

KINGDOM OF CAMBODIA

NATION RELIGION KING



**Collection of documents related
to
the CRC Report**

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to
the CRC Report**

PART 1

Initial Report of Cambodia

on

the Implementation of the

Convention on the Rights of the Child

PART 2

**Answers to the list of issues
to be taken up in connection
with the Initial Report of Cambodia
on the Implementation of the
Convention on the Rights of the Child**

May 2000

PART 7

Report of the Workshop on the UN Recommendation on the Implementation of CRC in Cambodia

16-17 November 2000

Organized by NGO CRC

Supported by: Licadho, Unicef, Save the children.

PART 4

Summary record of the 629th meeting : Cambodia. 12/07/2000.

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

SUMMARY RECORD OF THE 629th MEETING

**Held at the Palais Wilson, Geneva,
on Wednesday, 24 May 2000, at 10 a.m.**

Chairperson: Ms. OUEDRAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of **Cambodia** (CRC/C/11/Add.16;CRC/C/Q/CAM/1;
written replies by the Cambodian Government (document, distributed in
the meeting room in English only)

PART 5

Summary record of the 630th meeting: Cambodia. 30/05/2000.

**COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-fourth Session**

SUMMARY RECORD OF THE 630th MEETING

**Held at the Palais Wilson, Geneva,
on Wednesday, 24 May at 3 p.m.**

Chairperson: Ms. OUEDRAOGO

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PART 3

**United Nations
High Commissioner for Human Rights**

Concluding Observation of the Committee on the Right of the Child

**Twenty-fourth Session
Consideration of Reports submitted by States
parties under Article 44 of the Convention**

May 2000

PART 6

National Workshop on the Royal Government's follow up the Concluding Observation of the UN Committee on the Rights of the Child

22-23 Jan. 2001



PREFACE

The Convention on the Rights of the Child (CRC) was adopted by the United Nation General Assembly on November 20, 1989. The convention was endorsed by Supreme National Council (SNC) on September 22, 1992 and was ratified on October 15, 1992. As a signatory, Cambodia is obliged to: a) do its initial report on the implementation of Child Rights after the 2 years of its ratification; and b) submit a periodic report of every five years to the UN Committee on the Rights of the Child.

Cambodia submitted its initial report to UN Committee on the Rights of the Child on December 18, 1997. On May 24, 2000, three senior delegates of the Royal Government of Cambodia led by H.E **IM SETHY**, Secretary of States of the Ministry of Education Youth and Sports, participated the 641st meeting of the UN Committee on the Rights of the Child in Geneva to submit responds to the questionnaires of the committee on initial report and to dialogue with the committee. Then, the concluding observations on Cambodia report and responds were issued by the committee.

The NGO.CRC had conducted a seminar on November 16-17, 2000 in the purpose of disseminating the concluded observations and providing opportunity to civil society to discuss and determine priority issues. The recommendations from the workshop were rose at CNCC's workshop.

Cambodian National Council for Children (CNCC), supported by UNICEF and United Nations High Commissioner for Human Rights in Cambodia (UNHCHR), conducted a national workshop on the Implementation of the Royal Government on the Concluded Observation of the UN Committee in the purpose of disseminating the Committee's recommendations to relevant ministries, NGOs for discussion and identification objectives and making plan for the next 5-year.

These documents were compiled for distribution to relevant ministries, institutions, and NGOs to study as the guidance to develop policy, and other programs for the best interest of the child.

We would like to express our profound thanks to UNICEF and United Nations High Commissioner for Human Rights in Cambodia (UNHCHR) for supporting the national workshop and printing this document.

We would like to wish the leaders of the Royal Government of Cambodia, relevant ministries and institution and NGOs/IOs for supporting and acting to improve child rights in Cambodia with the five Buddha blessings.

Cambodian National Council for Children

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INTRODUCTION

1. The Kingdom of Cambodia had severely suffered a tragedy of chronically prolonged wars that had taken place over two decades. Cambodia which once was a well-known country of the world by its great civilization and development had become a terrible place for its national damaged areas of all domains.
2. The Royal Government of Cambodia that was established only after the general and righteous elections taken place from the 23rd to the 28th May 1993 organized and supervised by the United Nations had to take a very heavy burden in helping reconstruct the ravaged country and rebuild it by bringing safety back to normalcy for developing it with multi-free and democratic political parties as a guidance.

I- Territory and Population

3. Cambodia is situated in the Southeast Asian region (continent) with 181,035 square kilometres of land. Around 2/3 of the land is covered by forests, chains of mountains and hills. Most of the people live along the Mekong river plateau. A survey on Cambodia's socio-economy conducted in October 1993-1994 by Ministry of Planning indicates that Cambodia has a total population of 9,869,749, of which 85% live in countryside and 15% live in urban areas. The average is 55 persons per 1 square kilometre.

People of Different Origins

4. Cambodia comprises:
 - Khmer of 90%
 - Islamic Khmer of 200,000 persons
 - Tribal people of 16 different groups with different languages living in different provinces in the northeast of the country (mountainous or highland areas) with a total population of about 75,000.
 - Foreigners:
 - Chinese of about 200,000 persons
 - Vietnamese of about 5%
5. Each group of people is allowed to use and observe their respective language and tradition/custom. However, official language and literature is Khmer.

Age Group and Life Span of People

6. According to the above-mentioned survey, 43.7% of the population are aged below 15 years old (46.6% are male, 41.1% are female); 4.1% are aged over 65 years old (3.6% are male, 4.5% are female). In general, people's life span is below 50 years old.

Child Mortality

7. In 1993, child mortality rate was 117%. 183% died before reaching the age of 5 years old. 9% died at birth (or during the course of delivery). 31% died due to their premature, while 28% were the cases of difficult or complicated delivery and/or with post delivery complication. 20% died with Acute Respiratory Infection (ARI), 13% died with malaria, 16% died with diarrhea and dysentery. These are causes to the child mortality from the age of 2 to 4 years old.

Religion

8. Buddhism is the state-declared religion respected and observed by 97.5% of the population. Besides, there are two more active major religions, which are Muslim and Catholic. Yet, there are some more religions with not many followers.

Education

9. Children aged 6 to 16 years old MUST receive at least the first 9 years of education. Many children receive education beyond this requirement. There is no requirement for the second years (after completion of the first 9 years) of education. However, a child can proceed to a higher level of education with 4 years more.

First and second levels of education require no fees. For very high level education, the state supports very poor students. These days, some 34.7% are adult literacy students.

II- Economy

10. In 1994, estimation of the Gross Domestic Product (GDP) with the actual market price was 6,048,000 millions in riel (about 2,340 millions in US dollar). The GDP with the actual stable market price in 1989 was with 5% increase in 1994, of which the proportional agricultural price was 45%, industrial price was 20% and service price was 35%. Agriculture was the most important part of the national economy with high rate of rice production. Every year, rubber, logs or timber and fishery products are exported. The GDP per capita was estimated at 180 US dollars in 1993. During the latter, 31% of inflation was estimated. During 1993-1994, there was 2.5 % of unemployment.

III- General Political Structure

11. Cambodia had seriously suffered chronically prolonged wars that had taken place over two-decade period of time. The most terrible ruin was caused by the genocide committed by the Khmer Rouge, in particular.
12. The Paris international agreement made into existence on 23rd October 1991 by four Khmer factions led to a formation of the Supreme National Council (SNC) with roles and responsibility for national reconciliation. The United Nations Transitional Authority in Cambodia (UNTAC) was present to monitor implementation of the agreement and organise general elections in 1993.
13. After the elections, Constitutional Assembly was formed. It completely made into existence a constitution on the 21st September 1993 that led to formation of a new government headed by First Prime Minister and Second Prime Minister.

Political Regime:

14. Cambodia is a free, multiparty democratic country named “Kingdom of Cambodia”. It is a neutrally independent, sovereign, peaceful and non-aligned state.
15. First-phase implementation of the democracy in and by the Kingdom of Cambodia faced many difficulties that yet could not ensure a real democracy. However, the Royal Government has been gradually doing its best for expected perfect implementation of a real democracy through improvement of law system, law enforcement and ensuring of respect of human rights.

Governmental System:

16. For governing the state, the Kingdom of Cambodia has adopted three categories of powers: legislative power, executive power and court power.
17. Relating to the legislative power, the King reigns but does not rule. The First Prime Minister, Head of the Royal Government, led the Council of Ministers, assisted by Deputy Prime Ministers, Senior Ministers, Ministers and Secretaries of State. The first Government of Cambodia was headed by two Prime Ministers: the First Prime Minister and the Second Prime Minister.
18. Legislative power was taken care of by National Assembly, which comprised 120 members of parliament, who are replaced every five years through general, free, fair, direct and secret votes. From the 1993 general elections, four political parties were elected allowing their respective representatives to each have a seat in the National Assembly. FUNCINPEC party had 58 members; CPP had 51 members, BLDP had 10 members and MULINAKA had 1 member.
19. Permitted by article 109 of the Constitution, the Kingdom of Cambodia had then only one tribunal that was in charge of all lawsuits including administrative ones.

Since 1993, the tribunal has had two legal levels: the first level court, in charge of 21 provinces/municipalities, could make legal decision by allowing complaints to be received by the Phnom Penh-based court of appeal except for the first and final court processing and hearing.

The two-level tribunal provides protection to the first-level judges for their not being alone responsible for a legal decision that can be allowed for a review on both laws and facts as mentioned or requested in a received complaint.

The Supreme Court makes a legal decision on a law based on the first provided power, and on both a law and a fact based on the provided second power.

The Military Court is responsible for allowing a military-related lawsuit to the court of appeal.

20. Article 117 of the Constitution of the Kingdom of Cambodia allowed the formation of the Constitutional Council to be responsible for monitoring appropriateness and constitutionality of laws adopted by National Assembly and regularities of people's representative elections. To date, this body was not yet made into its existence due to a delay in adopting a law on organization and function of the magistracy determined by the Constitution to comprise 3 members to be included in the Constitutional Council.

21. On the 22nd December 1994, the National Assembly adopted a law on action and function of the magistracy submitted by the Royal Government on the 21st November 1993.

This body comprises seven judges: Minister of Justice or a representative from the Ministry of Justice under the chairmanship of the King. The magistracy is to ensure the judges' independence from today onward and approve appointment and replacement of judges.

22. Currently, there are 139 judges appointed by the Head of State, who were respectively assigned to different courts of the 21 provinces and municipalities, and courts of appeals and the Supreme Court.

42 newly selected judges are on their internship and taking theoretical courses after their recruitment examination.

The Ministry of Justice has re-structured its administrative system, including an establishment of a Department of Justice Affairs for monitoring quality of judges' administrative work.

For effective supervision of judges, Ministry of Justice has also reformed its working structure:

- A training unit was created under the Department of Personnel and Training.
- A 1994 Annual Review Workshop was organized to evaluate management and leadership of provincial and municipal courts. With this new structure, Minister of Justice always ensures judges' independence, monitors and promotes administrative work for providing protection to judges.

Administration:

23. Currently, the Kingdom of Cambodia comprises 19 provinces and 3 municipalities governed by Provincial/Municipal Governors and their Deputies. Besides, 170 Districts/Khan are governed by District/Khan Governors, and 1,545 Communes/Sangkat are governed by Commune Chiefs and Sangkat leaders.

24. Cambodia signed international convention on the rights of the child on the 22nd September 1992.

25. Cambodia also is a state party for other conventions, such as:
- . Convention on Prevention and Punishment of Genocide "19th August 1950".
 - . International Convention on Elimination of All Forms of Racial Discrimination "4th November 1983".
 - . Convention Against Torture and Punishment or Any Serious Forms of Inhumanity Commitment that Leads to the Loss of Human Value, "22nd September 1992".
 - . Convention on Elimination of All Forms of Discrimination Against Women "22nd September 1992".
 - . International Convention on Refugees "22nd September 1992".
 - . Protocol Relating to Refugees "22nd September 1992".
 - . International Pact on Civil and Political Rights "26th May 1992".
 - . International Pact on Socio-Economy and Cultural Rights "26th May 1992".
 - . International Convention on Elimination and Suppression of Apartheid Crime.
 - . Additional Convention Relating to Elimination of Slavery, Institution and Implementation of Slavery.

26. Article 48 of the Constitution of the Kingdom of Cambodia provides that the state ensures protection of child rights as stated in the International Convention on the Rights of the Child.

27. The Royal Government of Cambodia had sent delegations to participate in the 2nd Regional Conference on Convention Related to the Rights of the Child of Southeast Asia and Peace of the Region, held in Peking from the 4th to the 8th August 1992, and the 3rd one held in Hanoi from the 3rd to the 7th April 1995, Ministerial Conference on East Asia and Peace Setting Objectives for Children and Development up to the year 2000, held in Hanoi from the 13th to the 16th November 1995 and the 3rd International Conference on Protection of Children, held in Paris from the 8th to the 9th December 1994.
28. The Royal Government always takes it seriously on any issues relating to children through co-operation and collaboration with international organizations, humanitarian agencies to set up programs and mechanisms for providing protection to children in accordance with the provisions stated in the international convention on child rights.

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I. GENERAL MEASURES OF IMPLEMENTATION

A. Steps taken to bring national laws and policies into line with the provisions of the Convention on the Rights of the Child

29. Before acceding to the Convention on the Rights of the Child, Cambodia already had at its disposal a number of legislative instruments containing provisions relating to the protection of the rights and interests of children, and other instruments have been adopted since.
30. The Labour Act of 1992 lays down the conditions governing the employment of children with a view to preventing their exploitation and preserving their health.
- Article 173 provides that children of either sex below the age of 16 may not be employed as wage or salary earners, supervisors or apprentices in any enterprise.
- Article 174 provides that labour inspectors may request medical practitioners to examine children aged below 18 years employed in factories and to certify that the work they are doing is not beyond their strength.
- Article 178 provides that women are entitled to 90 days of maternity leave.
31. The Marriage and Family Act of 1989 contains several provisions relating to children (arts. 1, 2, 4, 5, 82-119, 119-122). It provides, inter alia, that parents or guardians are responsible for maintaining their children or wards and bringing them up to become good citizens, patriots, workers and responsible members of society (art. 115).
32. Article 14, paragraph 5, of the law on the judicial system, criminal law and criminal procedure in force in Cambodia during the transitional period of 1993 provides that minors aged below 13 years may not be held in pre-trial detention. Minors aged between 13 and 18 may not be held in pre-trial detention for longer than one month. This period is doubled if the minor is charged with a crime. Article 42, paragraph 3, provides that "anyone who hires, suborns or corrupts a minor with a view to prostitution, or who exploits the prostitution of a minor even with the latter's consent, shall likewise be punished by two to six years' imprisonment". As for article 68, it provides that where the convicted person is a minor, this shall be considered a mitigating circumstance, and also that where an accused person is under age, this shall serve as a statutory excuse.
33. The Criminal Procedure Acts of 1989 and 1993 contain provisions relating specifically to minors (art.28 (1989), arts. 22, 34, 54, 76, 162 and 231 (1993)).
34. These legal provisions are still in force.
35. After acceding to the Convention on the Rights of the Child, Cambodia adopted its Constitution and laws, whose provisions are fully in line with those contained in the Convention.

36. Article 48 of the Constitution provides that the State shall guarantee the protection of rights set forth in conventions relating to children, in particular, the right to life, education, protection in wartime and protection from economic or sexual exploitation;
 - Article 68 proclaims the right to free and compulsory primary and secondary education in State schools for at least 9 years;
 - Article 47 provides that parents shall have the duty to bring up and educate their children to become good citizens;
 - Article 73 provides that the State shall provide care for children and mothers by establishing nurseries and assisting women who have many children and are without support.
37. The Youth Rehabilitation Centre, a centre for juvenile delinquents, was established by Royal Decrees of 8 February and 24 October 1994. The Centre is required to accept all young offenders aged between 7 and 17 and to re-educate them to become good citizens and honest, disciplined and respectable members of society.
38. The Royal Government's declared political line of October 1993 attaches great importance to educating children and protecting the health of mothers and infants. This policy gives children the hope of seeing the development of their rights in all spheres.
39. The Royal Government is unceasingly concerned with all problems relating to children, whom it regards as the pillars of the nation -the nation's "bamboo shoots", the coming generation.
40. In the sphere of health, the Royal Government has taken steps to combat various diseases, including dengue and poliomyelitis, by promoting the campaign of vaccination against the "six diseases". The State assumes responsibility for the health of orphan children living in reception centers.
41. In the sphere of education, the Royal Government is combating illiteracy by encouraging children from the age of 6, particularly those in remote areas, to attend school. The educational system has been reformed with a view to developing children's ability to continue their technical and vocational studies.
42. In the social sphere, the Royal Government has adopted a policy of protecting children in difficulties, e.g. by providing protection from exploitation at work and from all violations of the rights of the child. Centers have been established in the provinces and in cities to provide shelter for orphans who are without support. Vocational training centers have also been established with the assistance of humanitarian agencies.

B. Machinery for coordinating action on behalf of children and for monitoring the implementation of the Convention

43. By a subsidiary decree of 20 November 1995, the Royal Government established the Cambodian National Council for Children (CNCC), which is entrusted with the task of coordinating the implementation, consideration and evaluation of all policies and programmes relating to the life, development and protection of Cambodian children, the enhancement of their well-being and their participation in the life of Cambodian society (art.1).

The Council has presided by the Secretary of State for Social Affairs, Labour and Ex-Servicemen and is composed of representatives of 11 ministries, the Council of Ministers and the Cambodian Red Cross (art.2).

Representatives of United Nations agencies and of international or local non-governmental organizations can act as observer members and can take part in meetings at the Council's invitation (art.3).

CNCC is a national institution called upon to develop and coordinate activities concerning children in Cambodia and to assist the Royal Government in conducting investigations and preparing reports on all matters relating to children, such as the Convention and the National Plan of Action. It is required to conduct investigations and provide information on the needs of Cambodian children to the Royal Government and all relevant institutions and bodies. It is also responsible for establishing relations with the national and international community with a view to exchanging information, experience and constructive ideas aimed at improving the situation of children (art.4). CNCC, which is provided with a secretariat-general (art.6), was officially inaugurated on 20 November 1995 under the high patronage of the two Prime Ministers, who are also its Honorary Presidents.

44. By Decision No.34 of 28 March 1994, the Royal Government set up an Inter-ministerial Committee responsible for the preparation of reports to be submitted to the United Nations under human rights Covenants and Conventions. The Committee has established a sub-committee which prepares the report on the Convention on the Rights of the Child.
45. The Royal Government has set up a Youth Rehabilitation Centre for the administration and re-education of juvenile delinquents between the ages of 7 and 17.
46. The Ministry of Social Affairs, Labour and Ex-Servicemen have a section in charge of assistance to children which is called upon to ensure the protection of children and to improve their living conditions.
47. A Centre for the Protection of Mothers and Infants has been set up under the Ministry of Health. It is responsible for providing protection and care to mothers and infants and for implementing the Government's family planning programme.
48. The Office of the Secretary of State for Women's Affairs has set up a department for the protection of the rights of women and children and a further department for the protection of women and children's health. These two departments are responsible for health education and for the protection of the rights of children.
49. The Ministry of Education, Youth and Sports has established a department of education, youth and sports which plays a most important role in defining goals to be pursued in these areas.
50. In view of the present situation in Cambodia, the national plan of action for children will form an integral part of the socio-economic five-year plan to be presented at the Conference of Donors in Tokyo in April 1996.
51. The dissemination of information concerning the rights of the child by means of television and radio, the press, leaflets, posters and slogans is still limited and cannot be said to have achieved good results.

