

Country session: Cambodia

Date of session: 5th and 6th May (90th session)

Context

The review was delayed due to the Covid 19 pandemic, which disrupted the normal planning of the CRC sessions.

Background information

[OHCHR press release](#)

Webcast: [first part](#) and [second part](#)

Audio file: [first part](#) and [second part](#)

Reporting

Reporting methodology

Standard reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report

Common core document	
Initial submission	16.09.1998
Updated document	12.06.2019
Annexes	

CRC	
No. of report	Fourth to sixth report
Due date	13.05.2018
Submission	22.06.2018

Written replies	
Due date	14.02.2020
Submission	6.07.2020

Additional comments:

The Cambodian National Council for Children (CNCC) established a core group team of experts including members from NGOs and development partners, to draft the report. In addition, this report was reviewed 10 times by the core group and by the Planning and Reporting Committee on Child Rights.



Public reports from children’s rights defenders

Alternative reports and additional information	
Written inputs	
NGOs	<ul style="list-style-type: none"> • APLE Cambodia and ECPAT International • Global Initiative to End All Corporal Punishment of Children • Human Rights Watch • Human Rights Watch • Child Advocate Network-CYMCR-AYRG • Child Rights Coalition Cambodia • Juvenile Justice International • Juvenile Justice International

State delegation

The [State delegation](#) was large and included some high-level Ministers from different sectors like Ministry of Interior, Education, Health and Social Affairs and the Ambassador from the Permanent Mission in Geneva.

Committee’s Task Force members

Name & Last Name	Country
Mikiko Otani (coordinator)	Japan
Suzanne Aho Assouma	Togo
Rinchen Chopel	Bhutan
Ann Skelton	South Africa

Dialogue description

- Character of the dialogue

The dialogue was interactive, very detailed and technical. The State delegation focused largely on answering the questions related to education and social issues in a very detailed manner. The answers were provided mostly by the Ministry of Education and Ministry of Social Affairs.

- General assessment made by the Committee

The Committee expressed some concern on the budget allocation before and during the Covid-19 pandemic. It is stated that cash transfer is one of many ways to implement children's rights. However, some of the budget could also be allocated to social workers for instance.

- Main issues discussed

General measures of implementation

- **Definition of the child:** The Committee was concerned and asked questions on the definition of the child and the exceptions to the definition made by the Cambodian government in some actions and activities. The Committee said that the exceptions compromise the clear definition and may violate the best interest of the child and may also allow child marriage. There were no comments or replies provided by the State on this topic.

Violence against children

- **Torture and other cruel and degrading treatment:** The Committee remains concerned about violence against children with disabilities and children in detention. It is said that the perpetrators should be punished adequately, and the children should have access to reporting. The State had not specifically replied to this question. However, the State stated that they have adopted a national action plan to combat violence against children.
- **Corporal punishment :** The Committee expressed its concern that corporal punishment is still legally and socially accepted in Cambodia and urged the State to repeal all the legal provisions concerning the violence against children. The State delegation did not provide an answer to this. Nevertheless, the State mentioned that they have established hotlines during the COVID-19 pandemic to protect children from all kinds of violence.

Civil rights and freedoms

- **Freedom of expression:** The Committee stated that they are concerned about the law on NGOs & activities of Human Rights Defenders and Child Human Rights Defenders and their freedom of expression and opinion (including online), the arrests of CHRDs and parents of CHRD. The Committee also asked if the State has taken any measures to prosecute the violence committed against CHRDs. The State responded that they do not agree with the allegations around the attacks on human rights defenders and child human rights defenders and said that these are false accusations.
- **Freedom of assembly:** The freedom of assembly in the context of minimum age to create and take part in associations was discussed. There are laws in Cambodia which do not allow children to form their own association and therefore the Committee asked how the State can revise its laws to legally authorize associations founded and run by children. This question was not replied to by the State delegation.

- **Birth registrations:** The compulsory birth registration for all children and especially for marginalized children were discussed. The Committee mentioned that 30% of the births go unregistered and many do not have birth certificates. The Committee asked what might explain that so many children do not have a birth certificate and how can the government combat it. The State replied that many parents ignore birth registration until school registration and that the State has a national plan to digitalize the birth registrations by 2026 for all regardless of identity, nationality, including foreigners with immigration card.

