



TRANSLATION

KINGDOM OF CAMBODIA

NATION RELIGION KING



CAMBODIA NATIONAL COUNCIL FOR CHILDREN

Report on the Implementation of Resolution No.

2009/26

of the Economic and Social Council of the United Nation

On

Supporting National and International

Efforts for Child Justice Reform

July 2010

Prepared by :



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PREFACE

The Kingdom of Cambodia has enrolled a member of the United Nation on December 14, 1955 and ratified of the convention of UN on Child Rights on October 15, 1992. The Economic and Social Council of United Nations has approved a resolution No 2009/26 under theme **“Supporting National and International efforts for Child Justice Reform especially through Improved Coordination in Technical Assistance”** on July 30, 2009. The Resolution of its was provided a report to Office on Drug and Crime of United Nation before on July 1, 2010 on Country Efforts in the implementation of the resolution by Cambodia for submitted in 20th session of the Commission on Crime Prevention and Criminal Justice which will be on April 2011.

General Secretariat of Cambodia National Council for Children has prepared outcomes reports of the implementation of Ministries, Institutions and National and International Non Government Organizations that reflected about Policy Reform of the Kingdom of Cambodia, Legal related to Child Justice, Judicial Reform, Child Friendly Procedures and Court, Research related to Children, Strengthening of Capacity of Professional and Institutions, Services and Assistance, Solution Outside Judicial System, Diversion and Prevention, Awareness-raising, Development of database and Information Management, Monitoring, Cooperation and Coordination that had submitted to Consultation Meeting on June 25, 2010 and to Cambodia National Council for Children Meeting on June 29, 2010 for monitoring and decision. This report was provided to Office on Drug and Crime of United Nation through Ministry of Foreign Affairs and International Cooperation on July 14, 2010.

Under the leadership of **Samdach Akka Moha Sena Padei Techo HUN SEN**, Prime Minister of the Kingdom of Cambodia, the Royal Government has been enhancing the implementation of the four main principles of child rights. The Royal Government has developed many policies, laws, regulations. programmes and took many measures for the best interest of the children and justice for children in order to constitution, law and convention.

Cambodia National Council for Children has published this report in two languages were Khmer and English for dissemination to relevant ministries/institutions and NGOs in aim to them realized about the results of the implementation of the resolution No 2009/26 of the Economic and Social Council of United Nation and to prepare continual others programmes for the best interest of the children.

I would like to thank to members of Cambodia National Council for Children, relevant ministries/institutions and NGOs that provided meanings of the report more perfective and to UNICEF that supported both technical and budget for Cambodia National Council for Children in preparing this report.

Phnom Penh, 2010
Cambodia National Council for Children
Chairman

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Reference: Cu 2008/150

The Secretary-General of the United Nations presents his compliments to the Minister for Foreign Affairs and International Cooperation of the Kingdom of Cambodia and has the honour to draw the attention of the Government to resolution 2009/26 of the Economic and Social Council entitled “Supporting national and international efforts for child justice reform, in particular through improved coordination in technical assistance”, which was adopted by the Council on 30 July 2009. A copy of the resolution is attached.

In operative paragraph 1 of the resolution, the Council urged Member States to pay particular attention to or increase the attention paid to the issue of the child justice and to take into consideration applicable international instruments and, as appropriate, applicable United Nations standards and norms for the treatment of children in conflict with the law, in particular juveniles deprived of their liberty, and child victims and witnesses of crimes, taking into account also the age, gender, social circumstances and development needs of such children.

In operative paragraph 2, the Council invited Member States to where appropriate, comprehensive national action plans on crime prevention and child justice reform dealing, in particular, with preventing child involvement in crime, ensuring access to legal assistance, especially for those children with scarce resources, and reducing the use and the duration of juvenile detention, especially at the pretrial stages, including through the use of diversion, restorative justice and alternatives to detention; the reintegration of children in conflict with the law into their communities; and child-sensitive procedures for all children in contact with the justice system.

Further in operative paragraph 3 Member States and their relevant institutions were invited to adopt, where appropriate, a

comprehensive approach to child justice reform, including through policy reform; legal reform; the establishment of data collection and information management systems; the strengthening of institutional capacity, including with regard to social workers and providers of legal assistance, awareness-building and monitoring; and the establishment of child-sensitive procedures and institutions.

His Excellency
Mr. Hor Namhong
Deputy Prime Minister and
Minister for Foreign Affairs and International Cooperation of the
Kingdom of Cambodia

The Council also, in operative paragraph 4 encouraged Member States, where appropriate, to conduct scientific research in relation to children in conflict with the law, in such areas as their social environment and other risk factors, and measures for their social rehabilitation and integration into society and, in operative paragraph 5 invited Member States, as appropriate, to make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and by its members and to seek technical advice and assistance in the area of child justice from the members of the Panel in order to design, implement and monitor comprehensive child justice policies.