C. International cooperation

52. In its efforts to promote the welfare of children, the Royal Government has received assistance from international agencies, non-governmental organizations (NGOs) and humanitarian associations. But the needs are very great.
53. These bodies have been and are continuing to be actively involved in all activities relating to the implementation of the Convention on the Rights of the Child, especially in the social, educational and health spheres.

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II. DEFINITION OF THE WORD "CHILD" **(Art.1 of the Convention)**

54. Until the present, no legal provision giving a general definition of the child and of the age of majority has been adopted in Cambodia. However, several legal texts mention 18 years as the key age.
55. Article 34 of the Constitution stipulates simply that citizens of either sex who are at least eighteen years old have the right to vote and those who are at least twenty-five years old may stand for election.
56. Article 2 of the Marriage and Family Act strictly prohibits early marriage. Article 5 of the same Act set the minimum marriageable age as 18 for girls and 20 for boys. Article 97 of the same Act provides that "the age of majority shall be 18 years or over". Article 14 of the Contracts Act provides that anyone aged over 18 may conclude a contract.

57. Article 173 of the Labour Act provides that children of either sex below the age of 16 may not be employed as wage or salary earners, supervisors or apprentices in any enterprise. Article 177 specifies that parental consent is required for the employment of children below the age of 18.
58. While the minimum age of criminal responsibility is not specified, the provisions relating to the judicial system, criminal law and criminal procedure in force during the transitional period, which are still valid inasmuch as they do not run contrary to the Constitution and have not been replaced by new provisions (hereinafter referred to as the "Transitional Criminal Law"), provide in their article 14 that minors aged below 12 years may not be held in pre-trial detention. Minors aged between 13 and 18 may not be held in pre-trial detention for longer than one month. Article 68, paragraph 2 of the same law provides that "where the accused person is less than 18 years of age, the penalties specified in the preceding articles shall be halved".
59. Generally speaking, the above-mentioned legal provisions are strictly applied. Recruitment of civil servants and of manual and non-manual workers takes place in accordance with the age regulations. The work-forces at enterprises, factories and building sites are regularly checked with a view to protecting the rights and interests of children.
60. However, the consequences of the war which engulfed our country during the past two decades are very serious and stand in the way of the strict implementation of laws on the protection of the rights of the child. Because of poverty and unemployment, and because many fathers are old and many mothers widowed, most Cambodian children engage in unsuitable work and abandon their studies. Early marriages are widespread in the countryside.
61. The Royal Government is aware of this situation and has done its utmost to remedy it. It is counting on foreign aid and foreign capital investments to redress the economy and to reconstruct and develop the national infrastructure, the only lever that can raise the living standard of the nation as a whole and of children in particular.

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* *

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

Legal context

62. So far as the legal context is concerned, the Constitution provides as follows:

"Art. 31: Citizens shall be equal before the law without distinction on grounds of race, colour, sex, language, religion, political opinion, national origin and social, property or other status.

"Art. 35: Citizens of either sex shall have the right to participate actively in the political, economic, social and cultural life of the country."
63. The Marriage and Family Act provides as follows:

"Art. 104: Children born out of wedlock who have been recognized shall have the same duties and the same rights as legitimate children.

"Art. 117: A son and a daughter shall have equal rights and duties within the family."

Implementation

64. So far as implementation is concerned, the Royal Government promotes the welfare of children and mothers throughout the country. Pursuant to its rural development programme, the Royal Government has

built hospitals and schools in towns and the countryside, in particular in regions inhabited by ethnic minorities, without distinction as to race, colour, language or belief. Furthermore, it offers other ethnic groups extensive opportunity to promote their culture by authorizing them to open Chinese schools, build Islamic mosques and celebrate non-Buddhist religious rites.

- 65. The economic recovery which has followed the civil war has revealed that, in terms of education, town children are well ahead of those living in the countryside. This difference is due to the slowness of rural development, lack of transport and, in particular, to the poorly organized system of disseminating information.
- 66. Moreover, sexual prejudice still survives in certain families, where men behave as if they owned the women and where girls practically do not have the right to leave the house.
- 67. In order to resolve these problems, the Royal Government is endeavouring, with the resources at its disposal combined with assistance from foreign organizations, to continue developing the countryside by multiplying the number of schools and organizing a system for the dissemination of information concerning citizens' rights in general and children's rights in particular.

B. Best interests of the child (art. 3)

Legal context

- 68. The Constitution provides as follows:

"Art. 68: The State shall provide all citizens with primary and secondary education in State schools free of charge.

"Art. 72: (...) The State shall establish infirmaries and maternity clinics in remote areas.

"Art.73: The State shall provide care for infants and mothers. It shall establish maternity clinics and nurseries and shall assist women who have many children and are without support."
- 69. A Centre for the rehabilitation of juvenile delinquents was established by Royal Decrees No. 294 of 8 February and No.1094 of 24 October 1994.
- 70. The Labour Act (arts. 174 to 176) requires the heads of industrial establishments to give particular consideration to children, to keep recruitment records concerning all minors below the age of 18, and to monitor the state of their health.
- 71. The Transitional Criminal Law provides that "... Minors aged less than 13 years may not be held in pre-trial detention. Minors aged between 13 and 18 years may not be held in pre-trial detention for longer than one month".
- 72. The Marriage and Family Act provides in its article 73 that, in the interests of the children, decisions relating to custody must be taken with the consent of both parents.
- 73. The Cambodian National Council for Children was established on 20 November 1995.

Implementation

- 74. The State promotes the best interests of the child and the welfare of children chiefly by instituting and disseminating by all available means programmes designed to make parents and guardians aware of their duties in connection with the education, maintenance and protection of children.
- 75. However, the poverty and ignorance of some families are reflected in the children's welfare and education. The best interests of the child are not a primary consideration for the majority of parents and guardians. And the State, too, has been unable, for lack of means, to cope with all problems arising in connection with child vagrants living on city pavements.
- 76. The Royal Government is closely cooperating with UNICEF and the Office of the United Nations High Commissioner for Human Rights in training officials on the subject of the rights of the child with a view to enabling them to transmit their knowledge to the population at large.

C. Right to life, survival and development (art.6)

Legal context

77. The Constitution provides as follows:

"Art. 32: All Cambodian citizens shall have the right to life (...).

"Art. 48: The State shall guarantee and protect the rights of children as set forth in the Convention on the Rights of the Child, in particular the right to life (...).

78. The Marriage and Family Act provides in its art.74 that divorced fathers or mothers must contribute towards the maintenance and education of their children.

Implementation

79. The Royal Government's health care programme attaches special importance to the protection of mothers and infants. Preventive vaccination against six children's diseases is carried out by the permanent vaccination units of infirmaries and hospitals in all towns and rural areas of the Kingdom, except in unsafe areas, free of charge on "Preventive Vaccination Day" and on all working days. Notwithstanding these efforts, the infant mortality rate remains high. According to UNICEF it stands at 115 per thousand and the mortality rate for children under 5 at 181 per thousand.

D. Respect of the views of the child (art.12)

Legal context

80. The Constitution (art. 47) provides that citizens shall be free to express their views.

Implementation

81. In practice, children express their views in class by answering questions asked by the teacher, at meetings, and through their drawings and stories.
- Where the parents are divorced, the judge always ask the children which of the parents they want to live with; he may, however, disregard their views in the light of their best interests.
82. We have a radio and television programme entitled "Children's Tribune" on which children may freely express their views. In particular, children are allowed to state their views at seminars on the rights of the child.
83. Nevertheless, children cannot exercise this right fully because custom does not allow them to challenge decisions taken by adults or to be present at discussions between adults. Some school-teachers and other adults will not listen to children's views simply because of their age.

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IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art.7)

Legal context

84. The Constitution provides as follows:

"Art. 33: Cambodian citizens cannot be deprived of their nationality (...). The acquisition of Cambodian nationality shall be determined by law.

"Art. 47: Parents have the duty to maintain their children and to bring them up to become good citizens."

85. The Marriage and Family Act in its articles 82 to 114 deals with the rights of the child (whether legitimate, adopted or born out of wedlock) to have a name, to seek to establish the identity of the father and mother, and to be maintained by the parents.

Implementation

86. As a general rule, when a child is born in Cambodia the parents must declare the birth to a registry clerk who records, in particular, the child's surname, first name and date and place of birth. Registering the birth of a child is not a problem where the parents are employed by the State and are therefore entitled to a State subsidy for each dependent child. But there are many parents who do not bother to register a birth because the omission is not punishable. Refugee children born in Cambodian territory are not yet entitled to Cambodian nationality. This problem is dealt with in the draft Nationality Act currently in process of consideration and adoption by the National Assembly.
87. Adopted children bear the name of their adopted father (art.114 of the Marriage and Family Act).
88. A child born out of wedlock bears the family name of the father or mother by whom he or she has been recognized. If both the father and the mother have recognized the child, the child must bear the family name of the father (article 103 of the Marriage and Family Act).
89. However, in remote and unsafe areas births are hardly ever registered owing either to the parents' ignorance or to their lack of means.
90. A draft Nationality Act has been prepared in accordance with the rules of international law.

The Minister of the Interior has invited local authorities, in particular those of rural communes and urban districts, to explain to the population the importance of declaring and registering births.

B. Preservation of identity (art.8)

Legal context

91. Article 33 of the Constitution provides that Cambodian citizens cannot be deprived of their nationality, exiled or extradited except where an agreement on reciprocity exists.

Implementation

92. Although no law on nationality or on the protection of identity has as yet been enacted, in practice the Royal Government, on the basis of State Council decision No.153 of 28 June 1980, protects the identity of citizens, i.e. their name, national origin, nationality, sex, religion and links of kinship as recorded in family documents which are still valid. The issuance of new documents of this kind in unsafe areas is proving difficult because many families have changed their domicile or have been separated.

C. Freedom of expression (art.13)

Legal context

93. Article 41 of the Constitution provides that Cambodian citizens shall enjoy freedom of expression, press, publication and assembly.
94. Article 28 of the Transitional Law deals with freedom of political opinion.

Implementation

95. Children have the right to receive information of various kinds from the family, society, the school and the public information system through educational training courses designed to turn them into good citizens. Parallel with the right to receive information, Cambodian children also enjoy the right to express their views through artistic performances and art work and at meetings.
96. The Royal Government has not adopted any measure which prohibits children from exercising the right to express their views. Nevertheless, children cannot fully exercise this right for the following reasons:

In Cambodian society, parents or guardians are habitually heavy-handed and do not allow children to talk a great deal. Because of such oppression, children lack courage, initiative and determination in exercising their rights;

- Generally speaking, the population's standard of living is low;
- Books and other teaching materials are in short supply, which makes it difficult for children to look things up or to acquire up-to-date knowledge;
- The education system is not very efficient;
- In remote areas there is no social security and no system for disseminating information.

97. The implementation of the Royal Government's political regime of liberal multi-party democracy is advancing towards guaranteeing the protection of citizens' rights and, in particular, of the child's right of expression.
98. But technical assistance from national and international organizations is needed in order to overcome the obstacles listed above.
99. The Royal Government has encouraged sports competitions, introduced scouting in most schools and ordered the inclusion of a questions-and-answers programme on radio and television designed to help in teaching children to exercise their right to freedom of expression.

D. Access to appropriate information (art.17)

Legal context

100. Art.41 of the Constitution provides that Cambodian citizens shall enjoy freedom of opinion, press, publication and assembly.
101. At present Cambodia does not have a law which denies children access to films of a violent or obscene nature.
- The Press Act prohibits the publication of obscene articles or pictures. By its Letter No. 666/94.
 - The Ministry of Information has instructed all newspaper editors not to publish obscene matter. The Ministry of Culture has adopted a decision prohibiting the showing of all films of an obscene nature.

Implementation

102. Since 1993, the Royal Government, formed as a result of free elections held under the supervision of the United Nations, has endeavoured to the best of its ability and with the assistance of international and non-governmental organizations to restore an information system designed to promote the spiritual and intellectual welfare of children. To this end, the children's television programme also broadcasts cartoons, which are a most effective means not only of entertainment but also of education in that they teach children to distinguish good from evil, to entertain fraternal feelings and to help those in danger. The television programme also encourages children to express their views by telling stories and answering questions.

The radio programme also broadcasts information about the life and education of children.

Children also receive social and cultural information through school lessons on history, ethics and ecology.

In school libraries and the national library there are picture books which illustrate social life in Cambodia and abroad. Many stories have been translated from Russian.

103. International organizations and NGOs, especially UNICEF, have been very generous in providing books and exercise books for Cambodian children.
104. However, despite the Royal Government's goodwill and determination, there are still many shortcomings.

The "Children's Tribune" programme on State radio and television does not reach children in all parts of the country. Newspapers show no interest in children and do not devote a single page to their problems. Books for the entertainment and education of children are few and their distribution is by no means generalized.

At the same time, owing to lack of supervision, some children watch films unsuitable for their age which show obscene or violent scenes or murders.

Children in remote areas have not benefited from the new programmes owing to lack of funds.

105. The Ministry of Education, Youth and Sports is promoting the publication of books and pictures intended for children.

E. Freedom of thought, conscience and religion (art.14)

Legal context

106. The 1993 Constitution provides as follows:

"Art. 31: Cambodian citizens shall be equal before the law and shall enjoy the same freedoms and have the same duties irrespective of their race, colour, sex, religion, political opinion, national origin or social, wealth or other status.

"Art. 43: Cambodian citizens of either sex shall have the full right to freedom of religious belief. The exercise of religious freedom and the practice of different forms of worship shall be guaranteed by the State provided they do not infringe other religions or public order and security."

Implementation

107. No law that restricts the freedom of thought, conscience or religion of children has been enacted in Cambodia, in particular since its accession to the Convention on the Rights of the Child in 1992.

Implementation

108. The State religion is Buddhism. Ninety-nine per cent of Cambodian citizens are Buddhists. There are 3 326 pagodas and 39 342 Buddhist priests.

Mention may also be made of other religions, viz.:

- Islam: 330 mosques, 321 753 followers;
- Christian (Roman Catholics): 9 churches, 1 400 followers;
- Christian (Protestants): 115 churches, 13 014 followers;
- Caodai: one church, 106 followers;
- Various Chinese religions: 32 churches, 122 000 followers.

Religious instruction is not yet included in the State educational programme.

A certain number of children receive religious instruction in the pagodas and become priests.

109. In addition to home upbringing, parents send their children to school so that they may learn to be good citizens endowed with national awareness, a willing attitude and a clear and open mind.
110. Together with the parents, the Royal Government is encouraging children, particularly those who belong to ethnic minorities, to attend school and to practice their religion, e.g. by opening Chinese-language schools and building Islamic and other places of worship.
111. However, the influence of custom is depriving children of the right to think for themselves. Many parents uphold the ancestral precept that "children must respect their elders" and shape their children's thoughts to resemble their own.

Different ways of thinking, however progressive or advanced, are rejected. The Royal Government is trying to make parents understand that children are entitled to think for themselves.

As for the propagation of religious faith, it enjoys the Royal Government's constant support provided that no coercion or religious discrimination is involved.

F. Freedom of association and of peaceful assembly (art. 15)

Legal context

112. The Constitution provides as follows:

"Art. 41: Cambodian citizens shall enjoy freedom of opinion, press, publication and assembly.

"Art. 42: Cambodian citizens shall have the right to establish associations and political parties.

Mention should also be made of Ministry of the Interior Directive No.474 of 2 July 1994 relating to the establishment of associations.

Implementation

113. No children's associations exist as yet and the idea of establishing one has not been raised to date. However, the Ministry of Education, Youth and Sports has set up a system of administrations of children's affairs in all provinces. The main tasks of the Administrative Council for Children are to ensure that children are educated and trained to become good citizens.

At school, children are grouped in class committees. These committees are meant to act as intermediaries between the teacher and the pupils with a view to serving the best interests of the latter.

114. Like other countries, Cambodia has adopted 1 June as the Day of the Child. On that date, children carrying posters and banners parade the streets in large numbers in order to show that they form part of society.

115. But since Cambodian children are dependent on their families and schools, the idea that they could set up associations of their own is unrealistic. All children's groupings have to be administered and directed by adults. Besides, the great majority of children do not yet understand their rights.

G. Protection of privacy (art. 16)

Legal context

116. The Constitution provides as follows:

"Art. 38: The State shall guarantee the inviolability of the individual. The law shall protect the life, honour and dignity of citizens."

"Art. 40: Inviolability of the home and secrecy of correspondence by letter, telegram, telex, fax or telephone shall be guaranteed."

The Transitional Criminal Law provides as follows:

"Art. 63: Defamatory acts and insults

1- Any allegation or imputation of bad faith in respect of a specific act which infringes the honour or reputation of the private individual to whom, the act is attributed shall be considered defamatory. The direct or indirect dissemination of such allegations or imputations shall be punishable even if the individual concerned is not expressly named but can readily be identified from the terms of the speeches, threats, written or printed matter, banners or posters, or audio-visual broadcasts in question. Any allegation which the author, journalist, editor, publisher or programme producer knows to be false and which he disseminates, publishes, writes or broadcasts with the object of harming a public personality to whom the act in question is attributed shall be considered defamatory.

2- Any offensive or contemptuous term or piece of invective which does not relate to a specific act shall be considered an insult.

3- A defamatory act or insult committed by any of the means referred to in article 59 shall be punished by eight days' to one year's imprisonment and by a fine of 1,000,000 to 10, 000, 000 riels, or by only one of those penalties.

4- In the event of conviction on the ground of one of the acts referred to in the preceding paragraph, the court may also order that its ruling be posted in places it shall specify and that the costs thereof be paid by the convicted person or persons up to a maximum of 10, 000,000 riels. Proceedings on the ground of the offences covered by this article may also be instituted by any association established in accordance with the rules defined by the Supreme National Council, which may bring a suit for damages before the competent State prosecutor.

5- In all cases, the employer, printer, publishing company or broadcasting company shall be jointly and severally responsible for the payment of any damages that may be awarded to the victim or victims.

Art. 57: Violation of individual rights.

Any public servant, including members of the police and the armed forces, who deliberately violates the rights to inviolability of person and of the home protected by this Act shall be punished by one to five years' imprisonment.

Art. 20: House searches

- 1- House searches may be conducted by the police in cases of flagrant delicto.
- 2- Such house searches must be conducted in the presence of the suspect and of two witnesses, if possible the suspect's neighbours or landlord.
- 3- Where flagrant delicto does not apply, a house search must be authorized by one of the judges of the court trying the case or by the prosecutor. It may be conducted only between 6 a.m. and 6 p.m. It shall take place in the presence of the suspect and two witnesses forming part of his/her family. Evidence obtained in violation of this article shall not be admissible at the trial."