Family environment and alternative care

- **Alternative care:** A question related to alternative care was raised by the Committee as it was unclear how the State achieved to reduce the number of residential care. It was also asked if the State provides any grants to children living in extended families. The State said that they have issued a policy on alternative care in 2016 and that the State is committed to following UN Guidelines on alternative care. In addition, the State mentioned how the State is promoting and encouraging foster and kinship care.

Education, leisure and cultural activities

- **Education, including vocational training and guidance:** The Committee stated that in accordance with Article 28 of the Convention primary education should be available, free and compulsory to all and asked the State why it is not compulsory. Also, the Committee said that to combat child labour, compulsory education is crucial. The Committee asked if there are any hidden costs within the school system in particular with school uniform, transportation and extracurricular activities. In addition, the Committee asked if vocational training is available to children and especially to those children who dropped out of school. The State replied that by making education compulsory that they have to punish parents who do not send their children to school and they do not want to do this. In addition, the State said that there are no such hidden costs within public schools.

Special Protection measures

- **Sexual abuse and exploitation:** Concerning the sexual exploitation and abuse of children, the Committee expressed its concern on the high-level of sexual exploitation of children, online sexual material and sale of virginity. The Committee stated that there is significant underreporting, stigma, limited enforcement, impunity for offenders and inadequate support concerning sexual exploitation and abuse and asked what measures have been taken. The State replied that UNICEF has acknowledged that Cambodia has made great progress concerning the child sexual exploitation. Currently, they are drafting a new law to criminalize the possession of sexual materials, where children are involved.
- **Administration of child justice:** The Committee said that there was an operation plan for juvenile justice in place but this plan ended in 2018 and asked for any updates. Furthermore, the Committee asked about the full implementation of diversion instead of the deprivation of liberty. Some concerns on pre-trial detentions and detentions as sanctions were raised. Finally, the non-existence of juvenile courts and trained specialized judges to treat children's cases was also discussed. The State delegation stated that they are trying to strengthen the juvenile justice system and that they do not encourage pre-trial detentions.

Recommendations of the Committee

In its Concluding Observations, the Committee drew the State party's attention to the need for urgent measures concerning the following areas:

- Cooperation with civil society
- Corporal punishment
- Sexual exploitation and abuse
- Children deprived of a family environment
- Education, including vocational training and guidance
- Economic exploitation, including child labour
- Administration of child justice.

General measures of implementation

- **Cooperation with civil society:** The Committee emphasized on the important role of independent civil society organizations and human rights defenders, including child human rights defenders to promote children's rights. Hence, the Committee urges the State to guarantee the freedom of expression and opinion of civil society actors, including child human rights defenders, without being subjected to harassment or unreasonable restrictions. In addition, the Committee asks the State to revise the Law on associations and non-governmental organizations. Finally, the State is asked to adequately investigate claims of harassment or threats against human rights defenders and their families, including child human rights defenders, and to provide them with access to justice protection from reprisals and intimidation.

Violence against children

- **Corporal punishment:** The Committee urges to revise and modify every law, which justify the corporal punishment. Also, the Committee recommends adopting laws which explicitly prohibit corporal punishments and reinforcing awareness-raising programmes to promote non-violent methods of raising a child.

Special Protection measures

- **Sexual abuse and exploitation:** The Committee urges the criminalization of grooming, incest and non-physical sexual abuse. In addition, they urge to effectively intervene in cases of sexual exploitation and abuse of children by allocating sufficient resources and reinforcing the capacities of community-based child protection mechanisms and services.
- **Economic exploitation, including child labour:** In addition, children should not be allowed to work in harmful or hazardous environment for them and more human, financial and technical resources should be allocated to implement the adopted laws and policies on child labour. Most importantly, the State should reflect on ratifying the ILO Domestic Workers Convention.
- **Administration of child justice:** Also, the Committee urges the State to adopt a new plan for the implementation of the Juvenile Justice Law and to allocate adequate resources to it. Also, the State should consider establishing specialized courts for children. Until this establishment, the State should offer trainings to judges and prosecutors dealing with cases in which children are involved.

