme in 5 target provinces, focusing on 3 major areas:

- strengthen local cooperation by supporting the establishment and implementation of the national task force and promote education of and enforcement of the new trafficking law;
- activities concerning MoLVT;
- reduce poverty in 135 villages of 27 communes in 9 districts of the 5 target provinces and continue to implement the previous activities.

215. With assistance from UNICEF, MoSVY has established a community-based child protection networking 5 provinces and municipalities: Phnom Penh, Prey Veng, Svay Rieng, Battambang, and Banteay Meanchey. Currently, this project is being implemented in 2 provinces, Prey Veng and Svay Rieng, and will become a model for its expansion in the entire country. This programme helps agents, local authorities and communities work together in identifying suspects and monitor their activities. In addition, a number of vulnerable children in 408 target villages of 2 provinces have received emergency social services and social fund was established. MoSVY has educated and raised awareness of people in 14,039 villages of 184 districts in the entire country on 3 topics: 1) birth registration; 2) combating against sexual abuse; and 3) combating against hitting the child.
216. MoSVY issued parkas No. 217 dated on 26 April 2006 on the adoption of implementing a policy on alternative care for children, focusing on care of orphan and vulnerable children who are not under the care of the biological parents. At present, the Ministry has 20 centres in the provinces and municipalities.
217. MoEYS has educated students on human trafficking through formal and informal education. The Ministry has run a safety monitoring programme for children at school, raised the community's awareness to be cautious about preventing children from being trafficked. Besides training and educational campaign, the Department of Informal Education of MoEYS with assistance from UNIAP has produced 2 manuals for informal training. The manual covers the Convention on the Right of the Child, the elimination of trafficking and sexual exploitation. 56 trainers from 5 provinces and municipalities participated in the National Workshop on Instruction Method in 2002. Those trainers distributed 5,000 copies of the manuals to the citizens throughout the country and 1,200 villagers who received the training. The manual was prepared by NGOs and is used to provide training on literacy and vocational training.
218. Cambodia Anti-Child Trafficking (Cambodia-Acts) that has 11 NGOs as its members have carried out a village safety network programme that promotes school attendance of children eliminates violence and gambling. This programme provides loan so that people can create small business. The organization has run other programmes such as enhancing law enforcement, educating community to be aware of the trafficking, peer education and collecting information and data.
219. COSECAM that has 22 NGOs members has been implementing three major programmes:
  - Awareness raising through mobile library, meeting, leaflet, video show, radio and television about the rights of the child, trafficking and sexual exploitation to children and poor citizens in the communities of 9 provinces and municipalities, staffs of concerning Ministry and organizations, formal and informal students at school.
  - Vocational training for poor children in communities so that they will have jobs and not become vulnerable to being trafficked and sexually exploited.
  - Several NGOs have initiated child protection network in the communities where their programmes are being implemented and monitored.
220. NGO Committee on the Rights of the child (NGOCRC) that has 46 NGO members has organized several events to educate about the sexual trafficking issues by producing banners, organizing short role plays, question & answer, and leaflet distribution, flipcharts produced by NGO members. In addition, NGOCRC has cooperated with the network of End Child Prostitution, Abuse and

Trafficking in Cambodia ECPAT and COSECAM to compile a joint data on rape and sexual trafficking in Cambodia.

221. The World Education and the NGO partners such as KAPE, Mith Samlanh and the Asia Foundation have signed MOUs with MoEYS and implemented OPTION programme in Prey Veng, Kampong Cham, Banteay Meanchey, and Phnom Penh, that has increased and promoted equal education for girls who are facing risk and sexual trafficking through formal and informal education. The World Education has educated the communities about trafficking and sexual exploitation of children and changed their attitudes towards children; particularly girls living in poor households can go to school. This organization has prepared a commune/sangkat plan to be implemented and monitored the interventions of all levels.
222. ILO/IPEC.TICW have acted together with the government, the association of employers, trade unions, the United Nations, and NGOs to eliminate trafficking and sexual exploitation of women and children; promoted safe migration through reducing vulnerability. This activity has been conducted with the persons living at the highest risk locations where they may fall into being a victim unconsciously by informing them of risks related to uninformed and unprepared migration. ILO/IPEC.TICW have supported the government at all levels to develop and maintain safe migration, focused their attention towards children (boys and girls) and women who are poor, lack of education, and are vulnerable to be trafficked and sexually exploited. They have launched projects that support a programme that helps vulnerable children and young women improve the quality of their lives.