Implementation

117. The Royal Government regards children as "the shoots that will replace the bamboo tree" that is to say as the coming generation, the pillars of society, a privileged category of persons. In addition to recognizing the right of the child to education, establishing an institution for the protection of mothers and children and assisting children left without support, the State also provides for the protection of children's legitimate individual rights.

118. This does not mean, however, that all children enjoy those rights. In some families and in some parts of the country, especially in the unsafe areas, children are still at risk. Some children suffer mental and physical abuse at the hands of their parents or teachers, etc. No law strictly prohibiting corporal punishment of children has been enacted to date.

Furthermore, certain depraved acts involving children have been exploited by many newspapers, which have openly published the child's picture. Fortunately there are other papers which are more mindful of the child's future and which refrain from publishing such material unless the child's face has been disguised.

119. So far as medical examinations are concerned, the Ministry of Health forbids the examining physician to communicate information concerning the child's health to persons other than the parents or guardians.

Court cases involving minors are always conducted in camera.

H. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art.37)

Legal context

120. Cambodia does not as yet have a law expressly forbidding parents to strike their children.

121. Cambodia has signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

122. The Constitution provides as follows:

Art. 32: Everyone shall have the right to life, freedom and personal security.

Art. 38: All accused persons shall be considered innocent for as long as the court has not passed a final verdict.

Art. 48: The State shall guarantee and protect the rights of the child as defined in the Convention on the Rights of the Child, such as the right to life, the right to education, the right to protection in wartime and protection from economic or sexual exploitation.

The State shall protect children from work that is liable to interfere with their upbringing and studies or to injure their health or welfare."

123. The Transitional Criminal Law provides as follows:

Art.12: Treatment of detainees

1. No detainee shall be subjected to cruel, inhuman or degrading punishment or treatment, beating or torture. All detainees must receive appropriate medical care. A prisoner, whether in pre-trial detention or already convicted, may not be held incommunicado. The family of a detainee or prisoner may in no case suffer harassment on account of his/her actions.

2. The conditions of arrest and detention must meet the Standard Minimum Rules for the Treatment of Prisoners and other principles governing the protection of all persons subjected to any form of detention or imprisonment adopted by the United Nations.

Art. 13: Arrest and detention

1. No one may be detained for longer than 48 hours without appearing before a judge upon application by the prosecutor. If this time limit cannot be observed by reason of transport difficulties in the area, it may be extended to the extent strictly necessary in order to bring the detained person before the judge by the most rapid means available.

2. The prosecutor shall apply to the judge to charge and, where necessary, to detain the suspect on the basis of the police files, and to that end shall draft an indictment setting out the specific facts of the case and providing a legal definition of the offence in the light of this Act.

3. The judge may then, by a reasoned ruling,

- Charge the suspect and decide whether or not he/she should be kept in custody;
- Consider that the charges against the suspect are insufficient and order his/her release; or
- Decide that the investigation should continue without disclosing the name of the suspect.

4. Within the same maximum time limit of 48 hours after arrest, possibly extended by the length of time required for the suspect's transport as defined in paragraph 1, the file containing the charge must be made available to counsel.

Art. 31: Murder

1. Any person who, having premeditated the crime, kills or tries to kill another person, or who organizes an ambush, or who kills or tries to kill another person while committing robbery or rape, shall be held guilty of the crime of murder and shall incur a penalty of ten to twenty years' imprisonment.

2. Premeditation shall consist in planning to kill a person before committing the act. Ambush shall consist in lying in wait for a person for a certain length of time in order to commit acts of violence against that person.

Art. 41: Deliberate wounding

Any person who deliberately inflicts blows which result in wounds entailing permanent disablement or temporary disablement for more than 6 months shall be held guilty of the offence of deliberate wounding and shall incur a penalty of one to five years' imprisonment.

-Where temporary disablement for less than six months is involved, the culprit shall incur a penalty of six months' to one year's imprisonment.

- Where no disablement is involved, the penalty incurred shall be of two months' to one year's imprisonment.

- Where the blows were delivered with a weapon of any kind, the penalty shall be doubled."

[The death penalty has been abolished in Cambodia (art.67 of the Transitional Criminal Law.)]

Art.68: Mitigating circumstances and exemption on grounds of age

1. In deciding whether the penalty should be reduced even below the minimum defined in this Act, judges shall take account of mitigating circumstances, and in particular:

- Of the young age of the accused;
- Of the personal history of the accused where it may have diminished his/her responsibility;
- Of the psychological or psychiatric state of the accused as certified by a psychiatrist or psychologist; and

- Of the circumstances of the crime or offence which may have made the convicted person's reaction unavoidable.

2. In the case of all accused persons aged less than 18 years, the penalties specified in the foregoing articles shall be reduced by half, without prejudice to more favourable provisions that may be found in special regulations adopted by existing administrative structures."

124. The Marriage and Family Act provides in its article 166 that parents may not ill-treat their own children, their step-children, their adopted children or the children of an earlier marriage of their spouse.

Implementation

125. The Royal Government categorically prohibits physical persecution of all individuals, particularly children. Schoolteachers are forbidden to beat their pupils.
126. Despite this, children in unsafe areas and in certain families are still being ill-treated.
127. The Ministry of Justice is actively cooperating with other competent ministries in resolving issues relating to juvenile delinquents, in particular their re-education and reintegration in society.

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V. THE FAMILY ENVIRONMENT AND OTHER TYPES OF CARE

128. The war has reduced the country's welfare structure to ashes. Women and children are the main victims.

A. Parental guidance (art. 5)

Legal context

129. The Constitution provides as follows:

"Art. 47: Parents shall have the duty to maintain their children and bring them up to become good citizens."

Implementation

130. According to custom and the Buddhist religion, parents are obliged to maintain and educate their children, to prepare their future and to preserve the honour of the family.
131. Cambodian citizens have always done their best to be good parents. But, according to UNICEF estimates in 1994, some 200 000 children are at risk because their parents' poverty and ignorance prevents them from being properly brought up and educated. Some parents go away to work, leaving their children in the care of grandparents or neighbours. Others make their older children look after the younger ones, or even oblige the older ones to help them in their work. According to Ministry of Planning statistics for 1995, about 20 per cent of Cambodian women are heads of families and one in 237 Cambodian citizens is disabled. These factors seriously handicap the children's chances in life. In certain areas, the inhabitants are obliged to move often for safety reasons and cannot maintain their children properly.

B. Parental responsibility (art.18)

Legal context

132. The Constitution provides as follows:

"Art. 47: Parents have the duty to maintain their children and bring them up to become good citizens.

"Art. 73: The State shall establish nurseries and shall provide assistance to mothers of many children who are without support."

133. The Marriage and Family Act in its article 115 speaks of the responsibility of parents to maintain their children, provide them with a moral upbringing and encourage love of learning, of the fatherland and of work. Articles 104 and 105 deal with equality between legitimate children and those born out of wedlock and with the duty of parents to maintain and educate them. Article 114 provides the same rights and duties in respect of adopted children as of legitimate ones or of children born out of wedlock. Article 68 provides that a husband may not sue for divorce for a year after the wife has given birth. Articles 72 and 75 regulate custody and visiting rights following the parents' divorce.
134. The Labour Act, in its article 165, provides for maternity leave. According to article 177, a child of either sex below 18 years of age who is still dependent on the parents or guardians cannot enter employment without their consent. Articles 178 and 183 stipulate that mothers have the right to nurse their babies during working hours and require enterprises to provide nurseries.

Implementation

135. All women working in the public or private sector are entitled to three months' maternity leave on full pay. They have the right to nurse their babies during working hours and to receive social assistance on confinement. Children of deceased public servants continue to receive monthly allowances.
136. With a view to assisting needy children, the Royal Government and some NGOs have created favourable conditions for families to improve their standard of living. Other organizations have helped children by providing them with vocational training.
137. A programme of parental education has been launched on radio and television and in the form of brochures with the object of encouraging parents to maintain their children and to protect their interests. Since the average citizen's educational level is not very high, the hoped-for results are still far from having been achieved and there is need for continuing efforts in this direction.
138. The Ministry of Health has drawn up a political programme on family planning with the object of lowering the rate of maternal and infant mortality and raising the standard of living of families. Implementation of this programme could bring the birth rate down to 2.8 percent.
139. The Royal Government and the relevant organizations are particularly concerned by the lack of social assistance for poor and handicapped children. They are preparing a short-term plan for 1995 and a long-term plan for 1996-2000 in order to fill this lacuna.

C. Separation of children from their parents (art. 9)

Legal context

140. The Marriage and Family Act, in its article 27, deals with the rights and duties of divorced parents in respect of their children. Articles 72 and 73 provide that the judge who pronounces the divorce must decide whether the father or mother shall enjoy parental authority and shall have the custody of the child or children, and must also decide upon the children's relations with their parents. The question of custody is decided in the best interests of the children with the consent of the spouses. Infants at the breast are, however, generally entrusted to the mother. In the event of disagreement between the spouses, the court must decide. Article 75 provides that the spouse who does not have custody shall have visiting rights. Custody may be withdrawn where the interests of the children are at stake. Article 119 provides that in cases where the parents neglect their children's education, oblige them to commit anti-social acts, ill-treat them or give them a bad example by behaving in an immoral manner, parental authority may be entrusted to an organization or a relative.
141. By letter No.476 of 9 September 1994, the Minister of Justice has instructed all prisons to place all infants in nurseries.

Implementation

142. Divorce is more common in towns than in the provinces. In Phnom Penh, 792 divorce cases came before the courts in 1994 and 2 532 others are pending, whereas according to statistics supplied by the Ministry of Justice there were only 106 such cases in eight provinces.
143. Generally, when the parents divorce, many children prefer to stay with their mother, who often prevents them from having any contact with their father. If the father or mother re-marries, the grandparents play an important role in looking after the children. Before taking any decision, the court always asks the children for their views as to which of the parents they want to live with. But above all the court has to consider the children's best interests.

144. No cases of separation of children who suffer persecution in their families have occurred to date, as the competent authorities have not yet received any specific directives.
145. At present there are still some children living in prison with their mothers because the mother does not want to be separated from them. The Ministry of Social Welfare is considering what measures should be taken to protect the children's best interests.

A circular dated 22 May 1995 on communication with women detainees and convicts imprisoned together with their children stipulates that the social services must contact the prison authorities and collaborate with them in ensuring that children older than 6 months leave the prison. The mother's consent must be obtained when appointing the person to whom the child is to be entrusted with the prison authorities' permission. The social workers must facilitate regular visits to the mother or take the children to visit the mother themselves in accordance with the prison rules, while shielding the children from any sordid sight.

D. Family reunification (art.10)

Legal context

146. The Immigration Act has already been adopted by the National Assembly but has not yet been put into practice. There is as yet no legal provision for assistance to children in rejoining their families abroad.

Implementation

147. The State authorizes children to join their families abroad. The State participates actively in the "family tracing programme" on behalf of children who have been repatriated or displaced.
- Between 1989 and 1992 the International Committee of the Red Cross helped 3 600 separated families to reunite both inside and outside Cambodia.

E. Recovery of maintenance for the child (art.27, para.4)

Legal context

148. The Marriage and Family Act in its article 27 provides that the rights and duties of parents and children remain unchanged in the event of the parents' divorce. Articles 35, 39 and 74 mention the question of child maintenance and of the child's relations with the parents in the event of divorce.

Implementation

149. When the parents are pronounced legally divorced, the children receive maintenance in accordance with the court's decision. In rural areas, however, divorce is simply recognized by the village or commune chief. In most cases mothers look after the children alone with help from the family. The fathers visit from time to time bringing maintenance money with them.
150. There are no legal provisions expressly obliging fathers or mothers to contribute towards the maintenance of children not in their custody, particularly those residing abroad.

F. Children deprived of their family environment (art.20)

Legal context

151. Article 48 of the Constitution deals with the protection of the right to life of children in wartime.
152. Article 119 of the Marriage and Family Act provides for the separation of children from parents found guilty of misconduct and for the children's placement in a charitable institution or with other persons.
153. Council of Ministers Decision No.79 dated 23 June 1987 lays down the political line to be followed in connection with orphans and vagrants housed in State reception centers.

Implementation

154. Since 1979, the State has been receiving and taking care of orphans left without support. According to 1980 statistics, there were then 5 540 children living in State reception centers. This number was subsequently reduced because some of the children were reunited with their families while others grew up and left the centers to earn a living elsewhere.

At the end of 1994 there were only 2 041 children living in State reception centers. Six NGOs have contributed towards the maintenance and education of 668 children in their respective centers. These children are orphans, children of poor parents or vagrants. In 1991, UNICEF in cooperation with the local authorities compiled a register of 58 498 children in 11 provinces who had lost one or both of their parents.

155. According to UNICEF statistics, there are between 5 000 and 10 000 vagrant children in the capital and certain provinces. This numbers varies depending on the economic situation and the season.

Social assistance to child vagrants and orphans is not yet adequate. It is conditioned by the possibilities and capacities of the Government and the donor organizations. The relevant ministries and most of the organizations are at present elaborating a programme and plan of action designed to reduce the number of child vagrants.

156. Some children leave their families and go to live with relatives or in the pagodas. Others hire themselves out as domestic servants. There are no special social services and no specific programme for children.

In order to improve the living conditions of children housed in State reception centers, the Ministry of Social Welfare has set up a committee with the participation of NGO representatives. But the results are not satisfactory and a reorganization is under study.

157. The Ministry of Social Welfare, in cooperation with NGOs, has been providing shelter, maintenance and education to child vagrants. But the majority of these children are recalcitrant to such measures. The Ministry has also asked the Royal Government to agree in principle to measures to ensure that young people living in State reception centers who have grown up and are married leave the centers and find their own accommodation elsewhere. For its part, the Office of the Secretary of State for Women's Affairs is conducting a campaign designed to persuade parents to take care of their children so that they do not become vagrants. But none of these initiatives has yielded satisfactory results owing to lack of sufficient financial means.

G. Adoption (art.21)

Legal context

158. Articles 108 to 114 of the Marriage and Family Act deal with the subject of adoption by Cambodian or foreign citizens. Adoptive parents must be over 25 and adopted children must be less than 8 years old; the age difference between them must be at least 20 years. Only two children may be adopted. The consent of the parents or guardians is required. In the case of children who have been abandoned, consent must be obtained from the communal authorities. The adoption contract is certified by the communal authorities and can be revoked at the request of the adopted children or of any other individual concerned.

Article 7 of Council of Ministers Decision of 23 June 1991 specifies the conditions for adoption by Cambodian citizens.

159. Council of Ministers Letter No. 549 dated 25 March 1991 specifies the conditions for adoption by foreign citizens. Besides the conditions as to age referred to above, foreign adoptive parents must furnish a medical certificate attesting to their inability to procreate, an attestation of their financial situation, a document showing that they do not have a police record, and an undertaking to exchange information about the adopted child or children.

Implementation

160. Cambodians rarely adopt children because they already have large families or several dependants.

Some adoptive parents treat their adopted children as their own, but others force them to work without taking account of their interests.

In certain cases, the adoption laws are not respected; no adoption agreement is signed, the biological parents' consent is not obtained and the adoptive parents enter the children in the register of births and in the family records as their own.

161. Adoption of orphans by Cambodians or foreigners must respect the principles established by the State. Between 1987 and 1994, 163 orphans were adopted by foreigners and left the country with their adoptive parents.

Most of the foreign adoptive parents have sent letters and photographs showing the adopted children's living conditions to the Reception Centre. In 1992, two representatives of the Ministry of Social Welfare were sent on an information tour of American families which had adopted 50 children.

Inside Cambodia, the situation of adopted children is investigated from time to time in the towns and most of the adopted children have been presented to the Reception Centers.

162. Adoption in Cambodia is not yet well organized. In particular, internal domestic procedures are not clear and the system of information on adoptive families and adopted children is not efficient. The State is considering the advisability of amending the law and formalities pertaining to adoption.

H. Illicit transfer and non-return of children abroad (art.11)

163. Citizens are authorized to leave the country. But a shady practice has developed involving clandestine transfers of children across the borders. No measures have been adopted as yet to deal expressly with the problem of children of mixed parentage, e.g. with a foreign father and a Cambodian mother, leaving the country without the joint consent of both parents.
164. The Ministry of Justice has prepared a draft new Civil Code which deals, inter alia, with the problem of custody of children of mixed marriages in the event of the parents' divorce.

I. Violence and neglect of children - physical and psychological recovery and social reintegration (arts. 19 and 39)

Legal context

165. Article 48 of the Constitution provides as follows:

"The State shall protect the rights of the child as set forth in the Convention on the Rights of the Child, in particular, the right to life, education, protection in wartime and protection from economic or sexual exploitation. The State shall protect children from all forms of work liable to interfere with their education or prove injurious to their health and well-being."

166. Articles 2-4 and 23 of the Marriage and Family Act prohibit early marriage, forced marriage and all obstacles to the freedom of marriage. Neither of the parties to a marriage may impose his or her will upon the other. No one may force any person to marry or prevent a marriage that meets all the legal conditions. Forced marriage shall be null and void.

Articles 119 and 120 provide for the withdrawal of parental authority from fathers or mothers for failure to fulfill their duties with regard to their children's upbringing, abuse of authority, ill-treatment of their children, or misconduct liable to influence their children. Such withdrawal shall be decided upon at the request of a State body, a social welfare institution, the King's Prosecutor or a relative of the father or mother.

167. In general, no complaint has ever been brought in Cambodia by children against their parents on grounds of ill-treatment, although charges have been brought by close parents or local authorities following the victims' death. But such cases are very rare and quite involuntary.
168. The Transitional Criminal Law provides in its article 42 that any person who indecently assaults another person of either sex by fondling or caressing that person or by performing any act of a sexual nature, but without penetration, shall be considered guilty of indecent assault and shall incur a penalty of one to three years' imprisonment. If the assault is accompanied by fraud, violence or threats, if the victim is below 16 years of age or if the assault is committed by any person having authority over the victim, the term of imprisonment shall be doubled. Anyone who recruits, lures or otherwise involves a minor in prostitution or who exploits the prostitution of a minor, even with the latter's consent, is likewise punishable by two to six years' imprisonment.

Implementation

169. In Cambodia, the practice of striking children by way of family chastisement is widespread. But if the ill-treatment is excessive, the local authorities or neighbours have been known to intervene and in some cases the children are entrusted to their grandparents or transferred to the Centre for Assistance to Children.

About a third of school-age children have not completed their primary schooling owing to lack of encouragement or supervision by their parents. Neglect of children's well-being is at the root of homelessness, lethal diseases, etc.

170. Most of these children hire themselves out as domestic servants or become involved in prostitution, or else stay at home and help their parents to earn a living. A UNICEF document shows that 36% of Cambodian children are vagrants and 48% work for their families.
171. The State in close cooperation with the NGOs is helping vagrant children by provisionally housing them in reception centers where they receive schooling or are returned to their families. Some NGOs have sent representatives to conduct inquiries among parents as to their children's needs and try to persuade them to stop ill-treating their children.
- The laws, measures and programmes of assistance to children at present in force having proved ineffective, the State and the NGOs are endeavoring to improve them so as to combat trafficking in children. For its part, ECPAT (End Child Prostitution in Asian Tourism) is currently conducting a multi-faceted campaign aimed at eliminating child prostitution.