In operative paragraph 6, the Council, encouraged Member States and international funding agencies to provide adequate resources to the secretariat of the Interagency Panel on Juvenile Justice and to the members of the Panel so that they may continue to provide enhanced technical assistance, upon request, to Member States, in particular to those having expressed a need for technical assistance pursuant to Economic and Social Council resolution 2007/23 of 26 July 2007.

The Council, in operative paragraph 7, requested the members of the Interagency Panel on Juvenile Justice to continue providing assistance to Member States, upon request and subject to the availability of resources, in the area of child justice, including by following up

on the recommendations contained in the United Nations study on violence against children and setting up national data collection and criminal justice information systems with regard to children in conflict with the law, using as a guide the Manual for the Measurement of Juvenile Justice Indicators and in operative paragraph 8 encouraged the member of the Interagency Panel on Juvenile Justice to further increase their cooperation, to share information and to pool their capacities and resources in order to increase the effectiveness of programme implementation, including through, when appropriate, joint programming, and the development of common tools and awareness-raising.

Finally in operative paragraph 10 the Council, requested the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice, at its twentieth session, on the implementation of the above-mentioned resolution.

In order to enable the Secretary-General to collect information on the issues raised in the resolution and to comply with the reporting obligations for the twentieth session of the Commission on Crime Prevention and Criminal Justice to be held in April 2011, the Government is invited to submit information to the United Nations Office on Drugs and Crime on its efforts to implement the resolution. The information should be forwarded, at the latest by 1 July 2010 to the Justice and Integrity Unit/Justice Thematic Cluster, Division of Operations, United Nations Office on Drugs and Crime, P.O. Box 500, 1400 Vienna; Austria, by fax to: +43-1-2606-5866 or electronic replies can be submitted via e-mail to: criminal.justice@unodc.org.



20 October 2009

Recalling also its resolution 2007/23 of 26 July 2007 on child justice reform,

Welcoming the report of the Secretary-General on the support of national efforts for child justice reform, in particular through technical assistance and improved United Nations system-wide coordination,⁹

Noting that, according to that report, some States have reported on the implementation of effective measures to reduce the use of imprisonment and pretrial detention for juveniles in conflict with the law, while many States still use deprivation of liberty as the rule rather than an exception,

Noting also the increased specialization of institutions and professionals and the provision of appropriate training and retraining in this area and the development of diversion, restorative justice and alternatives to detention programmes reported by Member States, and encouraging other States to adopt such programmes,

Acknowledging with satisfaction the work of the Interagency Panel on Juvenile Justice and of its members, the Department of Peacekeeping Operations of the Secretariat, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime, the United Nations Children's Fund, the United Nations Development Programme, the United Nations Interregional Crime and Justice Research Institute, the Committee on the Rights of the Child and a number of non-governmental organizations, in particular the coordination of the provision of technical advice and assistance in the area of child justice and the active participation of civil society in that work,

Bearing in mind that the United Nations approach to justice for children contained in the guidance note of the Secretary-General of September 2008 aims at full application of United Nations standards and norms for all children who come into contact with justice and related systems as victims, witnesses or alleged offenders or in other circumstances where judicial intervention is needed,

⁹ E/CN.15/2009/12.

1. *Urges* Member States to pay particular attention to or increase the attention paid to the issue of child justice and to take into consideration applicable international instruments and, as appropriate, applicable United Nations standards and norms for the treatment of children in conflict with the law, in particular juveniles deprived of their liberty, and child victims and witnesses of crimes, taking into account also the age, gender, social circumstances and development needs of such children;

2. *Invites* Member States to adopt, where appropriate, comprehensive national action plans on crime prevention and child justice reform dealing, in particular, with preventing child involvement in crime, ensuring access to legal assistance, especially for those children with scarce resources, and reducing the use and the duration of juvenile detention, especially at the pretrial stages, including through the use of diversion, restorative justice and alternatives to detention, the reintegration of children in conflict with the law into their communities and child-sensitive procedures for all children in contact with the justice system;

3. *Also invites* Member States and their relevant institutions to adopt, where appropriate, a comprehensive approach to child justice reform, including through policy reform, legal reform, the establishment of data collection and information management systems, the strengthening of institutional capacity, including with regard to social workers and providers of legal assistance, awareness-building and monitoring, and the establishment of child-sensitive procedures and institutions;

4. *Encourages* Member States, where appropriate, to conduct scientific research in relation to children in conflict with the law, in such areas as their social environment and other risk factors, and measures for their social rehabilitation and integration into society;

5. *Invites* Member States, as appropriate, to make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and by its members and to seek technical advice and assistance in the area of child justice from the members of the Panel

in order to design, implement and monitor comprehensive child justice policies;

6. *Encourages* Member States and international funding agencies to provide adequate resources to the secretariat of the Interagency Panel on Juvenile Justice and to the members of the Panel so that they may continue to provide enhanced technical assistance, upon request, to Member States, in particular to those having expressed a need for technical assistance pursuant to Economic and Social Council resolution 2007/23 of 26 July 2007;