Importantly, measures such as diversion, counselling, community service should be preferred and promoted for children. Pre-trial detentions should be reduced or even avoided. Free legal aid should be given to all children who are being accused. Furthermore, children should not be in the same detention centres as adults.

Family environment and alternative care

- **Children deprived of a family environment:** For the children deprived of a family environment, the Committee recommends assisting family-based care and foster care with constant monitoring of the facilities with possibility to report ill treatment. Most importantly, adequate human (more social workers), financial and technical resources should be made available to alternative care facilities. Also, national policies on alternative care should in line with the Guidelines for the Alternative Care of Children. Illegal adoptions should be prosecuted and monitored. Moreover, domestic adoptions should be encouraged, and professionals should be trained to guarantee transparency throughout the adoption process. Finally, for the children living with incarcerated parents an adequate standard of living should be guaranteed.

Education, leisure and cultural activities

- **Education, including vocational training and guidance:** In the context of the education, the Committee urges the State to make the primary education compulsory and inclusive for all children and provide it for at least 9 years for free. Also, vocational training should be accessible to all children and in particular to children with disabilities, children from street situation and for ethnic minorities. Problems such as school dropout of girls and minorities or the ones caused by the COVID-19 pandemic should be addressed. Sufficient financial resources should be allocated to schools to implement the multilingual national education plan and hidden costs should be avoided.

The Committee drew the State party's attention to the recommendations concerning the following areas:

- **General Measures of implementation:** legislation, comprehensive policy and strategy, coordination, allocation of resources, data collection, independent monitoring, dissemination, awareness-raising and training, cooperation with civil society
- **General Principles:** non-discrimination, best interests of the child, right to life, survival and development, respect for the views of the child
- **Civil right and freedoms:** birth registrations and nationality, right to identity, freedom of expression, freedom of association and peaceful assembly, right to privacy and access to appropriate information
- **Violence against children:** torture and other cruel, inhuman or degrading treatment or punishment, harmful practices
- **Family environment and alternative care:** adoption, children of incarcerated parents
- **Children with disabilities**
- **Basic health and welfare:** health and health services, mental health, adolescent health, impact of climate change on the rights of the child, standard of living
- **Education, leisure and cultural activities:** rest, leisure, recreation and cultural and artistic activities
- **Special protection measures:** children belonging to minority or indigenous groups, children in street situations, trafficking



Sustainable Development Goals

The Committee recommended the realization of children's rights in accordance with the Convention and the Optional Protocols thereto throughout the process of implementing the 2030 Agenda for Sustainable Development and urged the State to ensure the meaningful participation of children in achieving all 17 Sustainable Development Goals.

Throughout its Concluding Observations, the Committee referred to the following targets:

- 10.3 to address unequal access to public services for girls, children in rural areas, children with disabilities, children in alternative care, children living in poverty, children in street situation.
- 16.9 to achieve universal registration and guarantee that all children, including migrant children have access to identity documents.
- 16.2 to ensure that children in detention centres are not tortured or treated in a cruel or degrading manner.
- 5.2, 16.1 and 16.2 to ensure that cases of sexual exploitation and abuse are adequately investigated and intervened and the perpetrator punished.
- 3.4 to be aware of mental health and its consequences and give sufficient importance to facilities and national actions plans.
- 3.7 and 5.6 to inform children and adolescents adequately on sexual and reproductive health, substance abuse and provide affordable contraceptives to prevent child pregnancy.
- 3.2 and 3.3 to guarantee the consideration of children's views and their special vulnerability while drafting policies and programmes on climate change.
- 1.2 to guarantee an adequate standard of living to all children by avoiding evictions, displacements and providing access to water, sanitation and hygiene.
- 4.1 and 4.2 to ensure the primary education of a minimum duration of 9 years is compulsory and free to every child and to guarantee that this education is inclusive especially to marginalized children.
- 8.7 to protect children from all kinds of danger, including hazardous work and exploitation.

Next State report

CRC	
No. of report	VII and VIII report
Due date	13.11.2027

Disclaimer: Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.