J. Periodic review of placement measures (art. 25)

172. The situation of children living in reception centers operated by the State and NGOs has been closely monitored by reports submitted to the Ministry of Social Welfare. The centers are regularly visited by NGO representatives and by responsible officials at the provincial level, but visits by Ministry representatives have been irregular owing to lack of means. Reports are also submitted irregularly because the communication system is poorly organized and the possibilities limited. This depends on the situation and on safety conditions in the country or a particular region.
173. The State does not have a programme for placing children in difficulties in the care of families offering acceptable and humane conditions. However, some NGOs have already instituted such a programme and are closely monitoring its execution.
- The Ministry of Social Welfare is strengthening the system of monitoring the treatment provided to children living in various reception centers and to adopted children both inside and outside the country.

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VI. BASIC HEALTH AND WELFARE SERVICES

A. Survival and development (art. 6, para. 2)

Legal context

174. The Constitution provides as follows:
- "Art. 72: The health of the people shall be guaranteed. The State shall give full consideration to the prevention and treatment of diseases. The poor shall receive free medical care in State hospitals, infirmaries and maternity wards. The State shall establish infirmaries and maternity wards even in rural areas."
175. By its national health policy, the Royal Government recognizes the existence of the system of health protection in the public and private sectors. It takes care of the people's health by dispensing preventive education and by providing medical care thanks to the establishment of infirmaries and maternity wards even in rural areas. It is particularly concerned with the welfare of mothers and infants and with reducing the infant mortality rate.

Implementation

176. In recognizing the right of the child to survival and development, the State has constantly encouraged activities relating to the health of mothers and children, of which the activities of the system of protection of the health of mothers and infants, including the administration of the relevant health programme, form part.

177. At the provincial level there exist 26 units for mothers and infants and for the treatment of children's diseases.

At the district level there are 164 maternity and baby care units. These district units for the protection of mothers and infants also deal with potential risks during pregnancy and confinement, provide education in matters of hygiene and nutrition, offer ante-natal consultations, family planning advice and medical care for children below the age of 5 and conduct preventive vaccination programmes and check-ups of the children's development.

At commune level we have 1 267 infirmaries which assist in implementing the primary health care programme and other programmes relating to the health of mothers and children and of the population in general.

178. Parallel with this, the mother and child health protection system has actively participated in the campaign of direct dissemination of information about the role played by domestic hygiene education in preventing children's diseases, the most important among which are cholera, dengue, malaria, tuberculosis and AIDS (Government report for 1994).
179. Despite the efforts made, and owing to our population's low educational level, the status of health education and application of rules of hygiene in remote areas is still poor and the infant mortality rate remains high. According to UNICEF figures, 117 per thousand of Cambodian children die before reaching the age of 5 and 31% of babies are still-born, while 28% die soon after birth.
180. In order to improve the standard of living and the development of children in the future, the Royal Government, in addition to its socio-economic activities, has embarked upon and is gradually carrying out the following projects:
- Study and analysis of a project to restore the infrastructure;
 - Study of a project for the construction, in cooperation with JICA (Japan International Cooperation Agency), of a mother-and-child protection centre and 200-bed maternity hospital at an estimated cost of US\$ 14 million;
 - Reconstruction and modernization of the national hospital for children with assistance from World Vision International and of the Kantha Bopha children's hospital with help from the Foundation Khmero-suisse (Cambodia-Switzerland Foundation);
 - Continued strengthening of the organization and administration of mother-and-child protection units at all levels;
 - Continuation of the national mother-and-child health programme;
 - Amendment of procedures relating to the health of mothers and children.
- [Source: Ministry of Health (report on activities in the sphere of health, 1994)]

B. Disabled children (art.23)

Legal context

181. Article 74 of the Constitution provides that the State shall assist the disabled and the families of combatants who sacrificed their lives for the nation.
182. The political line adopted by the Royal Government on 29 October 1993 provides for assistance to war victims, widows, orphans and the disabled.
183. Council of Ministers Decision No.18 of 20 December 1990 lays down the principle of rehabilitation, vocational training and employment of disabled persons.

Implementation

184. Because of the prolonged war in Cambodia, the number of disabled children is very great. According to 1994 data there are 122 740 disabled persons, of whom 32 000 are below 18 years of age; 43% of those aged less than 15 have had poliomyelitis, 16% are suffering from a brain disease and 21% are war cripples.
185. There are between 20 000 and 30 000 persons crippled by land mines. Although information relating specifically to children is scant, we estimate that they form the majority of the land mine victims.

186. Because of lack of means and funds, the State has not yet taken any specific steps to resolve the problem of disabled children, e.g. providing them with education or vocational training. Such children can attend State schools if their state of health allows.
- We appeal to international organizations, and especially to the United Nations, to help children disabled by land mines in Cambodia.
187. To determine the precise number of children who have lost their lives as a result of land mines is difficult because most of them were killed on the spot or died on the way to hospital. Investigations carried out in heavily mined districts at Battambang revealed that 6.7% of child victims of land mines have died and that 90% of them were boys.
- [Sources: Ministry of Social Welfare and Ex-Servicemen's Affairs (May 1994, American Red Cross, National Rehabilitation Seminar); Analysis of the situation of women and children; Ministry of Health; UNICEF office in Cambodia.]
188. Faced with this situation, the Royal Government in cooperation with NGOs such as Handicap International set up 14 treatment and rehabilitation centers for wounded and disabled persons in Phnom Penh and in the provinces in 1994. It is also cooperating in maintaining and training children without support at the Kien Kleang reception centre for orphans in Phnom Penh.
189. The Royal Government has taken steps to control the land mine hazard by asking the Cambodian Mine Disposal Centre to put up signs drawing attention to the presence of land mines and to use radio, television and posters to explain the meaning of these signs to the population.

C. Health and health care services (art.24)

Legal context

190. Article 73 of the Constitution provides that the State shall provide care for children and mothers. It shall establish nurseries and shall assist mothers of large families who are without support.
191. The national health policy is aimed at:
1. Improving and developing primary health services by strengthening the health system at district level with the participation of communal authorities and religious chiefs;
 2. Encouraging healthy nutrition, hygiene and the implementation of the family planning programme with a view to guaranteeing the health and well-being of women and children;
 3. Reducing the rate of contagious diseases, particularly tuberculosis, dengue, diarrhoea, diseases of the respiratory tract, venereal diseases and AIDS;
 4. Improving hospital services in Phnom Penh and the provinces, guaranteeing first aid in cases of serious illness or accident;
 5. Guaranteeing medical standards and health care, upgrading the skills of health personnel through continuous training;
 6. Improving the supply and distribution of health equipment and materials in hospitals, dispensaries and infirmaries;
 7. Drafting an Act on the administration and quality control of private health services.

Implementation

192. In the interests of guaranteeing and improving the nation's health and of facilitating health care and medical treatment of the population, in particular children, the Royal Government has set up the national health system, which comprises two training schools, nine institutes, a pharmaceutical plant and eight hospitals with a total of 1 866 beds. In the provinces there are 21 provincial hospitals and health centers with 4. 090 beds. At the district level there are 164 hospitals with 3.935 beds. In the communes there are 1.267 infirmaries. In communes without an infirmary there are two or three male nurses, one of whom is permanently on duty.
193. In order to ensure the health of Cambodian children, the Royal Government has adopted a variety of measures with a view to:
- Encouraging preventive vaccination against the six main children's diseases in villages and communes, as shown in the following table:

Year	Number of children	BCG	%	Polio 3rd time	%	DTP 3rd time	%	Rovac	%
1991	337 518	188 324	55	132 948	38	136 042	39	131 191	38
1992	343 411	190 401	56	122 958	36	121 190	35	131 411	38
1993	366 104	207 692	56	130 534	36	129 402	35	132 503	37
1994	380 100	283 558	74	172 336	45	170 274	44	178 745	47

- Organizing a polio prevention programme for children under 5 at Kandal and Phnom Penh;

- Organizing the national preventive vaccination programme for 1994 and celebrating Polio Prevention Day in all provinces of Cambodia in 1995.

194. A project for implementation of the family planning programme in 12 provinces (Kandal, Takeo, Kampong Speu, Prey Veng, Svay Rieng, Kampong Cham, Kampong Chhnang, Kratie, Battambang, Pursat, Kampot and Phnom Penh) is under study.
195. As a result of efforts to educate pregnant women about pregnancy and baby care, 63% of pregnant women (as against 53% in 1993) had a medical check-up in 1994 and the number of pregnant women vaccinated against tetanus rose from 24% in 1993 to 44% in 1994.
196. Between 1993 and 1994, the number of babies who had been medically examined doubled and that of hospital confinements rose by 12%.
197. Midwives are being taught the rules of hygiene they must apply during confinements and are receiving training in evacuating pregnant women in the event of an emergency.
198. A rapid system of information on the occurrence of contagious diseases (e.g. dengue and cholera) has been set up with a view to ensuring prompt medical intervention.
199. AIDS is one of the diseases to which the Royal Government is giving particular attention. It is thought that in Cambodia the disease is spreading mainly through sexual intercourse. Women are particularly at risk because their husbands tend to frequent prostitutes and to maintain multiple sexual relationships. The number of prostitutes has risen steadily since 1991 and, according to a Ministry of Health inquiry, 38% of all prostitutes are HIV positive. To prevent the spread of AIDS, the Ministry issued Decision No.36 of 11 December 1993 establishing an inter-ministerial commission. Since then, the spread of the disease has been halted as a result of analyzing blood obtained from donors, training health personnel at all levels and conducting all kinds of educational campaigns among public officials and the population at large. According to Ministry of Health statistics, there are currently 30 000 HIV-positive persons in the country. A study carried out on a sample of pregnant women in 1995 showed 4% of the sample to be HIV-positive (as against 1% in urban areas of other countries). The first cases of children with AIDS have been recorded. AIDS is a serious risk for street children who engage in prostitution. The Ministry of Health is recommending the use of condoms for AIDS prevention. Treatment measures are not envisaged.
200. Children are receiving advice on buccal and dental care and dental nurses are being trained at the district level. With regard to dental care, we currently we have only one dentist for every 40 000 inhabitants. Goiter due to iodine deficiency is also widespread.
201. Serophthalmia due to vitamin A deficiency is very widespread, especially among children.
202. The Royal Government has now established a commission for the prevention and treatment of this disease (1994 Health Activities Report). Preventive vaccination against the six childhood diseases has developed more rapidly than their treatment. Field investigations have been conducted by health officials (except in certain unsafe areas).
203. In 1994, the Royal Government instituted a clean water policy in rural areas, digging 1 775 wells with assistance from UNICEF. Twenty septic tanks were also installed thanks to assistance from FAO and other organizations (Government Activities Report, 1994).
204. In order to improve the quality of medical care, the Ministry of Health has strengthened the programme of infectious disease control in hospitals; strengthened the training of health personnel at the level of provinces, districts and communes in the treatment of the most widespread diseases; developed the health equipment available at provincial and district hospitals; and strengthened the system of emergency aid at the Calmette and Kossamak hospitals.

205. International cooperation

- Before 1994 there were 50 humanitarian and international organizations providing assistance in the field of health.
- In 1994 their number rose to 82. The Ministry of Health has established central and provincial commissions to coordinate international assistance so as to bring it into line with its policy priorities. A system of registration of international aid is presently being set up with a view to identifying what financial activities have taken place and in what places assistance from international organizations in the sphere of health has been received.

206. The following difficulties are being encountered:

- Strengthening the management system is proving difficult because the staffs are poorly paid;
- Building and equipping hospitals in certain areas is proving impossible because of insecurity;
- Private services in rural areas cannot be properly monitored;
- Health and hygiene education among the population is poor and cooperation in this field still leaves much to be desired;
- Combating venereal disease and AIDS is proving difficult, particularly in terms of monitoring the health of prostitutes;
- Preventive vaccination cannot be carried out in unsafe areas;
- Commercial advertising of medicines, cigarettes and alcoholic products is anarchic;
- Medical treatment is falling short of requirements, as also are the numbers of specialists and the buildings and equipment available. Medicines are not being imported quickly enough and means of evacuating the sick are lacking;
- Hospital admission charges are minimal (5 000 riels per day).

- International cooperation

- . Most organizations do not inform the Government in good time whether their mandate is to be renewed, which makes forward planning difficult.
- . Some organizations cut down their expenses, while others withdraw altogether owing to lack of safety.

. In 1995, the NGO aid budget was reduced by 30%.

- Health funding is 5 to 6 times below the neighbouring countries' level.
- The supply of medicines is slowed down by delays on the part of the World Bank or the Deutsche Bank. Costs cannot be covered out of the national budget because the Ministry of Finance has asked the Ministry of Health to await assistance from the World Bank. Pharmaceutical production is made impossible by lack of capital.

207. In conclusion, it can be said that the technical and administrative results achieved in 1994 were better than in the preceding year. Preventive vaccination was carried out in accordance with the programme. Measures to combat infectious diseases such as dengue, diarrhea, tuberculosis and cholera were carried out in a timely and efficient manner. Considerable advances have been achieved in terms of health care, medical examinations, consultations and treatment. The rate of hospital deaths was reduced from 3.2% in 1993 to 2.5% in 1994. International cooperation is good. The development of the system of information and administration in the sphere of health has achieved noteworthy results.

208. The following objectives are still outstanding:

- To continue strengthening the organization of services at all levels;
- To continue the implementation of 22 national programmes, in particular that relating to the health of children and mothers;
- To raise the technical and moral level of health care practitioners by developing human resources;
- To develop support services, e.g. by cooperating with the People's Republic of China in the restoration and development of pharmaceutical plants; opening three blood collection centers in the provinces; strengthening the ambulance services; introducing a new information system throughout the country by early 1995; establishing a public health institute in cooperation with the Australian International Development Assistance Bureau (AIDAB), the Asian Development Bank (ADB) and GTZ; and developing the health administration system in cooperation with WHO.

[Source: Health Activities report, 1994]

D. Social security and child care facilities and services (arts. 26 and 18)

Legal context

209. The Constitution provides as follows:

"Art. 73: The State shall take care of children and mothers. It shall establish maternity wards and shall assist mothers of large families who are without support.

"Art. 75: The State shall establish a system of social security for workers and employees."

" Ministry of Planning Directives No. 1300 dated 12 July 1982, which deals with working hours, and No.291 dated 11 February 1983 deal with the policy of social security for public servants. "

Implementation

210. In order to guarantee social security and social insurance, the Royal Government continued in 1994 to provide welfare for children and parents by the following means:

- Providing assistance to 369 orphans whose fathers had been civil servants or members of the armed forces or the police;
- Saving the lives of 70 abandoned babies;
- Settling the problem of 132 vagrants and assisting 30 000 families affected by natural disasters;
- Training social welfare staff by means of seminars organized both inside and outside the country;
- Issuing decisions and notices relating to the dissemination and implementation of labour laws and other principles and to inspections in enterprises of various kinds;
- Cooperating with international organizations in the vocational training and rehabilitation of the disabled;
- Directing the implementation of a programme for the provision of food to 9 667 families in 199 villages, 47 communes, 26 districts and 14 provinces;
- Digging 250 wells and 3 501 pools;
- Digging 19 fish-breeding ponds of 100 sq.m each;
- Organizing farmers' training courses on the construction and use of septic tanks;
- Distributing seed and 6 900 harrows or use on family plots;
- Implementing the family development programme whereby capital was provided to 1 039 families wishing to engage in processing, crafts or agriculture;
- Distributing 2 000 pairs of draught animals to poor farmers and consumer goods such as rice, sarongs, scarves and clothing to 320 poor widows and 70 orphans;
- Supplying funds and building equipment and providing training at development centers, organizing language courses and special training for public servants within the framework of women's affairs;
- Training tailor, hairdressers, mat-makers and weavers so as to help parents to make a living and to improve the living conditions of children (Government Activities, 1994).

211. So far as health care is concerned, the Ministry of Health has also established a psychiatric unit at the Samdech Preah Sihanouk Hospital in Phnom Penh.

212. With regard to industrial safety, article 20, section 3, chapter 2 and articles 224 to 251, chapter 8 of the Labour Act of 11 August 1992 provide for measures relating to hygiene and safety of manual and non-manual workers. Articles 169 to 183, chapter 8 of the same Act deal with the safety of wage-earning minors aged below 18. These legal rules are being followed fairly closely in practice.

213. In the interests of preserving the safety and health of the population, the Royal Government introduced a draft Pharmaceutical Products Act which was adopted by the National Assembly on 9 May 1996.

214. In the field of school hygiene, doctors are examining the physical aptitude of pre-school and primary school pupils and supplying medicines to school infirmaries. With the introduction of health, physical education, personal hygiene and environmental studies in the primary education curriculum, hygiene is being practiced in schools (*Health Activities Report 1994*).

215. Within the framework of the nutrition programme, the Ministry of Health in cooperation with the Helen Keller Foundation has organized 3 to 4-day training courses for groups of 30 auditors in the provinces.

- 216.** In cooperation with the Office of the Secretary of State for Women's Affairs and representatives of UNICEF, the Ministry of Health has participated in the training of primary school teachers and nursery administrators. A total of 93 persons, divided into three groups, attended training courses lasting two to three weeks (*Health Activities Report 1994*).
- 217.** With regard to care of children, the Royal Government in 1992 organized and strengthened the administration of 24 centers, including 5 in Phnom Penh, where 2000 children are housed. The Phnom Penh centers belong to the following categories: the nursery takes abandoned orphan babies and children under 8; the Kolap I and Kolap II centers provide shelter for children over 8; the Kolap IV centre is set aside for vagrants, the aged, widows with large families, disabled persons and street children; and Koh Romduol is a centre for the re-education of prostitutes.
- 218.** At the end of 1994 the number of orphans and children of poor parents was very great, but only 2 041 were housed in the 20 State reception centers and 6 centers operated by NGOs. So far as their maintenance is concerned, the policy adopted by the State is in conformity with its means and with the nation's economic situation. Until July 1994, the monthly allowance per child in a State reception centre was 12 000 riels for boys and 13 000 riels for girls.
- 219.** Orphans authorized to leave the reception centre receive the amount of 4 months' allowance as the State's contribution to setting up a first home of their own. The Royal Government has also established a further provisional centre in Phnom Penh for vagrants, including disabled persons and mothers with children, with a view to providing them with education, care and some vocational training before sending them back to their villages. According to Ministry of Social Welfare statistics for 1994, these persons numbered 130.
- 220.** In addition to the monthly State allowance, the children receive visits and supplementary aid in cash and in kind from national and international organizations and other donors. In 1994, assistance in the field of social welfare was received from 22 international organizations and NGOs.
- 221.** The difficulties encountered are as follows:
- Most of the staffs have no qualifications;
 - Most Cambodian families do not practice family planning;
 - The cultivable area cannot be expanded or developed because of insecurity and land mines;
 - Young people coming out of orphanages have difficulty in finding employment;
 - Assistance from international organizations and NGOs is limited;
 - There is no policy of assistance to children of poor parents;
 - Civil servants responsible for child welfare are very poorly paid;
 - Funds and equipment for the children's service are lacking.
- [Source: Ministry of Social Welfare.]
- 222.** The goals to be attained are the following:
- To encourage improvement of the economic, social and cultural standards of rural populations so as to reduce the gap between well-off and poor people;
 - To prepare a project for the construction of women's development centers at Kampong Cham, Battambang, Takeo, Koh Kong and Pursat;
 - To prepare a project for the construction of nurseries at the Office of the State Secretary for Women's Affairs and at the Kampong Speu development centre;
 - To assist women in amassing the capital they need for the exercise of small handicrafts;
 - To strengthen the welfare services by developing existing human resources and programmes and by taking all possible steps to obtain additional funds and food;
 - To define broad principles governing the implementation of labour laws and to carry out inspections of the organizations and bodies concerned;
 - To encourage good management; to assist, regulate and organize vocational training of disabled persons and families of fallen combatants (*Government Activities Report 1994*).