7. *Invites* the members of the Interagency Panel on Juvenile Justice to continue providing assistance to Member States, upon request and subject to the availability of resources, in the area of child justice, including by following up on the recommendations contained in the United Nations study on violence against children¹⁰ and setting up national data collection and criminal justice information systems with regard to children in conflict with the law, using as a guide the *Manual for the Measurement of Juvenile Justice Indicators*;¹¹

8. *Encourages* the members of the Interagency Panel on Juvenile Justice to further increase their cooperation, to share information and to pool their capacities and resources in order to increase the effectiveness of programme implementation, including through, when appropriate, joint programming, and the development of common tools and awareness-raising;

9. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice, at its twentieth session, on the implementation of the present resolution.

*44th plenary meeting
30 July 2009*

¹⁰ A/61/299.

¹¹ United Nations publication, Sales No. E.107.V.7.

I. Introduction

- 1- The 2008 General Population Census of Cambodia shows that the population of Cambodia grew 1.96 million in 10 years, and specifically, it grew from 11.4 million to 13.4 million in 2008. The population density grew from 64 persons to 75 persons per square kilometre¹. About half the population is under 20 years of age with children below 18 accounting for 41 percent of the total population. Because the country has enjoyed peace and has implemented policies that have encouraged trade and investment in infrastructure, poverty has declined from 47 percent over the past decade to 27 percent in 2010. However, the rise in fuel and food prices has had strong impacts on families and poor people, especially women and children.
- 2- The financial and global economic crisis has slowed down the demands for goods exported from Cambodia and increased risks to the country's macroeconomic and financial condition. The global changes have created unexpected challenges for the Kingdom Cambodia. These problems have put families at risk of separation because of limitations on livelihood and income production, and have put children at risk of abuse, violence and exploitation. Neglect and lack of support services cause children to take to the streets or to commit crimes. The Royal Government has undertaken systematic and subsequent measures to reduce to the lowest level negative impacts of the financial and global economic crisis on Cambodia's financial and economic system and has continually supported these accomplishments².
- 3- After more than two decades of Civil War, the Kingdom of Cambodia re-established its legal and judicial system from the scratch. The Royal Government of Cambodia has high commitment to promote the rights of the child by improving environments for survival and the development of the child, by strengthening

¹ 2008 General Population Census of Cambodia, (NIS, Ministry of Planning)

² National Strategic Development Plan, Update 2009-2013

child welfare, and by increasing strong protective environments for the child. A lot of activities have been implemented simultaneously such as the creation and strengthening of policy, legal framework and mechanism, etc. Besides relevant specialized ministries and institutions, several special mechanisms were established to ensure that children fully enjoy their rights. These mechanisms include the Cambodian National Council for Children (CNCC), Commune Committees for Women and Children (CCWC), National Multi-Sectoral Orphans and Vulnerable Children Task Force, Inter-ministerial Working Group for Child Justice, NGO Working Group for Child Justice, etc. These mechanisms exist on the national, provincial/ capital levels, to the commune/Sangkat levels where children live.

II. Policy and Legal Reforms Relating to Child Justice

- 4-** The Council for Legal and Judicial Reform, which was established in June 2002, has a mission to “initiate, promote and encourage the reform process and constantly review the implementation of legal and judicial reform policies and programmes in accordance with the direction of the Supreme Council for State Reform”. Since mid 2005, the Council for Legal and Judicial Reform has been implementing its action plan in compliance with legal and judicial reform strategy. This action plan sets out important priorities and activities from short to medium term (2004-2008) and long term (after 2008) for implementation. The legal and judicial reform strategy has seven strategic objectives as follows:
- Improvement of the protection of fundamental rights and freedoms
 - Modernization of the legislative framework
 - Provision of better access to legal and judicial information
 - Enhancement of the quality of legal processes and related services
 - Strengthening of judicial services, i.e. the judicial power and the prosecutorial

- Introduction of alternative dispute resolution mechanisms
 - Strengthening of Legal and Judicial sector institutions to fulfill their mandates³.
- 5- Child Justice is under the seven strategic objectives of the Council for Legal and Judicial Reform.
 - 6- The 1993 Constitution of the Kingdom of Cambodia recognizes and respects human rights as stipulated in the United Nations Charter, the Universal Declaration on Human Rights, and the conventions and covenants related to human rights, women's and children's rights. The state protects the rights of the children as stipulated in the Convention on the Rights of the Child, particularly the right to life, education, protection during wartime, and protection from economic or sexual exploitation. The inclusion of Convention on the Rights of the Child into the Constitution has made the Convention's status equal to the Constitution's. In 2007, the Constitutional Council issued Decision No.092/003/2007 stating that international laws that the Kingdom of Cambodia has recognized are incorporated into and are part of the national laws that judges have to take into account when they try court cases, especially Convention on the Rights of the Child. This increases and strengthens greater protective environments for all Cambodian children.
 - 7- The Penal Code, Criminal Procedure Code, Civil Code and Civil Procedure Code were created through technical and financial assistance from development partners and were promulgated between 2007 and 2009. The Penal Code includes a number of provisions relating to the child, for example: criminal responsibilities of the minors, penalties applicable to the minors, infringement on minors and family, infringement on the care of minors, infringement on childhood, placement of minors in dangerous situation, and inciting minors to commit illegal or dangerous acts.
 - 8- A new comprehensive and improved Law on Suppression of Human Trafficking and Sexual Exploitation was promulgated in