### **3.3 Prevention of Negative Impact on Tourism**

223. Ministry of Tourism has issued 11 circulars (No. 09, No. 05, No. 08, No. 10, No. 11, dated on 2 May 2001 and circular No. 001 dated on 14 September 2006 and circulars No. 001, No. 002, No. 003, No. 004, No. 005 dated on 18 July 2007 on the control of tourism agencies, hotels and guesthouse services, discotheques, ground transportation of tourists, massage services, restaurants, karaoke parlours, sports tourism and entertainment, tour guide and tourism businesses, water transportation of tourists, and tourist sites) that have included the prohibition of all activities related to drug trafficking and sexual exploitation of children and all types of porno-acts. The circulars strictly require an immediate report to be made to the competent authorities about abnormal activities or events occurred in the locations of those businesses.
224. Ministry of Tourism established a Child Safety Committee in Tourism Sector in 2001. This committee has a network in every province and municipality. It contributes to preventing the negative impact on tourism sector, especially sex tourism of children and young women. This committee has cooperated with relevant ministries, establishments and a number of national and international organizations to provide a training of trainers at the national, provincial, municipal and local levels to government servants, police, military police, local authorities, district, commune and village officials, officials of relevant offices, employers and employees of tourism businesses, teachers, and students about the enhancing child safety in tourism sector by explaining to them about the Cambodian policy on tourism and their preventive contribution; how they would contact the competent ministries in order to help the victims on time and take actions in accordance with the law. The Ministry trained 4,065 children and 1,565 adults from 2001 and 2006; 5,970 children and 5,184 adults in 2007 in child safety in tourism sector. In addition, the Ministry has produced educational materials such as stickers, booklets, small and large flipcharts to be distributed to the tourist communities and tourist sites in a number of major provinces and municipalities.
225. With technical and financial assistance from ILO in 2006, the Ministry of Tourism prepared and published a strategic plan (2007-2009) on the promotion of child safe tourism to prevent trafficking in children and women for labour and sexual exploitation in the tourism industry in Cambodia. The Ministry also published a book on operational guideline, training manual, and child safe tourism tools.
226. End Child Prostitution, Abuse and Trafficking in Cambodia (ECPAT) that has 27 NGO members have participated with Ministry of Tourism on the promotion of Child Safe Tourism (CST).

ECPAT has coordinated activities of ending child prostitution, child pornographic pictures; raising awareness; conducting advocacy; monitoring; distributing information to relevant institutions; building and analyzing available and reliable statistics of records on rape and trafficking; controlling and monitoring the progress and change in the coming years.

### **3.4 Alternative Cares and Integration of Victims**

227. Non-governmental organizations have played active roles in implementing the alternative care programme for child victims of trafficking by providing short and long term shelters to the rescued victims and other services such as physical and psychological health treatment, vocational training, literacy class, life skill and so on. In addition, NGOs have provided trainings to staff of a number of relevant ministries and establishments on rehabilitation of victims, parents' roles, program management, investigation, counselling, mental treatment, conflict resolution, and advocacy. These programmes were conducted by COSECAM, Cambodia ACTs, AFESIP, VCAO, ADHOC, LICADHO, and other organizations.
228. MoSVY integrated 1,276 victims including children trafficked into Thailand (2000-2006). They were transferred to the NGO partners for their rehabilitation and to receive other services. 53 Vietnamese girls trafficked into Cambodia were repatriated to Vietnam through a repatriation programme. This programme is technically and financially assisted by UNICEF and IOM.
229. In 2006, MoSVY established an integration and human trafficking office that was tasked to identify, protect, search for, assess, integrate, transfer, and supportive system to victims of trafficking, exploitation and violence, all forms of abuses as well as collect data on trafficking and integration of victims. This programme has been supported by IOM and UNICEF.

### **3.5 Suppression and Victim Rescue**

230. By implementing active campaigns against sexual trafficking, abuse and exploitation together with immediate reporting to police from 2004 to 2007, AHTJPD suppressed offenders and rescued victims with the following results:

Years	# of suppressed	# of arrested	# of rescued
2004	106 cases	115 persons	363 (89 children)
2005	149 cases	197 persons	532 (94 children)
2006	114 cases	148 persons	272 (142 children)
2007	75 cases	118 persons	303 (52 children)

(Source: Data from AHTJPD)

### **3.6 Cooperation**

231. Cross-border trafficking of women and children is a major issue in Cambodia. Poverty in Cambodia is a major push factor for trafficking of children, along with the lack of education of the family and knowledge among the communities. The poverty assessment of Cambodia concluded that one third of the population lives below the national poverty line, causing children and women to decide to leave their home town to seek work in neighbouring countries, making them vulnerable to human trafficking and unsafe migration.
232. Many children have been the objects to be trafficked to Thailand, Vietnam and others countries. Women and girls are generally trafficked for the purpose of sexual exploitation; some have also been trafficked to become beggars or domestic workers. The scope of the problem prompted a strengthened collaboration with many countries, particularly with countries in the Mekong region.
233. In May, 2003, the Government signed a Memorandum of Understanding (MoU) with Thailand on bilateral cooperation to eliminate trafficking of women and children, and to protect and repatriate victims who were trafficked across the border between Cambodia and Thailand. The Government has also established a national working group in 2004 to implement the MoU with Thailand.