E. Standard of living (art. 27, paras. 1 to 3)

Legal context

223. The Constitution provides in its article 52 that the State shall give priority to efforts to protect the life and well-being of citizens. Article 63 provides that the State shall administer the market and shall assist the population in attaining a decent standard of living.

Implementation

224. The war which devastated Cambodia for over two decades, in particular the destruction of property and human life which occurred between 1970 and 1975, has had a disastrous effect on the population's standard of living and especially on health. During this period the level of the health services fell below that of the neighbouring countries. The state of health of the population at large and especially of children is precarious. The average life expectancy, which between 1960 and 1965 was 45 years, fell to 35 years between 1970 and 1975. That figure is the lowest in the world. However, it has been gradually improving since 1979. Today, life expectancy is estimated at 49.7 years. The population growth rate, which probably stands at 40%, is the highest in Asia (*World Bank*, November 1993).

- Changing the life of society

225. An adult's daily food intake corresponding to an energy requirement of 2 600 calories must include 55 g of protein, 400 to 500 mg of calcium, 9 mg (men) or 28 mg (women) of iron, 750 mg of vitamin A and 30 mg of vitamin C (*Ministry of Health*).
226. According to research conducted in different parts of the country, 4 to 8% of our pre-school age children are suffering from serious food deficiencies [Edc 93 CONCERN,91 MSFHB 91, MPIC 91] UNICEF.
227. More than 50% of children in rural areas are breast-fed until the age of 2. In 76.4% of cases, breast-feeding has to be abandoned owing to the mother's loss of milk. As many as 56.7% of children continue to be breast-fed beyond the age of 2 (*UNICEF, 1994*).
228. In 1993, new-born babies weighing 2.50 kg accounted for 18% of all births. This rate corresponds approximately to that of 1988, when it was 17% (*Ministry of Health, 1989*).
229. The major problem that arises in connection with malnutrition among women and children in Cambodia is the lack of food rich in protein, vitamin A, iron and iodine (*Ministry of Health, 1994*).
230. The large proportion of babies with a low birth-weight testifies to the mothers' state of malnutrition due to unwarranted under-eating, consumption of foods which ought to be avoided during pregnancy, heavy work, stomach and intestinal ailments and malaria. In 1988, about 18% of Cambodian children below 5 were suffering from medium-level and 3% from high-level food deficiency. Today, the rate of chronic food deficiency in children under 5 is 22% in Phnom Penh and 32% elsewhere in the country.
231. Vitamin A deficiency causes serophthalmia, which is widespread among children under 6 in Takeo 11%, Ratanakiri 21,1%, Koh Kong 5,2% and Pursat 15%.
232. Goiter due to iodine deficiency is very widespread 11%, especially among women 18% (*National Health Development Plan*).
233. According to research carried out in Phnom Penh, the annual income per family member is 154 dollars, while living costs amount to 173 dollars, including 17.50 dollars spent on maintaining the health of children (*UNICEF Committee on Social and Economic Statistics, 1993-94*); 24% of households in Phnom Penh and 40% in rural areas are considered to be living below the poverty threshold (*Source: UNICEF*).
234. From 1992 to 1994 State per capita expenditure in the sphere of health amounted to \$0.60 in 1992, \$0.80 in 1993 and \$2.20 in 1994, while in the neighbouring countries they were \$4 in Laos, \$5.20 in Viet Nam and \$15.20 in Thailand. This proves that the Cambodian population's health level is far below that of the neighbouring countries (*1994, Health Activities Report*).
235. From the foregoing it can be concluded that the standard of living of the population in general and that of Cambodian children in particular is very low in comparison with that of other countries in the region. The causes are many, but the most important are the consequences of a war lasting two decades, which, during the reconstruction period, were compounded by natural disasters (floods and drought).

236. A decent standard of living conducive to the physical, mental, spiritual, moral and social development of children will be attained in the near future thanks to the reunification and consolidation of all national forces and to material and technical assistance from the international community.

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VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

I. Education, including vocational training and guidance (Art. 28)

A. Legal context

237. The Constitution provides as follows:
"Art. 46: The State and society shall provide opportunities for women, especially those without support, to exercise a trade, receive health care and send their children to school (...)

"Art. 48: The State shall guarantee and protect the rights of children as defined in the Convention on the Rights of the Child, and in particular the right to life and to education.

"Art. 66: The State shall establish throughout the country a comprehensive and unified system of education which shall guarantee the principles of freedom of and equal access to education, so that all citizens may enjoy equal opportunities in life.

"Art. 68: The State shall provide all citizens with primary and secondary education in State schools free of charge.

Citizens shall receive education for at least 9 years."
238. State Council Decree-Law No.30 dated 20 November 1986 relating to general education provides as follows:

"Chapter 2, art. 3: Primary education establishments shall accept children from the age of 6 and shall encourage them to complete their schooling.

"Chapter 2, art. 4: Level 1 secondary education establishments shall provide training to students so that they may exercise a trade, be employable in industry, or be capable of continuing their studies at a Level 2 educational establishment, a special secondary school or a vocational training establishment.

"Chapter 2, art. 5: Level 2 secondary education establishments shall provide training to students who have completed their Level 1 secondary studies so that they may acquire the knowledge and capability enabling them to continue their studies in the scientific and technical fields at higher educational establishments in accordance with the State Plan."
239. State Council Decision No.42 of 20 December 1991 defines the conditions for the award of grants to pupils and students who continue their studies in higher and technical educational establishments. Grants are awarded to well-disciplined and hard-working students for the duration of their studies. The following are eligible for a grant:
- (a)- Children of combatants, executives, operatives or workers who fell in the cause of the fatherland;
 - (b)- The best pupils and students;
 - (c)- Children of combatants;
 - (d)- Orphans who have lost both their parents;
 - (e)- Children belonging to ethnic minorities in remote areas;
 - (f)- Children of poor agricultural workers;
 - (g)- Children of executives, non-manual or manual workers in State service who have genuine difficulties in making ends meet.

240. Council of Ministers Decision No.181 of 20 December 1990 on the rehabilitation, vocational training and employment of disabled persons (art.8) makes it incumbent upon general education and vocational training schools to accept disabled students in accordance with their possibilities and capacity. Several international organizations are at present cooperating with the Royal Government in establishing schools for disabled children. The Krousa Thmey organization has opened a school for blind children; a training centre for disabled children has been opened at Kien Khleang; and NGOs dealing with vagrant children have drawn up a programme of education, literacy and hygiene instruction and vocational training for vagrant children who have manifested the wish to change their way of life.

B. Pre-school establishments and schools of general education

- Implementation, shortcomings and goals

241. In the school year 1993-1994 the number of children attending pre-school establishment rose over the previous year's level. In all, 7.16% of children aged 3 to 5 and 15% of 5-year olds are attending pre-school establishments (*Educational activities evaluation report, 1993-1994*).
242. This year, the number of three to five-year olds admitted to pre-school establishments has risen. The following shortcomings have, however, been observed:
- The rate of enrolment in pre-school establishments is still low;
 - Children's attendance is irregular owing to the parents' poor economic situation, especially in remote areas;
 - The teachers' pedagogical skills are limited;
 - Parents and the community at large have difficulty in understanding the importance of pre-school education as the basis for the children's development;
 - The available premises and the number of teachers are inadequate;
 - Books and teaching aids are in short supply;
 - There is no system of communication between the schools and the community, especially parents, to encourage them to send their children to pre-school establishments;
 - There is no system for recording the numbers of children attending pre-school establishments.
243. In order to resolve these problems, the Ministry of Education, Youth and Sports has adopted the following goals:
- In cooperation with local authorities, to carry out a census of children under 6;
 - To improve the quality of pre-school education so that children will be prepared for primary school entrance by organizing retraining courses for pre-school teachers; in this respect, the Ministry is counting upon the assistance of international organizations and NGOs;
 - To disseminate information to the public stressing the importance of pre-school education;
 - To strengthen contacts between the schools and the community, especially parents and guardians, with a view to encouraging them to send their children to school;
 - To improve the pre-school education curriculum so as to bring it into line with international standards; in this respect, the Ministry will be guided by the experience of other countries, especially those in the region;
 - To encourage teachers to produce teaching aids using available resources;
 - To encourage the opening of private pre-school establishments;
 - To promote competition between public and private pre-school establishments;
 - To strengthen cooperation with international organizations and NGOs in raising the level of the pre-school education system.
244. General education in Cambodia is, in principle, free of charge and available to all. Schools accept all pupils of school age without distinction as to nationality, sex or religious belief. During the school year 1993-1994, 83% of children over 6, 44.83% of whom were girls, attended school. Secondary education establishments at levels 1 and 2 were attended by a total of 285 779 students. (*Educational Activities Recapitulation and Evaluation Report, 1993-1994*);

245. Many organizations, in particular UNICEF, UNESCO, the Asian Development Bank (ADB) and Redd Barna, provided financial and technical aid and contributed towards improving the level and quality of education and the restructuring of the general education system. UNICEF and Redd Barna helped in constructing, reconstructing and equipping school buildings. ADB provided financial and technical aid, particularly in connection with secondary education. UNICEF, UNESCO and ADB are providing financial and technical aid to the reform of the curriculum and the production of textbooks so that these may be in conformity with international standards. According to the project, the reform of the curriculum and the preparation of textbooks must be completed by the end of 1995.
246. Despite the Royal Government's efforts to make up lost time and to reach the level of more advanced countries, especially those in the region, and notwithstanding the very extensive financial and technical assistance received from other countries, international organizations and NGOs, general education in Cambodia is still beset by many difficulties, including the following:
- The education budget for 1994 is only one-twelfth of the national budget. The lack of funds is seriously affecting the quality of teaching. This budget is intended for the payment of salaries of 80 000 teachers. Expenditure on the construction of school buildings is derisory. (*Educational Activities Recapitulation and Evaluation Report, 1993-1994*);
 - The shortfall of over 15 000 classrooms is making it difficult to provide full-time schooling and is obliging head teachers to accept too many pupils. In some schools the teacher/students ratio is 1/80;
 - Textbooks and teaching aids are in short supply and the number of books for reading is limited;
 - Teachers have a very low standard of living. For this reason, it is impossible to fight corruption. Moreover, some teachers are obliged to exercise a secondary activity (e.g. as motorcycle taxi drivers or as farmers) in order to feed their families. They therefore neglect their principal duties and their pupils achieve very poor results;
 - School attendance is not regular across the country. In the towns, the school attendance rate reaches 95%, whereas in remote and mountainous areas it is only 40%. As for the children of ethnic minorities living in the north-eastern part of the country, their school attendance rate is only 5%;
 - Although the school drop-out rate fell from 5% in 1992-1993 to 1% in 1993-1994, reports from some parts of the country and especially from the unsafe areas are alarming in this respect (*Educational Activities Recapitulation and Evaluation Report, 1993-1994*). In 1992-1993 it was found that 40% of first-year students and 15% of fifth-year students had dropped out of their class and had to do the year again.
 - Research has shown that each family spends at least 123 000 riels a year on each child receiving primary education (contribution to the school 48%, purchase of books and exercise books 8%, extra tuition 21.2%, miscellaneous costs 4.9%) (*NGO report*);

C. Informal education

247. Believing illiteracy to be a major obstacle to economic and intellectual progress, and wishing to continue the literacy teaching policy of Sangkum Reastr Niyum, the Royal Government is determined to do everything in its power to encourage adult education movements. The development of informal education also helps to meet the goal of providing education for all and of giving a second chance to school drop-outs or to those who, for financial reasons, cannot continue their studies within the general education system. Up to the present, 2 832 persons, including 971 women, have attended literacy classes in 109 classrooms. Of the 1 034 persons who have achieved literacy, 971 are women.
248. The supplementary (adult) education schools have admitted 12 812 students, including 1 466 for secondary education at Level 1 and 11 346 at Level 2. (*Educational Activities Recapitulation and Evaluation Report, 1993-1994*); Generally speaking, illiteracy is declining in those parts of the country which have access to assistance from international organizations and NGOs. Elsewhere, the problem remains unresolved. Moreover, adult education is being slowed down by lack of funds to pay the teachers; the curricula and textbooks no longer correspond to the needs.

The Royal Government has therefore adopted the following goals:

- To compile a new register of illiterate persons;
- To set up a National Committee on Education for All;

- To convert existing supplementary education schools into centers for the development of informal education;
- To hold a national seminar on illiteracy;
- To prepare a programme for teaching literacy to persons exercising a trade;
- To prepare training documents in accordance with the "education for all" programme of the Asia/Pacific region for the use of teaching staff at the development centers;
- To maintain cooperation with the Office of the Secretary of State for Women's Affairs with a view to developing the movement for women's literacy;
- To maintain cooperation with international organizations and NGOs with a view to developing informal education.

II. The goals of education (art. 29)

Legal context

249. The Constitution provides as follows:

"Art. 47: Parents shall have the duty to bring up and educate their children to become good citizens. Children shall have the duty to feed and maintain their aged parents in accordance with Cambodian custom.

"Art. 48, para. 2: The State shall protect children from all work that may be damaging to their education and studies, their health or their well-being.

"Art. 67: The State shall adopt modern educational principles and a modern curriculum including technology and foreign languages.

"Art. 59: The State shall protect the environment and ensure rational use of natural resources."

All the articles in Chapter III of the Constitution deal with the rights and obligations of Cambodian citizens.

250. Ministry of Education Letter No. 1621 dated 21 October 1992 deals with questions relating to the teaching of human rights, the crime of genocide, the abolition of all acts injurious to women, the rules of propriety, the high way code, health and nutrition.

251. Letter No. 21 E.Relex of 12 October 1993 deals with teaching human rights in primary and secondary schools, upgrading the skills of teachers, and publishing works on human rights subjects.

- Implementation, shortcomings and goals

252. The Royal Government's main goal is to ensure that all citizens of both sexes acquire a good level of knowledge and independence in the exercise of their trades and to introduce modern technology into the national curriculum. To this end the Royal Government has established a research institute within the Ministry of Education to study all possibilities of development in the field of education and social and natural sciences. This institute, in cooperation with UNICEF, UNESCO and various NGOs, has prepared new curricula and new textbooks with the object of improving the quality and efficacy of the education system.

253. The national curriculum was modified in 1985 in order to meet students' needs and the demands of society. This change took place within the context of the reform of the schools system undertaken in 1979 whereby the duration of schooling was extended from 10 to 11 years. The new curriculum pursued the following goals:

- To provide the country with rapidly developing human resources;
- To ensure that citizens' rights are understood by the population;
- To equip everyone with the knowledge necessary for life in society;
- To provide elementary education to primary school pupils.

254. Despite the reform, this new curriculum has many shortcomings which must be rectified, such as lack of consistency and continuity between its various parts. Between 1991 and 1995 the Ministry of Education, Youth and Sports carefully studied ways of improving the curriculum and teacher training. Steps designed

to enhance the quality of teaching have been taken, but many difficulties are still being encountered, such as:

- Lack of funds for research into ways of developing the education system so as to bring it up to the level of other countries in the region;
- Lack of research specialists;
- Lack of documents and equipment for carrying out the necessary research.

In order to attain its goals, the Ministry of Education, Youth and Sports in cooperation with UNICEF has established a commission to inquire into the capabilities of teachers and another to look into the mathematics and languages attainments of primary and secondary school pupils. UNESCO and ADB are also participating in the curriculum reform process. The new curriculum includes human rights, the environment, food, the high way code, ethics and civics with the object of enabling students to achieve a better understanding of their place and role and to make themselves useful in society. The Ministry recently decided also to include the question of AIDS.

III. Leisure and recreational and cultural activities (art.31)

Legal context

255. The Constitution provides as follows:

"Art. 35: Citizens of either sex shall have the right to participate actively in the political, economic, social and cultural life of the nation.

"Art. 65: (...) The State shall provide physical and sports training which contributes to the well-being of the nation.

"Art. 69: The State shall protect and develop the national culture."

Implementation

256. Because of lack of funds and equipment, children's leisure and cultural activities cannot be organized properly in all parts of the country today despite the efforts of the Ministry's regional youth and sports commissions. The only physical exercises and sports being practiced in schools are those that appear in the timetable. Sports competitions between different classes or schools are sometimes held, but such activities are few and far between.

257. In principle, every class in every school must have a student committee to defend its members' interests. But these committees, particularly in primary schools, are not independent because their activities are directed by the school.

258. Some schools, especially in Phnom Penh, occasionally organize dance shows and other artistic performances. But such programmes are not to be found everywhere in the country despite the existence of the "children's tribune" set up by the national information system.

259. In 1994, a traveling exhibition organized by the "Krousar Thmey" NGO visited 14 provinces and was attended by many children.

260. Cambodia is a country with many historic sites and ancient monuments which are the soul and treasure of the nation's culture. But most Cambodian citizens, in particular children, do not know where they are located. Thanks to the new textbooks and to study tours being organized by some schools, schoolchildren can become better acquainted with their national culture.

But the education budget is very small (one-twelfth of the national budget) and the necessary infrastructure for leisure activities cannot be built up.

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VIII. SPECIAL PROTECTION MEASURES

A. Children in emergency situations

1. Refugee children (art. 22)

Legal context

261. In 1992, the Royal Government ratified the Convention relating to the Status of Refugees and its Protocol.

262. But no law relating to refugees has as yet been enacted.

Implementation

263. In 1994, 75 refugees including 6 children under 15 were authorized to take up residence in Cambodia at the request of UNHCR.

2. Children affected by armed conflicts (art.38)

Legal context

264. The Constitution provides as follows:

"Art. 48: The State shall guarantee and protect the rights of children set forth in the Convention on the Rights of the Child, in particular, the right to life, education and protection in the event of armed conflict."

Cambodia has acceded to the four Geneva Conventions.

265. The memorandum of the tripartite agreement between the Royal Government of Thailand, UNHCR and the Supreme National Council of Cambodia relating to the repatriation of refugees and displaced persons was signed at Phnom Penh on 21 November 1991.

266. The Compulsory Military Service Act provides that all Cambodian citizens of the male sex aged between 18 and 30 years, without distinction as to religious belief, national origin or social status, must serve in the armed forces in accordance with the provisions of the law.

Children aged below 18 years are not accepted for military service.

Implementation

(a) Repatriated children

267. In accordance with the Paris Peace Agreement and with the assistance of UNHCR, the International Committee of the Red Cross (ICRC) and other organizations, about 370 000 Cambodians, including 180 000 children (50%), have been repatriated.