³ Paragraph 37, National Strategic Development Plan, Update 2009-2013

2008. The objective of this law is to suppress the acts of human trafficking and sexual exploitation in order to preserve and enhance good national customs, to protect the rights and dignity of human beings, to improve the health and welfare of citizens, and to implement the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, and international instruments or other agreements with regard to human trafficking to which the Kingdom of Cambodia has ratified or acceded. The draft explanatory notes of this law were finalised by the Ministry of Justice in 2009, and are currently awaiting formal enactment by the Ministry.

- 9- The Cambodia National Council for Children issued Decision No. 107 KC.K.K dated 20 December 2007 on Guidelines on the Protection of the Rights of Child Victims of Trafficking of the Kingdom of Cambodia with the purpose of enhancing the implementation of relevant international instruments that the Kingdom of Cambodia has ratified or acceded and protecting the rights of child victims of trafficking. In 2009, the Ministry of Social Affairs, Veteran and Youth Rehabilitation (MoSVY) adopted the Policy and Minimum Standards for Protection of the Rights of Victim of Human Trafficking which was put into operation through the Prakas No.852 S.A.Y dated 31 August 2009.
- 10- The Law on Inter-Country Adoption was promulgated in 2009 to guarantee the best interests of and to protect the basic rights of children who are subject of inter-country adoption. The Law on Education was promulgated in 2007 to ensure and exercise the rights to education as provided in Article 68 of the Constitution which provides that citizens shall receive education at least for nine years.
- 11- The Ministry of Justice has created many laws and draft laws, including several that concern the child. The draft Law on Juvenile Justice was finalized by the Ministry of Justice-led Working Group comprised of five ministries. This draft law was sent from the specialized ministry to the Office of the Council of Ministers and

is being reviewed and discussed by a group of specialists at the Council of Ministers. This draft law was prepared in accordance with international standards, the Penal Code and Criminal Procedure Code with participation by and input from development partners, United Nations Children Fund, and civil society organizations. Alongside the finalization of the draft Juvenile Justice Law, a set of implementing regulations, standardized forms, checklists and other operational tools for police, lawyers, prosecutors, investigating judges, trial judges, social workers, prison officers and rehabilitation officers are also being prepared. The draft guidelines on dealing with child victims and witnesses in the justice system is being reviewed. The MoSVY and CNCC are conducting research and contemplating the possibility of creating a Law on Child Protection or a Law on Child Welfare.

- 12- The Ministry of Justice issued an Instruction on Prosecution and Punishment of Persons Who Committed Offences of Human Trafficking and Sexual Exploitation, issued an Instruction on how to implement the principles of National and International Laws in forces relating to the Protection of Victims of Criminal Offences, and issued an Instruction on how to implement the principles of National and International Laws in forces relating to Juvenile Justice. In addition, the Ministry released a Prakas on the Use of Court Screen and TV-Linked Testimony from Child/Vulnerable Victims or Witnesses.
- 13- The National Policy on Alternative Care for Children, Minimum Standards on Alternative Care for Children and other relevant alternative care standards were put into operation by MoSVY. MoSVY issued the Prakas on Accreditation of Inter-Country Adoption Agencies and other standards to ensure the implementation of the Law on Inter-Country Adoption, including, a policy concerning effective child care while promoting social protection for children.
- 14- The Law on the Prevention of Domestic Violence and Protection of the Victims was promulgated in 2005. This law provides legal

mechanisms to prevent domestic violence and protect victims of domestic violence in addition to the existing criminal law provisions.