234. In October 2004, the Royal Government of Cambodia signed MoU on Cooperation against Trafficking in Persons the Greater Mekong Sub-Region (GMS) and established a Cambodian working group to implement this MoU in July 2005. The Cambodian working group with its counterparts of countries in the GMS developed and put into practice the first 3-year action plan (2004-2007). In December 2007 in Beijing, People's Republic of China, the working groups of 6 countries in the GMS adopted the second 3-year action plan and ministers of those countries signed a joint declaration on the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT).
235. October 2005, the Government signed an Agreement with Vietnam on bilateral cooperation to eliminate trafficking of women and children, and to assist victims of trafficking. A similar MoU with Malaysia is also underway. A MoU on Cooperation Project in Asia to prevent human trafficking was signed on November 2003 between Ministers of Justice of Cambodia and Australia. Cambodia has also signed the Convention on Extradition with Lao PDR, Thailand and China.
236. With support from IOM, MoSVY has been operating a Transit Centre in Poipet where children repatriated and deported from Thailand receive short-term emergency shelter, and from where they are referred to their families or NGOs for longer term support.
237. A multi-disciplinary Child Protection Border Team in the Poipet border crossing to intercept unaccompanied children deported from Thailand, and to refer them to the Transit Center for assistance. The Team is composed of staff of the MoSVY, provincial AHTJP police, the Thai-Cambodian Border Coordination Office and NGO staff. In 2007, the Transit Centre and the Border Team will be merged and operated under the authority of the Anti Trafficking and Reintegration Office of the MoSVY.

### **3.7 Estimated achievements on the implementation of the national plan**

238. CNCC established a Sub-commission on Trafficking and Sexual Exploitation of Children on 28 December 2000. This sub-commission was tasked to coordinate the cooperation between ministries, institutions, and other NGOs that were implementing the national plan. The sub-commission also reviewed and assessed the implementation of the mid-term (2002) and end-term (2004) of the national plans. Based on the assessment, Cambodia has made great progress in addressing and preventing the trafficking and sexual exploitation of children. This work has been recognized by the international community.
239. The remarkable achievements include:
  - Establishment of the Anti-Human Trafficking and Juvenile Protection Department (AHTJPD), the first-ever specialized police force in South-East Asia to fight trafficking and sexual exploitation. AHTJPD has been expanded to the provinces and is now in progress to cooperate with the partners across the region;
  - Establishment of a 24 hour telephone hotline to report on trafficking and/or sexual exploitation of children;
  - Promoting increased awareness on trafficking and sexual exploitation of children among policy makers and the general public;
  - Provided opportunities for victims of trafficking and sexual exploitation to participate voluntarily in providing their views and inputs to relevant policies and decision making.
  - Signing MoU between the Government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking and Agreement between Royal Government of Cambodia and the Government of the Socialist Republic of Vietnam on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking.
  - Cambodia played a key role in developing a MoU on a regional collaboration to fight human trafficking and facilitating the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT). A sub-regional action plan as well as a monitoring and evaluation mechanisms were established.

- Initiated and established partnership with private sector and NGOs working in tourism industry to begin to fight against child sex tourism;
  - Actions have been taken to develop safe migration programme, including developing opportunities for legal migration to reduce chances for illegal businesses.
  - Initiating of services to protect and assist victims of trafficking, including the repatriation form of the first regional cooperation to repatriate victims between Cambodia and Thailand, and between victim support agents and all law enforcement agencies to seek justice for the victim;
  - Established partnership with the tourism industry to cooperate in a fight against child sex tourism.
240. Though some progress has been made, there was little evidence confirming that the issues of trafficking and sexual exploitation of children have decreased. The assessment which was conducted on their impacts is still limited. It requires a newly improved and integrated approach. The development of the second national plan has provided a good opportunity for taking the current situation into account in line with the set priorities for future actions. In general, a work plan needs to be developed for this new approach.
241. Though some progress has been made on preventing child trafficking, the Government has faced a number of shortcoming i.e. on ensuring the effective enforcement of the law, especially regulations concerning the prohibition of pornographic depiction. The Government, however, has made greater effort in providing comprehensive information on the danger of trafficking through media and consultation services to victims and established a proper transit centre in response to the number of victims.
242. The first 5-year national plan came to an end. CNCC has developed a draft on the second 5-year national plan focusing on 5 programmes: policy and cooperation, prevention, criminal justice, protection, rehabilitation and reintegration as well as special programmes relating to changing the social behaviour, reducing violence against women/children, drug abuse and porno depiction.

## **X. Dissemination of the Initial Report**

### Recommendations of the Committee:

- Make widely available to the public at large both the initial report and written replies submitted by the State party
- Consider the publication of the report along with the relevant summary records and concluding observations adopted thereon by the Committee

243. With financial assistance from UNICEF and UNHCHR, has documented relevant documents and reports on the implementation of child rights in Cambodia. These documents include the initial report, replies of the Government to the list of issues concerning the initial report, the concluding observation of the UN committee, the summary records of the 629<sup>th</sup> meeting of the committee, the summary records of the 630<sup>th</sup> meeting, the workshop report on the implementation of the Government of the concluding observation organized by CNCC, and the workshop results on the UN recommendations on the implementation of the Convention on the rights of the child in Cambodia organized by the NGO Committee on Child Rights. All of theses documents were compiled in Khmer and English languages and distributed to stakeholders working in the field of the rights of the child. The concluding observations of the Committee were subject to serious discussion among the stakeholders with a view to finding methods to effectively follow up the recommendations of the Committee.

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  - Statistical Annexes
    1. Country Economic Indicators
    2. Health Sector
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