Most of these children had been separated from their families; 300 were orphans without support. These children are being housed by the Ministry of Social Welfare in cooperation with NGOs at the Centre for Assistance to Children, where they receive vocational training that enables them to earn their own living.

268. ICRC has made great efforts to trace scattered families. 3 600 families were located between 1989 and 1992. The search continues.

269. Children who have parents or guardians have been sent back to their native villages, where they receive accommodation and land and enjoy the same right to education as other children.

(b) Orphans and abandoned children

270. As a result of two decades of war, 13% of our children have been orphaned; half of these have lost both their parents. In this document the term "orphan" denotes children who have lost one parent or have been abandoned. Most of these children live in the community. Some are living with well-off families and are being maintained properly. But others are treated more harshly, while still others are not regarded as family members and are forced to engage in all kinds of activities such as domestic work, farm labour or begging.

271. In face of problems created by economic and social factors and insecurity, the State has provided shelter to 5 740 children in 29 reception centers (according to the Ministry of Social Affairs, Labour and Ex-Servicemen, 1981).

At the same time, the State has appealed to various organizations to help children living outside these centers. Those living in the centers have received schooling and vocational training. In specific terms, 924 are employed in the public service, 55 have found work in the private sector and 2 338 have rejoined their families.

At present there are 2 041 children living in State reception centers and 668 in centers operated by NGOs. Although the numbers of children in reception centers are declining, those of orphans and abandoned children are steadily growing owing to insecurity and economic problems.

According to UNICEF estimates, there are in the whole of Cambodia between 5 000 and 10 000 vagrant children who have been abandoned by their parents.

272. Most of the vagrant children in Phnom Penh have come from the provinces, either with their families or with their brothers and sisters. Some have run away from home because of poverty or family violence. Their life is perilous and wretched. Faced with this situation, the State and NGOs are providing them with shelter and education in their respective reception centers. As for whole families of vagrants, the State has set up an inter-ministerial centre which is cooperating with international organizations and NGOs in endeavouring to resolve their problems and stabilize their lives.

(c) Child combatants

273. Children below 18 years are not eligible for military service. But there are cases of children who lie about their age in order to be able to join the army for financial reasons (cf. UNHCR report). Children are particularly numerous in the ranks of "Democratic Kampuchea", the conscription of young children being a common practice with the Khmer Rouge.

(d) Child war refugees

274. Approximately 50 000 persons are leaving their villages every month to escape the dangers of war. Children obliged to leave their homes and schools are provided with bedding and food.

B. Children in conflict with the law

1. Administration of justice for minors (art.40)

Legal context

275. The Constitution provides as follows:

"Art. 38: The law shall ensure the inviolability of the person. It shall protect the life, honour and dignity of citizens.

"Art. 39: Cambodian citizens shall have the right to bring complaints and to sue for reparation in the event of prejudice suffered as a result of illegal actions on the part of State organs, welfare organizations or their officials."

276. Article 16 of the Criminal Procedure Act of 1993 provides that the presiding judge must appoint a lawyer ex officio to defend the interests of minors without means of support who are the victims of an offence or who are accused of committing an offence. Children have the same rights as adults before the law.

A detailed enumeration of these rights will be found in our report under the International Covenant on Civil and Political Rights.

Implementation

277. At present there is no special law on juvenile delinquents. The Transitional Criminal Law of the United Nations Transitional Authority in Cambodia (UNTAC) and the Criminal Procedure Act of 1993 continue to be applied. The Ministry of Justice is preparing a draft act on juvenile delinquency and on the establishment of a juvenile court.

278. Children found guilty of theft and other reprehensible acts are released by the competent authorities after undergoing re-education.

2. Children deprived of their liberty (art. 37)

Legal context

279. The Constitution provides as follows:

"(...) all forms of coercion, torture and 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."

280. The Transitional Criminal Law provides as follows:

"Art. 14: (...) Minors below the age of 13 years may not be held in pre-trial detention. Minors aged between 13 and 18 years may not be held in pre-trial detention for longer than one month. This time limit shall be doubled if the minor is charged with a crime."

281. Subsidiary Decree No.17 of the Council of Ministers defines the role and powers of the rehabilitation centre for juvenile delinquents. The purpose of this centre is to house and re-educate convicted children between the ages of 7 and 17. The centre is placed under the control of the Minister for the Rehabilitation of Juveniles.

Implementation

282. With the object of separating juvenile delinquents from adults in accordance with United Nations principles on the treatment of prisoners, and in order to educate them and provide them with vocational training before returning them to their families, the State has set up a rehabilitation centre for juvenile delinquents. The Centre was opened on 28 July 1995. By 20 February 1995 it had received a total of 147 children (including one girl), and 58 of these children had already left. Five had been convicted of crimes and the rest had been picked up by the police and taken to the Centre. The youngest children were 10 years old. The majority were thieves and some were prostitutes. (Cf. the report of the Centre dated 20 February 1996.) The Centre can accommodate up to 100 persons.

A doctor and an official of the Ministry of Justice also work there. Every so often a commission examines each file and decides whether the child should be returned to his/her family or should continue being educated at the Centre.

3. Sentencing of minors (art. 37)

Legal context

283. The Constitution provides as follows:

"Art. 32. The death penalty shall be abolished.

"Art. 38 (...) 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."

284. The Transitional Criminal Law provides as follows:

"Art. 68: Mitigating circumstances and statutory excuse on the ground of age:

1. In reducing the penalties provided by this Law to less than the minimum indicated, judges shall take account of mitigating circumstances, and particularly of the convicted person's youth; (...)

2. In the case of an accused aged below 18 years, the penalties provided in the foregoing articles shall be halved, without prejudice to any more favourable provisions that may be contained in standards laid down by an existing administrative structure."

Implementation

285. According to article 32 of the Constitution, the death penalty is abolished, but there is no law that prohibits imprisonment in perpetuity.

C. Children in a situation of exploitation

1. Economic exploitation, including child labour (art.32)

Legal context

286. The Constitution provides as follows:

"Art. 48, para. 2: The State shall protect children from all forms of work liable to interfere with their upbringing or studies or to harm their health or well-being."

287. The Labour Act has many articles dealing with child labour (arts. 12, 13, 46 to 55, 60, 68, 100 to 103, 147, 166 to 183, 196, 215, 218 to 222, 273 and 274). In particular, the following may be cited:

"Art. 170: Children aged below 18 years and women of any age may not be employed in mines or quarries.

"Art. 171: Children aged below 18 years may not be employed at night in passenger transport enterprises (...).

"Art. 173: A child of either sex aged below 16 years may not be hired as a wage or salary earner, foreman or apprentice in any enterprise other than an establishment employing all members of the family, where the child is placed under the authority of the parents or guardians."

Implementation

288. The Kingdom of Cambodia is no different from certain other developing countries or from those in process of transition to a market economy. Owing to the insecurity which reigns in remote parts of the country, citizens are often obliged to change their domicile. They try to find work, principally in the towns. But parents generally have little or no understanding of the benefits of study; the Government's education policies are not yet being universally applied at all levels in such a way as to meet market requirements, and laws are not always implemented effectively. For all these reasons, many young children, instead of going to school, participate in economic activity either at family level or in the context of society.
289. Most Cambodians are poor. Children have to work in order to help the family. Children of poor families, especially where the mother is a widow, have to look for ways of increasing the family income - by working in the fields, say, or by hiring themselves out as porters. Some children, having dropped out of school, become beggars or scavengers picking over the rubbish dumps. According to investigations conducted by ADB, UNDP and the National Institute of the Ministry of Planning, only 2.4% of children over 10 years old are not obliged to work (UNICEF report analyzing the situation of children and women).
290. Parents and guardians who have not had any schooling themselves and are indifferent in face of this situation, as well as the children themselves, are doing nothing to prevent and resolve the problem of child labour. In other words, responsibility in this vital matter rests with Government institutions and in particular with the Ministry of Social Affairs, Labour and Ex-Servicemen, whose possibilities of action are limited owing to the inadequacy of available resources and to the serious shortage of basic information, senior personnel, trained staff, budgetary funds and equipment.
291. Thanks to great efforts made to coordinate activities in cooperation with individuals, associations, NGOs and the communities group, some of the above-mentioned problems are being resolved. But that is not enough, for awareness and information on child labour continue to be lacking.
292. Recognizing the great danger which child labour represents, the Royal Government and its representative, the Ministry of Social Affairs, Labour and Ex-Servicemen, has adopted the protection of the rights of the child and the elimination of child labour as a priority issue. Accordingly, the Royal Government has invited the International Labour Organization to establish a section on child labour attached to the Cabinet of the Secretary of State with a view to strengthening the role of the Ministry of Social Affairs, Labour and Ex-Servicemen in the struggle against child labour in Cambodia.
293. In January 1996 this section responsible for the elimination of child labour began to implement its pilot programmes. Within its mandate, which is to conduct activities in connection with strengthening the role of the Ministry of Social Affairs, Labour and Ex-Servicemen, the Government's principal partner in the elimination of child labour, the section defined its three essential activities as follows:

- To raise the level of information and competence within the Ministry in connection with the problem of child labour;
- To enhance the capacity of the principal partners in the international programme relating to the elimination of child labour, and in particular of local NGOs, in developing, managing and evaluating the programme of action on child labour;
- To develop plans of action designed to remedy the problem of child labour in Cambodia.

294. Thanks to activities undertaken towards the elimination of child labour in Cambodia since January 1996, all the principal partners have greatly improved their understanding of the problem and their competence in dealing with it.

Despite the continuing lack of resources needed to resolve the problem, the situation of children in Cambodia will surely improve in the future thanks to improved coordination of activities of the Ministry of Social Affairs, Labour and Ex-Servicemen, ILO and other organizations and to cooperation between them.

2. Use of drugs (art.33)

Legal context

295. Article 39 of the Transitional Criminal Law imposes a penalty of 5 to 15 years' imprisonment for the production, transport, import, export, keeping, selling, transmission, acquisition or use of toxins, narcotic drugs and psychotropic substances as listed in United Nations conventions. Article 65 provides a penalty of one month's to one year's imprisonment for those who use toxins, narcotic drugs or psychotropic substances for their personal consumption.

Implementation

296. In Cambodia, the use of drugs such as Indian hemp or opium is not widespread. The State has taken steps to prevent the use and smuggling of drugs. What is striking in Cambodia is the excessive consumption and importation of foreign cigarettes. Some children, especially vagrants and those living in rural areas, are smokers.

3. Sexual exploitation and violence (art. 34)

Legal context

297. The Constitution in its article 46 provides that "trafficking in human beings, the exploitation of prostitution and the use of obscenities which infringe the dignity of women shall be prohibited".

298. The Transitional Criminal Law in its article 42 prohibits and penalizes offences against morality and, in paragraph 3 of that article, provides that "anyone who hires or subverts a minor for purposes of prostitution or who exploits the prostitution of a minor, even with the latter's consent, shall be punished by two to six years' imprisonment".

299. The Act of 16 January 1996 on the punishment of kidnapping, trafficking in human beings and the exploitation of human beings penalizes all persons involved in kidnapping for the purpose of trafficking, sale of human beings or prostitution, all procurers and all persons who engage in debauchery. The penalties are more severe if the victim is a minor.

Implementation

300. According to criminal police reports, children disappear every month and only two were found in 1994.

301. According to an inquiry carried out in Phnom Penh by a women's development organization in 1994, 35% out of 399 prostitutes were aged between 15 and 18 and 43% were being forced to prostitute themselves by their parents who were in debt or were the victims of fraudulent acts (UNICEF analysis report, 1994).

302. According to information supplied by the police, the United Nations Centre for Human Rights and various human rights organizations, trafficking in children is taking place in the direction of the neighbouring countries (UNICEF report, 1994). There also exists another form of prostitution which consists in fraudulently luring or kidnapping children, especially boys, and then forcing them to have sexual relations with clients.

303. In order to help child prostitutes and to stop others from following them on that evil path, the Royal Government in cooperation with the NGOs has instituted a programme of assistance to vagrants which consists in housing them in reception centers where they are provided with an education. At the same time, certain organizations have helped many children to leave the brothels and come to live in a reception centre. A number of NGOs have jointly established the ECPAT (End Child Prostitution in Asian Tourism) programme, which denounces and combats child prostitution taking place under cover of tourism or in other forms.

D. Children belonging to a minority or to an indigenous group (art. 30)

Legal context

304. The Constitution provides as follows:

"Art.31: (...) All Cambodian citizens shall be equal before the law and shall enjoy the same rights and freedoms and have the same duties, without distinction on grounds of race, colour, sex, religious belief, political opinions, national origin, or social, property or other status."

Implementation

305. Cambodia has 16 national minorities which total 75 000 persons speaking different languages. These minorities enjoy the rights and freedoms set forth in article 31 of the Constitution.

As the ethnic minorities live in remote mountainous areas whose geographical conditions are not suitable for rice growing and where communications are poor and safety is not assured, their development is very backward, their life wretched and their education inadequate. Their superstitions run very deep and prevent them from acquiring modern scientific forms of knowledge. If they fall ill, they mistrust pharmaceutical products.

Not all the children go to school and the level of instruction is very low. Their health is deplorable. They rarely receive assistance.

The Royal Government is currently preparing a plan for the all-round development of ethnic minorities living in mountainous areas.

IX. CONCLUSION

- 306.** The Royal Government's policies and its implementation of the Convention on the Rights of the Child reflect its recognition of human rights in general and of the rights of the child in particular.
- 307.** But these rights are not new to Cambodia or to Cambodian citizens. Custom has taught our citizens to practice mutual respect, reciprocal aid and, in particular, tolerance of the weakest members of society—women, children and the aged. While Cambodia's ratification of various international conventions dates only from 1992, helping those in trouble, especially children at risk, has long been a common practice in our country.
- 308.** Schools, hospitals and other public services have opened their doors wide to meet the population's needs free of charge.
- 309.** But it has not been possible to open such establishments in all parts of the country because of the war which has been going on for more than twenty years. The national infrastructures
- Schools, hospitals, roads, etc.
 - Have been heavily damaged. This destruction stands in the way of teaching citizens, in particular women and children, to know their rights. Furthermore, implementing and monitoring human rights is also made difficult by the fact that during the past two decades Cambodians have been cut off from spiritual and moral progress. Many were born at a time when the country was going through its worst periods of crisis. Thus, the absence of relations with the outside world under the Khmer Rouge regime exercised a considerable influence on respect for human rights, particularly those of the child.
- 310.** Despite harassment by the Khmer Rouge in certain areas, the present Royal Government, supported by the people and recognized by the world at large, is determined to ensure effective implementation and respect of human rights.
- 311.** But this also depends on technical and financial assistance from the international community.
- 312.** A developed and prosperous economy is a factor in strengthening morality, mutual assistance and mutual respect, in particular respect of human rights without distinction on the ground of age, sex or nationality.

ANNEXES

(May be consulted, if required, in the files of the secretariat of the Office of the United Nations High Commissioner for Human Rights.)

1. Labour Code, 1992
2. Marriage and Family Act, 1989
3. Provisions relating to the criminal judiciary system and to the criminal procedure applicable in Cambodia during the transitional period (Transitional Criminal Law)
4. Constitution of the Kingdom of Cambodia, 1993
5. Subsidiary Decree No.17 of 18 April 1994 relating to the role, tasks and structure of the re-education centre for minors
6. Subsidiary Decree No.83 of 20 December 1995 on the establishment of the Cambodian National Council for Children
7. Ministry of the Interior Directive No.474 of 2 July 1994 on the establishment of associations
8. Proclamation bringing into force Council of Ministers Decision No.181 on principles governing the rehabilitation, vocational training and employment of disabled persons
9. Council of State Decree-Law No.30 of 20 February 1986 on the system of general education
10. Criminal Procedure Act, 1993
11. Act of 16 January 1996 on kidnapping, trafficking in and exploitation of human beings.

TOP HOME INSTRUMENTS DOCUMENTS INDEX SEARCH

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Geneva, Switzerland

Answers to the list of issues to be taken up in connection with the consideration of the initial report of Cambodia prepared by the Cambodian National Council for Children

General measures of implementation

(Article 4, 42 and 44, para.6 of the Convention)

1. With regard to information provided in paragraphs 1 to 11 of the report, please indicate whether a study has been undertaken to review all national legislation, particularly in the areas of juvenile justice, adoption, foster care, and birth registrations, in light of their compatibility with the provisions and principles of the Convention on the Rights of the Child. Please further indicate any other new legislation, in relation with the rights of the child, enacted since the submission of the report.

Newly adopted laws and sub-decrees

Since the preparation and the submission of the report, a few legislation related to children's rights have been passed, as follows:

1. Law on Immigration	26 August	1994
2. Law on Press Regime	18 July	1995
3. Law on gambling suppression	09 January	1996
4. Law on Suppression of the Kidnapping, Trafficking and Exploitation of Human Persons	16 January	1996
5. Law on Nationality	20 August	1996
6. Law on the Control of Drugs	09 November	1996
7. Labor Code	10 January	1997
8. Law on General Statute of the Royal Cambodian armed forces	15 September	1997
9. Law on Abortion	6 October	1997
10. Law on the prohibition of the use of all kinds of anti-personnel mines	28 April	1999
11. Law on the Approval of the Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction	18 May	1999
12. ILO Convention No. 138 Concerning Minimum Age for Admission to Employment	ratified in July	1999

In addition, there have been a few sub-decrees, which were also passed:

1. Sub-decree No 74 related to the Family Book, adopted on November 4, 1997;
2. Sub-decree No 73 related to the Resident Book, adopted on November 4, 1997.

The texts of those laws are annexed to this document.

Review of legislation

With regard to the review of legislation, the Permanent General Secretariat of the Cambodian National Council for Children (hereafter CNCC) has supported and provided its opinions to the comparative study on National Laws and Convention on the Rights of the Child carried out by Legal Aid of Cambodia in 1998. A number of opinions and recommendations have been raised in the book entitled "Cambodian Law and the CRC" including birth registration (Chapter D Civil Rights and Freedoms, pages 53-56 for English version), guardianship (Chapter E: Family Environment and Alternative Care, pages: 97-99 for English version) and Juvenile Justice (Chapter H: Children in Conflict with the Law, pages: 136-143 for English version).

The Ministry of Justice is in the process of drafting a new Civil Code and a new Civil Procedure Code with JICA technical and financial assistance. The drafting process of these Codes will be finished by the year 2002. These Codes will cover adoption, guardianship, alternative care, family, divorced and birth registration. Recently, the Ministry of Justice has submitted the Draft of Criminal Procedure Code to the Council of Ministers for approval. It has also drafted a new Criminal Code which is being reviewed. Both drafts addressed some juvenile justice issues.