- 15- To guarantee the child's right to health, the Ministry of Health is drafting the Law on Tobacco Control which incorporates provisions that prohibit the sale of cigarette to children under 18.
- 16- In 2006, MoSVY issued the Prakas on the Conditions and Procedures for Admission, Administration and Rehabilitation of Children. An Inter-ministerial Prakas on Rehabilitation and Vocational Training for Convicted Persons was issued by MoSVY and Ministry of Interior in 2001. In 2003, Ministry of Interior issued Procedure No. 34 on Children of Female Detainees and Pregnant Detainees in Prison which aims at managing and caring for pregnant detainees and their children in prison.
- 17- The Sub-Decree No: 103 on Civil Status was created in 2000. It requires parent to report on the birth of his/her newborn within 30 days of the child's birth to the civil registrar at the commune/ Sangkat office of his/her permanent residence. The Ministry of Interior issued Instruction 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 certificate increased from 22 percent in 2000 to 89 percent in 2006. In subsequent years, the increase in number of children who registered for birth certificate and birth certifying documents has been limited. Although at present, disaggregated information by age and sex is not available, the Ministry of Interior instructed all provincial and capital governors to collect disaggregated data of citizens below 18 years of age whose birth are registered⁵. Article 985 of Civil Code set forth a birth registration obligation that the "parent of the child shall register the birth of their child at commune/ Sangkat office where their permanent residence is located within 30 (thirty) days of the child's birth. In the event that the parents are negligent of duty set forth in Paragraph 1

⁵ Instruction of Ministry of Interior No. 495 of 20 April 2006

above without appropriate reason, they shall face civil fine of not exceeding 10,000 Riels”.

- 18-** Between 2000 and 2010, the Royal Government has issued sub-decree N0:63 of 05 September, 2000 on the Management and Control of Movies and Videos, and relevant ministries such as the Ministry of Tourism have issued circulars to prevent child sexual exploitation, focusing on tourism sectors, namely hotels, guest houses, restaurants and night clubs, as well as on the monitoring of films and video. In 2009, the Law on Tourism was promulgated. It aims at determining rules and mechanism to manage and develop the tourism sector by prohibiting any activities related to child trafficking and other sexual activities.
- 19-** Along with implementation of judicial reform strategies and activities, the Kingdom of Cambodia has taken responsible measures to recognize and guarantee all rights of every child through its ratification and accession to international treaties relating to children, such as:
- Convention of the Right of the Child, in 1992
 - Optional Protocol of the Convention on the Right of the Child on the Involvement of Children with Armed Conflict, in 2002
 - Optional Protocol of the Convention on the Right of the Child on Sale of Children, Child Prostitution and Child Pornography, in 2002
 - ILO Convention No. 182 on Prohibition and Immediate Action for Elimination of Worst Forms of Child Labour, in 2006
 - PALEMO Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, in 2006
 - Hague Convention on Protection of Children and Cooperation with respect to Inter-Country Adoption, in 2007

- UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, in 2001
- Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment, in 1992
- Convention on the Elimination of All Forms of Discrimination against Women, in 1992
- International Covenant on Civil and Political Rights, in 1992
- International Covenant on Economic, Social and Cultural Rights, in 1992
- Convention on the Elimination of All Forms of Racial Discrimination, in 1983
- Convention No. 29 on Forced and Compulsory Labour, in 1970
- The United Nations Supplementary Convention of the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, in 1957
- Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, in 1948.

20- Important guidelines, standards and international legal principles related to child justice, such as principles related to the responsibility of minors, principles related to diversion stipulated in the UN Standard Minimum Rules for the Administration of Juvenile Justice, UN Guidelines for Preventing Juvenile Delinquency and the UN Rule for Protection of Juveniles Deprived of their Liberty, UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, and UN Guidelines for Action on Children in Criminal Justice System were incorporated into relevant draft laws, especially the draft Law on Juvenile Justice and into the professional training curriculum for judges, prosecutors and lawyers.

21- The multi-disciplinary Working Group on Child Justice is comprised of representatives of five ministries and non-governmental organizations, and was established to prepare, discuss and accelerate the drafting of the law and regulations relating to child justice. This Working Group adopted action plan 2010-2011 in order to

have the Law on Juvenile Justice adopted by the National Assembly in 2011. This group is initiating the implementation of a pilot project in 2011 on children court or minor chamber and strengthening of capacity of criminal justice actors, members of the Working Group, civil society organizations and relevant stakeholders of all levels so that they can better understand the Convention on the Right of the Child and Juvenile Justice System.

III. Judicial Reform

- 22-** In relation to the draft Law on Juvenile Justice, in the future, a specific chamber may be created in each court.
- 23-** The Ministry of Justice has piloted case registry for minors in one model court in the Kingdom of Cambodia.

IV. Child-Friendly Procedures and Court

- 24-** Standards, criteria and strategies for four model courts were prepared by the Council for Legal and Judicial Reform. Ministry of Justice is preparing an action plan and various court registries in order to pilot and put into operational four model courts. The action plan and budget request were submitted to the Ministry of Economy and Finance. The Ministry of Justice set up court screens in provincial and capital courtroom of the court of first instance throughout the country. TV-Linked Courtrooms for Testimony from Child/Vulnerable Victims or Witnesses were installed in courtroom of five courts of first instance. At the same time, the ministry has produced instructional videos for child victims, child witnesses and children in conflict with the law regarding the role of different criminal justice actors. The Ministry of Interior has been using properly equipped child-interview rooms to interview child victims at the specialized department as well as several other important provinces and capital.

- 25-** The Draft Law on Juvenile Justice has been developed in compliance with international standards, the Penal Code and Criminal Procedure Code taking into account child-sensitivity and mandating child-friendly procedures.

V. Research related to Children

- 26-** An assessment on the Situation of Children in Conflict with the law in the Kingdom of Cambodia was undertaken from March to August 2004 to examine the treatment of children in conflict with the law in Cambodia and was disseminated by the CNCC. This assessment proposed 10-priority actions and recommendations for reform of the following specific areas: general criminal law, criminal procedure and evidence, pre-trial detention and bail, the treatment of children by judicial police, legal representation, sentencing, release and parole, laws relating to juvenile justice, diversion, and the development of key national indicators.

VI. Institutional and Law Enforcers Capacity Strengthening

- 27-** Since 2006, basic training on Children's Rights, Laws and Justice has been integrated into the training curriculum of the Royal Academy for Judicial Profession for students and incumbent judges and prosecutors. The Royal Academy for Judicial Profession has produced two training videos for court officials for interviewing child victims and children in conflict with the law.
- 28-** Since 2006, basic training on Children's Rights, Laws and Justice has been integrated into the training curriculum of the Centre for Lawyer Training and Professional Improvement for student lawyers.
- 29-** The Ministry of Interior, Ministry of Health and Ministry of Justice organized joint and separate trainings for judicial police, medical doctors and court officials on forensic and medical

investigation of child sexual abuse cases. The first training on “Forensic Medical and Welfare Aspects of Child Sexual Abuse Investigations” was held in October 2008. The follow-up training on “Forensic Medical and Legal Aspects of Child Sexual Abuse Investigation” was held in January 2010.

- 30-** In 2009, judicial police officials from the Anti-Human Trafficking and Juvenile Protection Department and the 10 provincial and capital Offices of Anti-Human Trafficking and Juvenile Protection were provided on-the-job training on case management and follow up in the investigation and referral of cases of trafficking, sexual abuse, exploitation and domestic violence. Police training manuals were updated by incorporating relevant provisions related to the Criminal Procedure Code and Law on Suppression of Human Trafficking and Sexual Exploitation. Two national workshops were organized and participated in by representatives from the Anti-Human Trafficking and Juvenile Protection Department and units from 24 capital and provinces in order to exchange experiences and lessons learned in dealing with cases of sexual abuse, sexual exploitation and violence against children and women, and to review laws and investigation techniques. A total of 950 police inspectors, deputy police inspectors, chiefs of police administrative post and deputy chiefs of police administrative post from 10 capitals and provinces received advanced trainings on legal procedures and investigation skills and on cooperation with other local authorities. More than 1,700 judicial police officials were trained at the Police Academy and its five regional police training schools to sensitize them to child sexual abuse, trafficking and sexual exploitation issues, and teach procedures in handling those cases.
- 31-** In the Kingdom of Cambodia, one Social Work Department in the Royal University of Phnom Penh has been recently created. As of 2009, 54% of state social workers at the national, capital and provincial levels and 83% of district social workers have completed basic and professional social services training. Lessons on the Roles of Social Workers in the Child Justice System were

incorporated into the basic and professional social services training of MoSVY.

- 32-** In 2009, social workers, prison officers and NGO workers from seven capital and provinces received refresher training on case management of and reintegration planning for children in conflict with the law. The Ministry of Justice organized a Multi-sectoral Training Workshop on Child Justice for 35 focal point trainers comprised of court officials, social workers and NGO workers.

VII. Services and Assistance

- 33-** The Anti-Human Trafficking and Juvenile Protection Department found that in 2009, sex offenses were significantly higher than other offences: there are domestic violence, sexual exploitation and pornography and human trafficking. Other specialised entities have been actively undertaking measures to prevent and suppress sexual abuse, sexual exploitation, pornography, human trafficking and domestic violence, such as entities of the Ministry of Interior and specialised entities of the Ministry of National Defence.

Below table of the Ministry of Interior highlights the following achievements:

Offence	Number of cases suppressed	Number of victims rescued	Number of suspects arrested
Sexual Abuse			
Rape	185		213
Indecent assault	18		18
Indecent act against minors under 15	11	18	10
Sexual Exploitation	84	415	57
Pornography	21		15
Confinement	01	01	
Labour Exploitation			
Human Trafficking	48	180	51
Domestic Violence	88	159	88
Total	456	773	452