The draft Criminal Code is covering the following issues:

Articles:

402: Provision of toxic substances to a minor

415: Breach of a minor trust
 417: Sale/Purchase of a minor
 418: Abduction of a minor
 422: Enticing a minor to be a prostitute
 427: Commission of debauchery against a minor
 429+431: Obscenity in front of a minor
 432: Indecent assault against a minor
 433+434: Rape of a minor
 449: Failure to register an infant at birth
 450+453: Child abandonment
 454: Exchange of babies
 455: Parents not giving food to an infant
 456: Forcing a minor to work
 457: Parents not sending a child to school
 462: Not paying alimony to a child under the age of marriage
 483: Transmission of HIV or other diseases when raping a minor

The draft Criminal Procedure Code, although it does not provide for specialized juvenile procedures and courts, requires that specialized professionals deal with child related issues.

A Law on Inter-country Adoption has been drafted by the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation, with technical assistance from UNICEF and the OHCHR. It complies with the CRC and is in line with the Hague Convention on the Protection of Children and Cooperation in respect of Inter-country Adoption although Cambodia is not yet a State party. It will be finalized and submitted to the Council of Ministers within the first Semester of 2000. The Government will also examine the possibility of acceding to the Hague Convention.

The Government is also considering ratifying the 1999 ILO Convention No 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor as well as the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

In order to ensure that the above-mentioned draft laws as well as future ones are in compatibility with the CRC, the CNCC will establish a sub-commission to participate in the examination of those draft codes and laws, and give comments for their review. Technical assistance from international organizations, in particular UNICEF and the Office of the High Commissioner for Human Rights, will be needed.

2. Please provide further information on the results of the coordinating and monitoring work of the Cambodian National Council for Children (CNCC), especially on how coordination is achieved with provincial and local authorities.

Coordination

Royal Government has empowered the CNCC per se to do the coordination among the Ministries Institutions, NGOs, and IOs concerned. It prepares the National documents, National Plans, National Policy, as well as Reports, and it organizes national events related to the children such as the International Children's Day or the Anniversary of the CRC.

Here are some examples of its work:

- A program aiming to assist children in the communities has been carried out in 8 provinces where the UNICEF's Program of Community Action for Social Development is present. This work has been coordinated by the Provincial Development Commissions under the supervision from the Ministry of Rural Development, which is a member of the CNCC.
- CNCC coordinated the warm and enthusiastic welcome by the provincial authorities as well as the social institutions in the provinces where the Global March against Child Labor passed by.
- The CNCC has coordinated and organized the commemoration of the International Children's Day of 1st June 1999. Participants included children. It was co-funded by some Ministries of the Royal Government, NGOs and the private sector.
- The CNCC has established a sub-commission for Child Labor and other forms of Child Exploitation (Prakas N0: 03 of 23 September 1997). This sub-committee has coordinated training program for labor inspectors in 9 provinces as well as coordinated training sessions on Child Labor and Labor inspection for 9 provinces.
- The CNCC has developed a Five-Year Plan of Action against Sexual Exploitation of Children as a follow-up to Stockholm. It was developed in consultation with representatives of all relevant ministries, NGOs and international organizations. The CNCC organized a national workshop with representatives from all the provinces (Governors or deputy-governors) to officially endorse the plan. In March 2000, the Council of

Ministers adopted a declaration, which sets up clear responsibilities of the ministries concerned as well as mechanism for the coordination under the CNCC and monitoring of the implementation of the plan.

- The CNCC will establish a sub-commission for the promotion, coordination and monitoring of the implementation of the National Five-Year Plan. Provincial and municipal networks will also be established.
- The CNCC has closely cooperated with the Cambodian Human Right Committee to coordinate and to ensure the universal and real protection of Human Rights in Cambodia.

Monitoring

The CNCC Permanent Secretariat is monitoring regularly the press, reports and documents of ministries and organizations concerned and it has also conducted a national survey on sexual exploitation. The CNCC has also prepared numerous reports for the UN such as the Commission for Human Rights¹.

Despite all those activities, the CNCC still needs to strengthen its capacity and shall make more efforts to carry out its mandate better. Therefore, it needs technical assistance as well as financial support from various countries and international organizations.

3. Please indicate measures taken to develop indicators and collect disaggregated data on the status of children, especially those belonging to vulnerable groups including children living and/or working on the streets; child victims of physical and sexual abuse; child victims of drug abuse; teenage mothers; children in conflict with the law; child victims of commercial sexual exploitation; children with disabilities; and children belonging to ethnic minorities. Further, please describe the extent to which these indicators and data are currently used in the formulation of policies and programmes for the effective implementation of the Convention.

Cambodia has various systems for information collection within its Ministries. However, the systems are not perfect yet and for this reason, the government has the intention to streamline the systems. Data are not always disaggregated.

The main systems for indicators and data collection and development are as follows:

The Ministry of Education, Youth and Sport had set up its data collection system, the EMIS (Education Management Information System). Data are collected from district and provincial levels. Questionnaire relating to a particular subject are prepared and sent to all schools to be filled out and returned to the Ministry. Then the information is computerized and analyzed. In case the information is not clear, the Ministry sends one staff to get additional information.

The system provides information on the situation in general, the students' education, the number of students, teachers, and schools, as well as the education materials. This information is used by the Planning Department of the Ministry of Education, Youth and Sport to do its administration work, to analyze, plan, follow up and assess the education activities in the whole country. The results of the data collection allows the Ministry to identify the shortcomings in the implementation of the previous education plans so that it can prepare the development plans for the next year as well as immediate actions when necessary. A summary of the latest report based on EMIS is annexed to this report.

The Ministry of Health also has its own data collection system, named Health Information System. The information is collected from village, commune, district and province level, and sent up to the Ministry. At the present time, the information has been used at all levels in order to do planning, follow-up and evaluation of health-related activities and to allocate resources, including medicines and budget. The administration from the Central Level will go to inspect all health centers so as to expand the process of the system. The Ministry of Health provides training to those who are in charge of the information collection in provinces on the method to enter data into computer. The Ministry has recently improved the Health Information System so that samples of monthly reports and reports on emergency situation are done. These samples are planned to be used in the year 2000. A summary of the last report based on the Health Information System is annexed to the report.

In addition to the above two Ministries, there is also a National Institute for Statistics under the Ministry of Planning. The Ministry of Planning has networks from the central to commune levels. The collection of data and information is aiming at administrating, planning, analyzing, following-up and evaluating the socio-economic activities in the whole country. Every year, the Institute carries out a demographic survey (last one annexed to the document).

¹ Reports on commercial sexual exploitation of children to ECPAT in 1997, 1999; answers to the Stockholm Agenda for Action Government Agency Questionnaire in 1998, Cambodia's report on Child Trafficking and Exploitation to the United Nations in 1998 and 1999, and report on Care and Development of Children in Cambodia to ASEAN in 2000.

In addition, the National Institute for Statistics has twice carried out a Population Census.

A Demographic Health Survey (DHS) has been carried out by the Ministry of Planning together with the Ministry of Health for a period of 17 months in order to monitor, to follow up and evaluate achievement towards the 1996-2000 goals of the National Health Policy.

The Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation regularly collects data on children in Government orphanages.

The Ministry of Justice collects information through the reports of provincial and municipal courts and prosecution departments and the judgments of provincial and municipal courts.

The Ministry of Interior collects information through the reports of technical departments and 24 provincial and municipal police commissariats in the whole country so as to take action and do prevention...

The Ministry of Defense has carried out a survey on child soldiers, together with UNICEF. Concerning vulnerable children referred to in the question, there have been numerous small-scale surveys mostly carried out by NGOs or international organizations. There are no systematic efforts to gather data in this regard.

The Ministry of Women's and Veteran's Affairs collects information through its technical departments and 24 provincial/municipal departments in the whole country in order to take measures for the prevention of sexual exploitation.

4. Please provide further information on the adoption, implementation and achievements of the National Plan of Action for Children (1998-2000) and explain how this Plan has been incorporated into the Socio-economic Development Plan (1996-2000). Please also provide additional information on the implementation of article 4 of the Convention with regard to the allocation "to the maximum extent of (...) available resources" for the rights of the child, especially in the areas of health, welfare, education and special protection measures.

National Plan of Action for Children (1998-2000)

The National Programme of Action for Children in Cambodia (1998-2000) is a child-related document which was prepared through compiling together the policies of the technical ministries so that it will facilitate the process of monitoring and assessing the Cambodian Children's situation in various fields. All policies of these ministries are in line with the Socio-economic Development Plan. Therefore, the National Programme of Action for Children in Cambodia is also in conformity with Socio-economic Development Plan. The CNCC will get evaluation reports on the 1996-2000 goals by the end of 2002. In order to monitor the improvement of situation of children in the country, the CNCC is collecting data and indicators from the reports from the technical ministries.

Budget allocations

- The Budget allocation for the Ministry of Health in 1999 represented 7.79% of the National Budget. For the year 2000, the government increased it up to 9.20 % of National Budget.
- The Budget allocation for MOSALVY in 1999 represented 1.6% of the National Budget. For the year 2000 the budget is 1.1% of the National Budget, which amounts 26900 million riels. Out of this budget, the allocation for government orphanages is 845.5million riels.
- The Budget allocation for the Ministry of Education, Youth and Sport in 1999 represented 8.1%² of the National Budget. For the year 2000, the government increased it up to 13.92 % of the National Budget.
- The Budget allocation for the Ministry of Justice in 1999 represented 0.52% of the National Budget. For the year 2000, the government increased it up to 0.53% of National Budget.
- The Budget allocation for the Ministry of Women's and Veteran's Affairs in 1999 represented 0.01% of the National Budget. For the year 2000, the government increased it up to 2.46% of National Budget.
- The Budget allocation for the Ministry of Culture and Fine Arts in 1999 represented 0.25% of the National Budget. 24% of this budget was for the University of Fine Arts (Students from 8 to 18 years of age study there). For the year 2000, the government increased the budget of the Ministry up to 0.50% of National Budget.

Definition of the child: (Article 1 of the Convention)

5. Please provide further information on the legal age for sexual consent. Please also indicate whether the State party is envisaging establishing a legal minimum age for criminal responsibility.

² Due to clerical mistake it is suggested to change from 8.1% to 8.3%

Legal age for sexual consent

There is no legal provision defining the legal age for sexual consent yet. Only the minimum age for marriage is stipulated in article 118 of the Law on Marriage and Family.

However, article 434 of the draft Criminal Code states:

If sexual intercourse occurs with a man or woman who is a minor under 13 years of age, with consent, without coercion, without violence or without criminal trick, the suspect person shall be liable for the first class criminal punishment.

Legal age for criminal responsibility

There is also no legal minimum age for criminal responsibility. Article 14 of the UNTAC law only provides for a minimum age for pre-trial detention.

However, the Ministry of Justice has provided for a legal minimum age for criminal responsibility in article 81 of the draft Criminal Code, which reads as follows:

The accused person, believed to be a wrong doer under 18 years old during the commission of an offense, shall be considered by the court as he/she does not know wrong or right and he/she shall not hold responsibility.

That person shall be exempt from all charges and from all guilt. Nevertheless, the court shall decide to keep him/her under the assistance, rescue, education or rehabilitation within a limited period.

General Principles:

(Article 2, 3, 6 and 12)

6. Please provide further information on legislative and other measures undertaken to ensure that all children, under the jurisdiction of the State party, without discrimination of any kind, can enjoy the rights set forth in the Convention. Please provide further information on measures taken to eliminate traditional discriminatory practices against girls and children belonging to minority groups.

No new legislation has been adopted concerning nondiscrimination yet and therefore the information in the report is still valid.

In practice, there is no prohibition on the use of different language, cultural celebrations, religious practice, respect of other tradition and opening of schools for minority group, such as the Chinese. The Ministry of Education, Youth and Sport give equal opportunity for all boys and girls of minority groups in the whole country, who reach schooling age to finish primary education and receive nine-year basic education. The Ministry of Health launched campaign to provide anti-polio drops and Vitamin A for children under five years of age in the whole country including outlying areas and as the result 95% of children received the drops and vitamins. The Ministry of Woman and Veteran Affairs has a Literacy Programme to enable the girls to receive equal education as boys.

7. In light of articles 6 and 39 of the Convention, please provide information on measures taken to provide treatment and other assistance for the rehabilitation of child victims of previous armed conflicts. Please also provide information on measures taken to eliminate landmines planted in the State party's territory, which present a threat to the life of children.

Landmines

Cambodia has ratified the Ottawa Treaty on June 23rd 1999 (Date of the signature of the King) and have passed a national law called "The Law to prohibit the use of anti-personal landmines" which was passed on April 28, 1999 and signed by the King on May, 28 1999. The Chairman of the CMAC Governing Council is in charge on monitoring the implementation of the Law and the Treaty including the identification and destruction of stockpiles.

The Cambodian Campaign to Ban Landmines is also monitoring the respect of the Treaty and preparing a yearly report for the International Campaign to Ban Landmine's (ICBL) publication the Landmine Monitor.

Besides the above legal aspect, a large number of activities are on going in Cambodia to deal with the legacy of landmines. Activities are carried out both by Government and NGOs and include the following:

- CMAC Cambodian Mine Action Center is a national institution created by Royal Decree to carry out and coordinate mine action in Cambodia. CMAC activities include mine survey, mine marking, mine clearance, explosive ordnance disposal and mine awareness. To define the extent of the mine problem, CMAC has recently launched a mine/UXO national survey, which will determine contamination and socio-economic impact.
- MAG and Halo Trust are two British NGOs involved in comprehensive mine action including mine survey, mine clearance and mine awareness (only MAG)
- The Cambodian Red Cross with technical assistance of Handicap International is managing a comprehensive mine incident database which is used for planning, monitoring and evaluating mine action

As long as there are children growing up in mined environments, there will be need to provide them with mine risk education. For this reason to increase the sustainability UNICEF and MAG have initiated project in collaboration with the Ministry of Education to introduced mine risk education in the school curriculum with a priority on mine affected districts.

A number of NGOs are collaborating with mine action NGOs to plan development activities in conjunction with mine action to optimize the impact of mine clearance.

Activities linked to mine action will require long term funding as Cambodia will unfortunately be dealing with mines and mine casualties for many years to come.

Children victims of armed conflict

Victims of armed conflict include children with disabilities, children of war victims, child soldiers and all children living in areas which were formerly under conflict where social capital deteriorated as a result of the fighting. Children with disabilities do not include only mine victims but all children with disabilities (children contracted polio because of lack of vaccination due to the non-functioning of health services during conflict).

Assistance to children with disabilities includes physical rehabilitation, which is very costly for children, as they need to get new prostheses on a regular basis according to their growth. Physical rehabilitation alone is not sufficient. A few projects have been developed to improve their access to basic services such as health and mainstream education. Recent surveys show that less than 25% of disabled children have access to school. However, the Cambodian Government and NGOs still need to focus more attention on these issues.

To improve the situation of children affected by armed conflict the Government and NGOs need not to focus not only on the child as a victim him/herself but also look at the children as a victim of having parents with disabilities who are not able to provide for their children. It is thus necessary to assist parents with disabilities by providing physical rehabilitation and developing their access to vocational training, income generating and credit schemes.

A large number of NGOs are collaborating with the Ministry of Social Affairs to provide assistance to landmine victims and other people with disabilities. Activities include physical rehabilitation, vocational training, counseling and referral, income generation. These activities are coordinated through the Disability Action Council (the DAC) which is a semi-autonomous body composed of relevant ministries, NGOs and associations of people with disabilities.

Child Soldiers

The Cambodian Government through the Council for Demobilization has committed to demobilizing all child soldiers (under 18) and is abided by its existing legislation, which forbids the participation of minors in the Army. Child soldiers need to be considered as special groups for the demobilization and a particular attention should be brought providing them psychosocial support.

Civil rights and freedom:

(Article 7, 8, 13-17 and 37.a)

8. Please provide further information on measures taken to ensure that every child is registered immediately after birth, including in relation to children belonging to Hill Tribe Peoples (Khmer Loeu), children belonging to internally displaced families, refugee children and children belonging to non-Khmer groups (e.g., children belonging to the Vietnamese minority).

The political and armed conflict has resulted in an ineffective administration in the whole country and birth registration is affected accordingly. So far, there is no legislation or rule or any other measure taken to ensure that every child is registered immediately after birth. This affects equally all children, not in particular those belonging to

a minority. Nevertheless, birth registration has taken place in some municipal, provincial and district county towns, although it is not compulsory.

The draft civil code will provide for compulsory birth registration but Cambodia will need technical and other assistance to implement such dispositions.

The draft criminal code, in article 449, incriminates the lack of registration of children at birth.

In addition, the Ministry of Interior is currently drafting a sub-decree on the management of family book in which compulsory birth registration is mentioned.

9. Please indicate the measures adopted pursuant to article 7, paragraph 2, of the Convention to ensure the child's right to acquire a nationality, in particular in cases where the child would otherwise be stateless.

Cambodia adopted a new Law on Nationality in 1996.

Article 4 (1) states that any legitimate child born, regardless of where, of a mother or a father with Khmer nationality has Khmer nationality. Any illegitimate child born from and recognized by a father or a mother who has Khmer nationality also has Khmer nationality. If a child born in Cambodia is not recognized by his parents, he/she can still obtain Khmer nationality by court order.

Article 4 (2) provides for a child to obtain the Khmer nationality if born in Cambodia to foreign parents who were born and living legally in Cambodia. Any child born from an unknown mother or father or a newly born child who is found in Cambodia will be considered as having been born in Cambodia and given Khmer nationality. The Law does not provide for Khmer nationality to a child of illegal immigrants living in Cambodia, even if they are stateless or that the child would be stateless.

There is no specific provision concerning statelessness.

10. Please provide further information on measures taken to prevent cases of police brutality and maltreatment and abuse of children.

When there are cases of police brutality and maltreatment of children who committed criminal offenses, when they are arrested or in police custody, their parents, guardians, relatives and lawyer have the right to file complaint to the court against the police who committed the above acts (according to transitional criminal law).

About child abuse, there is no specific provision in the law and therefore the criminal provisions apply when the abuse falls into the definition of a particular criminal offense.

There is such problem, but those who abused children have not been sent to the court yet and those related provisions have never been used.

Nevertheless, the Law on Marriage and Family in articles 119 and following provide for deprivation of parental authority in some cases of abuse.

Family environment and alternative care:

(Articles 5, 18 paras.1 and 2, 9, 10, 27 para. 4, 20, 21, 11, 19, 39 and 25)

11. Please provide additional information on the monitoring of the situation of children placed in institutions or in alternative care and the difficulties faced by these institutions, as well as on the periodic review of placement of children living in institutions. Please explain whether the State party has envisages enacting legislation on foster care, which is reported to take place in Cambodia.

Children placed in institutions

Institutions for children are run either by Government or by NGOs. There is 22 Government orphanages. In addition, the Government runs one Youth Rehabilitation Center and one Young Women Crisis Centre, both in Phnom Penh, as well as one Transit Centre for repatriated trafficked children and one Drop-in Centre for street children in Poipet, and one Reception Centre in Battambang for repatriated trafficked children. In general, the centers run by NGOs do not have many problems. On the contrary, the budget allocated by the government for centers under its control is still low. Therefore, government centers lack facilities to accommodate all children.

Government orphanages

After the Khmer Rouge Regime, children identified to have no primary caregivers or with one living parent have been placed in government orphanages. There was no systematic procedure for placement. It turned out that some (if not many) of those children have either both or one living parents. These children receive monthly allowance from the government amounting to about 40,000 Riels (approximately 10 US\$) per month (more or less the same amount as the salary of government low ranking officials).