- 34-** In cooperation with NGOs, the MoSVY provided referral and reintegration services for at-risk and victimized children. In 2009, 992 persons were repatriated: 215 from Thailand, 773 from Vietnam, and 4 from Malaysia. Among those repatriated persons, 515 are children. 469 women and children who are victims of sexual exploitation in the country were rescued and provided appropriate services at state and NGO-run centres. 1,474 victims were reintegrated and 516 cases were closed.
- 35-** The MoSVY provided services on case management, rehabilitation, and reintegration for children in conflict with the law detained in four prisons, as well as for children accused of petty crimes or drug substance abuse and diverted from prison to the rehabilitation center. Ninety percent (705 children) of all children detained in prisons and in the above centre received social services such as case management, counselling, non-formal education, vocational training, family tracing, follow-up and post-care services. About 70 percent of the children released from prison or who left the above centre were reintegrated successfully. Social workers from the provincial Departments of Social Affairs in Battambang and Siem Reap provinces cooperated with two NGOs in providing life skills, reintegration planning, post-release follow-up, vocational training and other community-based services to children in the two provinces.
- 36-** The Royal Government has increased the daily food ration to 2,800 Riels for each of convicted and non-convicted persons in detention.
- 37-** Between October 2008 and October 2009, the Bar Association of the Kingdom of Cambodia helped defend 544 cases for poor people including 66 minors and 45 women. In addition, majority of legal services were provided for children through legal aid NGOs⁶.

⁶ Activity Report of the Bar Association of the Kingdom of Cambodia, October 2008-October 2009

- 38-** For more details with regard to achievements made by the Kingdom of Cambodia, please see the 2nd and 3rd Report on The Implementation of Convention on the Rights of the Child in Cambodia, 2000-2007 in the attached Annex.

VIII. Alternatives to Detention, Diversion and Juvenile Delinquency Prevention

- 39-** Since 2008, community-based prevention and rehabilitation services for children accused of petty crimes were implemented by two NGOs in selected communes/districts of four provinces of the Kingdom of Cambodia. In 2009, these NGOs cooperated with commune authorities in providing training for over 100 at-risk children on children's rights, life skills, and anger management, as well as, following-up on diversion, reintegration options for 31 diverted children in conflict with the law. The programme cooperated with the relevant provincial departments in charge of social affairs in providing life skills, vocational training, material training, referral to health services and follow-up visits in their provinces. In addition, this programme assisted commune authorities in holding bi-monthly community dialogue with parents, community volunteers and community members on child rights, child-related laws, social problems and prevention of violence and juvenile delinquency. To ensure sustainability, this intervention and prevention programme is currently being considered for incorporation into the Commune Development and Investment plans.
- 40-** In another province, a pilot project called Crimes Prevention was implemented by Ministry of Interior in 45 communes in 11 districts. Its purpose is to turn youth away from committing crimes through a number of activities including vocational training.
- 41-** MoSVY has developed and is testing a ministerial regulation and mechanisms on the functioning of the child welfare system

in five provinces. Local mechanisms are being tested to identify vulnerable children and families; to provide family support and referral services in order to prevent family separation or disintegration and encourage reunification of children with their families; and to find alternative family-based and community-based solutions for vulnerable children.

IX. Awareness-raising

- 42-** Awareness of child justice laws was raised through the publication and dissemination of laws and explanatory notes such as: the Penal Code, Criminal Procedures Code, Civil Code, Civil Procedure Code, Law on Inter-Country Adoption, Law on Domestic Violence and Protection of Victims, Law on Suppression of Human Trafficking and Sexual Exploitation, Convention on the Right of the Child, and Optional Protocols of the CRC and other laws.
- 43-** Awareness among youth and children was raised through legal aid programmes, dissemination of the child rights and procedural rights in prison, and through crime prevention and diversion programmes among other ways. The majority of dissemination was conducted on topics related to sex offences against children and women, in the form of short stories, spots, TV and Radio Talk-shows, internet, leaflets, flip charts, workshops and training.
- 44-** With support from development partners, CCWC and female village leaders in priority provinces have been trained to advocate, plan and implement activities to promote and fulfill women's and children's rights.

X. Development of Database and Information Management

- 45-** The Kingdom of Cambodia passed a Statistics Law that governs all matters related to the collection, processing, compiling,

analysis, publication, and dissemination of statistics. The National Institute of Statistics developed CAMInfo based on DevInfo in 2004. CAMInfo was recognized as National Socio-Economic Indicator database that monitors progress compared to development goals and other national, regional and global goals. CAMInfo contains a range of data from national to commune levels through which local indicators can be monitored.

- 46- In 1999, MoSVY developed a database to collect information of women and children victims and at-risk women and children of trafficking who were sent back from other countries.
- 47- In 2004, the national database on sexual criminal offences was established by the Ministry of Interior to collect information concerning sexual abuse, exploitation and child trafficking cases and to provide thorough information about victim and suspect cases which can be used as a tool to better control offences. Later on, data on domestic violence was included into the database.
- 48- In 2006, the Ministry of Justice created a national child justice data collection and monitoring system, including a computerised database used 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 Ministry of Justice has piloted the data collection and database system on child justice in six capital and provinces. This system is currently reviewing the database for consistency with the new court registries of model court.
- 49- The Ministry of Interior has provided hotline services in seven capitals and provinces. The database concerning human trafficking and sexual exploitation was adjusted to be consistent with the Law on Suppression of Human Trafficking and Sexual Exploitation. As a result, in 2009, 648 cases of human trafficking, sexual abuses and domestic violence were reported and 456 suspects were arrested. 773 child victims were rescued, of which 14% were referred to state social workers and NGO workers.

XI. Monitoring

- 50-** The Royal Government has asked all ministries, institutions and development partners who are financing any action, program, project to give a high priority to carrying out periodic monitoring and evaluation of the implementation of the action, program, project and to provide monitoring and evaluation reports to the Ministry of Planning after they have been finalized to enable the Ministry of Planning to reflect the findings of these studies in its overall assessment of progress in achieving the targeted development results and outcomes of NSDP Update 2009-2013⁷. Monitoring of child justice works was undertaken through field visits by officers at the ministry level. The Ministry of Justice and MoSVY have respective monitoring checklists to assist the mid-level officials on field visits and checklists for their technical officials to monitor status of cases. The monitoring is facilitated by the database established at the ministries such as MoSVY, Ministry of Justice and Ministry of Interior, etc.
- 51-** In addition, development partners have significantly contributed to the monitoring of the present situation of children in the justice system through their networks, information sharing and advisory meeting.

XII. Cooperation and Coordination

- 52-** Cooperation and coordination in child justice sector among criminal justice partners, as well as development partners, has been improved. The Inter-ministerial Child Justice Working Group was created in 2006 and has fulfilled its roles and duties in examining and reviewing the draft Law on Juvenile Justice, developing guidelines on how to deal with cases of child victims and child offenders in a child-friendly manner, preparing and formulating a joint protocol between relevant ministries to provide legal and social works assistance for children, developing

⁷ NSDP 2009-2013, Chapter 6

policies related to child justice, and continuing to monitor and evaluate all adopted policies. The NGO Child Justice Working Group was created in 2008 to contribute to achieving joint objectives:

- (1) to protect and promote the rights and best interests of child victims, children in conflict with the law, and child witnesses in the judicial system;
- (2) to ensure that children in conflict with the law are diverted, fully rehabilitated and reintegrated into their communities and families after conviction, detention, or residence at a rehabilitation center.

- 53-** Coordination and cooperation in the child justice sector has been furthered, especially with regard to human trafficking and sexual exploitation, by: the National Committee leading the Suppression of Trafficking, Smuggling, Labour Exploitation, and Sexual Exploitation of Women and Children under the leadership and coordination of Ministry of Interior; the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) under the leadership and coordination of Ministry of Women's Affairs; and the Advisory Group comprising of development partners.
- 54-** Since 2006, the Ministry of Justice has organized annual National Workshops on Child Justice in order to strengthen cooperation, to assess the roles and duties of agents involved, and to propose future activities. Participation includes parties such as criminal justice agents from capitals and provinces, child representatives, and NGO representatives.
- 55-** In 2010, because of the efforts made to create a legislative framework and due to better enforced laws, the Kingdom of Cambodia has been classified by the United States of America as a tier two country.
- 56-** The Inter-Ministerial Working Group has developed a regulation called "Inter-ministerial Prakas on Cooperation and Coordination in Child Justice Process". To best protect and uphold the best

interests of child victims, at-risk children, and children in conflict with the law, the provision seeks to achieve: (1) to encourage relevant ministries and national, provincial, and district level institutions to cooperate and implement a comprehensive child-friendly justice system; (2) to strengthen cooperation and coordination in implementing an inter-disciplinary approach in a child-friendly justice system at all stages of case proceedings related to minors.

XIII. Conclusion

- 57-** In Cambodia, social protective systems and child protection is limited. Cambodia requires the necessary resources to implement child justice programmes, such as a national comprehensive survey on child victims and children in conflict with the law, crime prevention and implementation of alternatives to incarceration. In addition, more work must be done with regard to building and strengthening the capacity of social work agents and forensic officials and modernization of forensic equipments.
- 58-** Other activities that Cambodia will do include:
- Develop a national action plan on child justice reform and prevention of juvenile delinquency;
 - Accelerate adoption of guidelines on child-sensitive procedures for children in the justice system;
 - Promote greater use of court screens, TV-link equipment and other testimonial aids for children in the justice system;
 - Promote the use of alternatives to pre-trial detention and imprisonment, and other alternative non-custodial measures for children in conflict with the law in accordance with the new Penal Code and Criminal Procedure Code;
 - Promote understanding of diversion and restorative justice as contained in the draft Juvenile Justice Law;
 - Promote and support family-based and community-based juvenile delinquency prevention programmes and community-based rehabilitation and reintegration programmes for children

in conflict with the law, especially efforts towards family preservation and reunification.



Annex:

2nd and 3rd Report on The Implementation of Convention on the Rights of the Child in Cambodia, 2000-2007.