In addition, most if not all of the Government orphanages receive funding from NGOs. Other centers, except the Youth Rehabilitation Centre, are provided with little assistance once in a while.

The main problem of Government orphanages is that many children have turned adults (some have gotten married and have children) but would not leave the institutions because they claimed that they have the right to stay. The Government has offered some of them some assistance including cash, rice and some pieces of land where they can build their own homes. However, many of them went back to the orphanages because they said the land is too far and that they could have any alternative source of income if they settle in these areas.

There is also one Nutrition Center for abandoned children (infants) below 6 years old. From 1996 to 2000, the number of HIV children in this Centre has increased from 17 to 35 and the number of disabled children has increased from 21 to 56 persons. The center is facing a lack of qualified staff and funds to look after those children.

With regard to monitoring, there is a bureau within the Department of Children's Welfare of the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation (hereafter MoSALVY) that is tasked to monitor not only government orphanages but also those managed by NGOs. The Provincial/municipal Social Affairs Departments (hereafter DSALVY) do regular visits to monitor the situation of children living in the Government orphanages under its jurisdiction.

The government orphanage staff sends periodic reports to the child welfare department. The department has also developed a certain system of documentation, which the government institutions were required to follow. This includes opening case file for each child, sending information to the department.

NGOs

The NGO centers for children are mainly for street children and "poor children". In addition to government centers, the department of children's welfare is tasked to monitor these institutions. The NGOs are required to establish a Memorandum of Understanding with the Ministry. They are also required to submit reports at least twice a year. Ministry and DSALVY Officers also conduct monitoring visits periodically. MOSALVY and the DSALVY ask local NGO managing a child's center to provide better services for the children after their monitoring visits. If any NGOs did not improve their services, MOSALVY will recommend the closure of the said center and take the children to the government orphanage and to another NGO center.

There have also been consultation meetings, which the department facilitated.

The Support and Monitoring Team at the central MoSALVY conducts periodic training and monitoring to district staff who has been conducting monitoring and follow-up services to children who had been reintegrated from NGO centers. Currently, almost 1,800 children and women have been trafficked, or had lived in the streets, or have been victims of various forms of abuse. These people have been provided rescue and recovery services by NGOs and have been reintegrated back into their families or communities of origin. They are followed up by MoSALVY district staff once a month.

Periodic review of placement

The review of placement is in the hands of the authorities of the institution. There is no external review.

Foster care

Unlike some other countries, Cambodia has not yet a regulated system of foster care. However, there are some NGOs, which have already done this work although there is no legal ground.

For children with disabilities, the Disability Action Council (DAC) has coordinated with the department of Children's Welfare in conducting studies on placement or accommodation of children with disabilities. Because of at least two studies on group homes and foster care, pilot programmes are now being implemented in coordination with some NGOs. About 2-3 other NGOs have organized small-scaled foster care for disabled children.

The DAC in coordination with the Department of Children's Welfare have invited other NGOs and international organizations to assist in preparing a National Strategy for Care and Accommodation of Children with Disabilities. Another working group is formed to develop policies and strategic plan of action for children without primary

caregivers. It is envisaged that they will also recommend appropriate legislation and regulations regarding foster care or other alternatives. In the future, this issue will be covered by the Civil Code, which is in the process of being drafted.

12. Please provide information on the consideration given by law to parental responsibility, including the recognition of the common responsibilities of both parents in the upbringing and development of the child and the payment of maintenance fees.

Parental responsibilities

There is no new legislation on parental responsibilities in the upbringing and development of the child and on the payment of maintenance fees other than Family and Marriage Law. The information provided in the report in this regard is still valid. Nevertheless, through point No7 of its declaration on the measures to implement the National Five- Year Plan against Trafficking and Sexual Exploitation of Children, the government has appealed parent(s) and guardians to pay attention to the control and follow up of their children's activities and to consistently give advises to their children, so that children will not commit vices.

Payment of maintenance fees

In case of divorce, the hearing judges frequently decide on the payment of maintenance fees, but there are lacunae in the law.

The Law on Marriage and Family provides:

Article74: The divorcing father or mother must support, take care of, bring up and provide their children money for the children's education and schooling as much as they can.

*Article78: Failure to pay alimony as provided above shall be considered as a criminal offense and shall be punishable according to **existing laws** if there is sufficient evidence proving that the person who is bound to pay alimony is dishonest.*

However, the current criminal law, i.e. the Transitional Criminal Law, does not make it a criminal offense, so that article 78 of Law on Marriage and Family cannot be enforced. Therefore, the decisions of the judge, which provides for payment of maintenance fees, are barely enforced.

Nevertheless, article 462 of the new draft Criminal Code states:

Anyone, who is ordered by the final judgment or temporarily to pay alimony to his wife and child of non-marriageable age, parent(s) or relative by consanguinity, intentionally made time elapsing during 3 months without paying alimony shall be considered to abandon his family and shall be liable for misdemeanor offenses.

Basic health and welfare:

(Articles 6 para.2, 23, 24, 26 and 18 para.3 and 27 paras.1-3)

13. Please provide further information on the implementation of the National Health Policy, in particular on measures taken to improve primary and preventive health services at the provincial and local level. Please also provide further information about strategies taken to address the problem of maternal mortality rate, in particular, steps taken to increase awareness of the importance of antenatal care.

Update on general health situation

Cambodia is among the countries in Asia and the Pacific with the lowest health standards, although the health system is in a stage of remarkable development. The mortality rate of children under one year old is 89 per 1,000 live births. The mortality rate of children under five years old is 115 per 1,000 live births. The main causes for child deaths include diarrhea, respiratory infections, dengue fever, severe malnutrition related diseases, measles, and preventable diseases. Every year, 10,000 children are infected with HIV from their mothers, and mother to child transmission since birth occurs on 3,000 infants. 33% of children under 5 are severely malnourished and 53% underweight, and some children experience iodide deficiency which causes goiter and slow intellectual growth, while others face vitamin A deficiency which causes night blindness, dry eyes, and blindness.

29% have access to safe water and 15% have access to general sanitation facilities.

Implementation of the National Health Policy

National Health Policy

The policy of Royal Government of Cambodia for the health sector has the following priorities:

- Provision of basic health services to all with the involvement of community participation,
- Decentralization of financial and administrative function,
- Human resource development,
- Introduction of competition between public and private sectors based on technology and professional ethic,
- Promotion of people's awareness of health care provider's qualifications and healthy lifestyle,
- Promotion of health legislation,
- Special attention on controlling and preventing infectious diseases for women' and children's health, and taking into account priorities such as elderly and disabled people, mental health, eye care and oral health,
- Strengthening health information system.

Goal and objectives of health sector development

The overall goal of the Ministry of Health is to promote people's health enabling them to participate in the development of the socio-economic sector and reduce the poverty in Cambodia.

The objective of the Ministry of Health is to improve equity and accessibility to basic health services with good quality, efficiency and low cost in order to assure the sustainability of its functions, and to protect the poor.

Main strategies

In order to achieve the goal and objectives mentioned above, the Ministry of Health has set up specific health strategies:

- Promotion of women's and child's health through basic care service delivery for all women such as antenatal care, delivery and postnatal services, reproductive health services such as birth spacing, good nutrition, safe delivery, and personal and family hygiene practice.
- Promote immunization and curative care coverage for children.
- Reduce incidence of communicable disease such as malaria, dengue fever, tuberculosis, diarrhea disease, acute respiratory infection, and sexually transmitted disease, particularly HIV/AIDs.
- Improve coverage of public health service with good quality and efficiency for people throughout country through the provision of Minimum Package of Activities (MPA) at health centers and Complementary Package of Activities (CPA) at referral hospitals.
- Upgrade the professional capacity of government health staff to ensure the effectiveness and efficiency of the health system, through planning, revision of basic training, and expansion of continuing training to health staff on clinical techniques and management.
- Ensure appropriate supply of drugs, equipment and materials to the public sector, in conformity with actual needs of the system. Ensure effectiveness of the provision of health care service through drug distribution system reform and improvement of management and utilization of drugs and materials.
- Upgrade capacity of technology and management of referral hospitals in the whole country, including improvement of the referral system.
- Re-enforce the full participation of private sector in the delivery of health service to the people by motivating and controlling the private sector to become a true partner of the Ministry of Health.
- Promote awareness of the population about the qualification of all types of services, public and private sectors. Facilitate the population to understand and practice good hygiene practices.

- Improve the ability of laws relating to health sector to be effective by re-enforcing the collaboration with other relevant institutions in implementing these laws, and by legislating new regulations according to the actual needs of the health system development. Develop and strengthen laws and standards of medical services, food safety, cigarettes-drug business etc.
- Upgrade health management through health system reform with a clear defined role at each level, appropriate decentralization, various standardized trials of health financing schemes, aid coordination, planning, monitoring and evaluation.
- Upgrade the policy development, survey-study and extension of health information system.

Main activities

The Ministry of Health has begun these activities in 1986 but they became nationwide activities in 1999. It includes tetanus vaccination for 22% of pregnant women and women of childbearing age (15-45 years). There were 3 training courses for district personnel from 15 provinces conducted by the Ministry of Health as well as publication and circulation of materials to provinces/cities.

Child tetanus eradicating activities started in 1997 with demonstration projects in Kampot and Kandal provinces. The activities focused on the improved quality of information collection on child tetanus immunization, and improved reporting system on infants who were born alive and died with 28 days. Research was conducted on all cases of infants who were born alive but died within 28 days and measures to cope with child tetanus in other places. This activity included gradual training and was started in the second semester of 1998 and continued until now. For all cases reported and suspected to be child tetanus, the provincial and district workers went to conduct health education and immunization for women from 15-45 years old in the village where there were suspected cases of child tetanus. This is the work of the Ministry of Health.

The Ministry of Health implements polio immunization activities in remote areas. There were remarkable results with 95% of children under 5 receiving polio vaccine. Moreover, research shows that polio transmission was eradicated in March 1998. Therefore, Cambodia is in its last stage of polio eradication. Activities to search for cases of measles through the polio research system in 1999 helped increase the coverage of immunization against measles through the plans to provide measles vaccine to children from 9 months to 5 years. This activity has been carried out in 6 provinces to monitor the emerging of measles.

Hemorrhagic fever is a contagious and invasive disease, which has always existed in Cambodia. Its invasion takes place in a large-scale every 2 or 3 years. The biggest and latest epidemic occurred in 1998, resulting in 16,269 sick persons and 475 deaths. In 1999, there was no large epidemic. According to a nine-month's report, there were 1272 sick persons and 22 deaths in 1999. Therefore, the mortality rate has decreased from 2.92% in 1998 to 1.78% in 1999.

Although the situation of the hemorrhagic fever did not cause any concern, the Ministry of Health is putting many efforts to prevent the epidemic of this disease. In collaboration with the local authority and some other organizations, the Ministry of Health has taken various measures such as media campaigns, killing mosquitoes by spraying poisonous substance and provision of ALBET substance so as to combat this disease, and as a result, the epidemic of this disease is decreased.

In addition, child- related activities, which are gradually successful, include:

- Combating communicable diseases,
- Combating malaria,
- Combating parasitose,
- Combating cholera,
- Combating HIV/AIDs and sexually transmitted diseases,
- Combating tuberculosis and Leprosy.

The activities to provide vitamin A through polio immunization program 3 times a year have received good results, reaching 95% of the remote areas. Iodized is included in salt for use in the cities and provinces. Training courses on nutrition, vitamin A deficiency, iron deficiency, and iodized deficiency among children under 5 have been conducted in 4 districts of Takeo province and 1 district in Kampong Thom. Activities to eradicate anemia of pregnant women have not been implemented due to lack of budgets and human resources.

The Ministry of Rural Development has educated villagers, especially women and children in 17 provinces, about physical hygiene, water hygiene, house hygiene, food hygiene, construction of latrines, use and maintenance of latrines and environmental hygiene. 10,000 latrines have been constructed for families in 15 provinces. Many organizations have helped with digging wells for people in the villages. In 1995, the European Commission helped build many pump wells in 6 provinces (Kampong Chhnang, Kampong Cham, Kampong Speu, Prey Veng, Svay

Rieng, and Takeo). In 1999, the Chinese government provided 500 pump wells. The Asian Development Bank, the World Bank, non-governmental organizations and many other overseas donors have donated some pump wells.

Primary and preventive health services at the provincial and local levels

The Royal Government is examining 2 draft laws: one is draft law on Hygiene and another one is draft law on Food. Primary health and sanitation education are key bases for promotion of awareness of and participation by all people in order to implement various measures including personal individual hygiene and living environmental hygiene aiming to stop or prevent diseases especially the contagious ones. This work has been done through mass media by expert Ministries. Those Ministries have produced educational materials for dissemination and distribution to provincial and municipal health entities, Ministries and Institutions as well as mass media. Health staffs and voluntary officers provide verbal education. Training has been conducted through seminars and in addition to this, several of other training sessions has been conducted. The Royal Government has extended its inoculation works to the remote areas and as the results we received satisfactory coverage rate in particular, of polio prevention program as stated before. In addition to this, Cambodia is working on the program for elimination of measles, tetanus on children, Vitamin A deficiency and iodized salt. These works are gradually getting results.

Though the government has received remarkable results, it recognizes that there are shortages: some problems have improved but the ability to solve the problems is limited.

- Mass media are not widespread to the districts and the whole country.
- The use of public health services is limited.
- The people's knowledge is limited.

Strategies to address the problem of maternal mortality rate

The maternal mortality rate is 473 in 100,000 live births. The main causes of deaths often come from abortion, puerperal infection and bleeding. The rate of HIV-infected pregnancy is 3%. The Ministry of Health has reported that only about 34% of women are delivered by trained health workers, and 64% are attended by untrained traditional birth attendants without adequate essential natal care at district level.

The government has acknowledged the problem and is doing its best to identify strategies to reduce this mortality rate by focusing on the development of policy, planning, research as well as training and governance at all health levels.

Development of materials for health education and methodology for care and service provision at health centers and hospitals in the whole country are as follow:

- Antenatal care by increasing coverage rate of antenatal examination for the pregnant at least twice before delivery during their pregnancy and providing them with tetanus prevention vaccination.
- Increasing research activities to locate the pathologic pregnant women and sending them to the hospital for the follow-up and care aiming at avoiding them of being in danger during the delivery.
- Delivery has to be done by proper-trained health officers.
- Expanding birth space activities as well as reproductive health services to all women from the age of 15 to 45.
- Regular training for health officers together with the inspection to streamline technique and quality of services.

13. With regard to adolescent health, please provide further information on measures adopted by the State party to provide reproductive health information to children and adolescents, including information related to the prevention and care of HIV/AIDS and other STDs, both inside and outside schools. Please provide further information on measures taken to increase awareness on the negative effects of early marriages, which is reported to be widespread in the State party.

HIV/AIDS

Cambodia is experiencing the fastest growth of HIV/AIDS in South-East Asia. According to WHO estimates and projections in March 1999, more than 15,000 children, under 15 years old will be HIV positive by the end of 2000

and almost 8000 will have developed AIDS. Orphans due to HIV/AIDS less than 15 years old will reach 30,000 in 2000 and 60,000 in 2002.

Reproductive health information to children and adolescents, in particular HIV/AIDS

The Royal Government has established a National Authority against AIDS, the National AIDS Authority, by Royal Decree N^o: NSRKT 099, 01 dated 4 April 1999. The National Authority, composed of various ministries and representatives of local authorities, has developed a National Policy and Priority Strategies for HIV/AIDS Prevention and Control from 1999 to 2004 (see document in the annex).

The National Policy and Priority Strategies are composed of five policies: HIV/AIDS Response Structure, HIV/AIDS Resources, Health Information and Education, HIV/AIDS Prevention and Care Services and HIV/AIDS Research.

According to those policies:

- All national institutions, provinces/municipalities and all authorities shall ensure that all officials and citizens receive the maximum of information about the dangers of HIV/AIDS and the measures for its prevention.
- HIV/AIDS Programs must be incorporated in some other State and private sectors' programs. For example, the HIV/AIDS program of the Ministry of Health shall be incorporated in the Maternal and Child Protection Program, the National Program for Primary Health, the TB Elimination Program, the Malaria Elimination Program etc... so that they are smoothly integrated.
- The Ministry of Education shall incorporate a Health Education Program relating to HIV/AIDS in its school curricula at all levels under an appropriate theme.
- The Ministry of Religious Affairs as well as religious organizations shall disseminate HIV/AIDS Program to all of their believers.
- HIV/AIDS education text shall be prepared within the framework of the respect of good Khmer tradition and customs, and in accordance with the current living situation but not too conservative.
- Prevent from any information causing citizens to misunderstand HIV/AIDS.

The Government has adopted some measures to stop and prevent HIV/AIDS:

- The Ministry of Education, Youth and Sport has incorporated reproductive health topic, including HIV/AIDS and sexually transmitted diseases topics in its primary school education curricula (Class 6) and in lower secondary education (Class 9). A number of schoolteachers have been trained on these subjects so that they understand well and could explain to their pupils.
- Outside-school children can be reached through the mass media campaign against HIV/AIDS (Posters, leaflets, spots, songs, comic performance....).
- Some NGOs, in particular those working with street children, use a child-to-child education approach.
- Education in nondiscrimination towards a person who has HIV/AIDS/venereal diseases is provided by making the population understands when HIV/AIDS can not be transmitted.
- In light of advocacy and awareness for the prevention of HIV/AIDS /venereal diseases, shadow puppets theater has been performed in public places; some were performed only by children artists.

Negative effects of early marriages

Although it is known that early marriages are celebrated in particular in rural areas, there has never been any survey and therefore it is difficult to know the scope of the problem, whether it is or not widespread and what is the earliest age. Nothing has been done in this regard.

15. With regard to the State party's high number of children with disabilities, please provide further information on measures taken to implement the National Strategy on Disability and to promote the rehabilitation and social integration of these children. Please also provide information regarding existing legislation for the protection of children with disabilities.

The Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation has established by Prakas (Declaration) No: 308 SKBY, dated 26/10/1999, the Disability Action Council (DAC) which is under its leadership. The Council is composed of representatives of the Ministry of Education, Youth and Sport, the Ministry of Health, concerned NGOs and the Cambodian Disable Organization. Its view is to make all individuals and the society to realize that the disables have equal rights and duties as all citizens in the Kingdom. The Commission on the Disable

Children within the DAC and the Ministry of Education are initiating the development of educational policies and principles in order to give opportunity to every disabled child to receive education and to participate in the society as other children.

A number of programs have been made with the cooperation of NGOs working in the disabled field, the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation and the Ministry of Health so as to rehabilitate and provide training to the disabled, including the disabled children at Rehabilitation Centers and to educate parents to treat their disabled child with involvement of communities.

A Draft law to protect the Rights of the Disabled Persons, prepared by the Working Group of the Cambodian Disabled People Organization with the assistance from the OHCHR and with the provision of opinions by the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation is currently examined by the Department of Rehabilitation of the Ministry of Social Affairs together with one Commission composed of representatives from concerned Ministries and NGOs. This draft will be examined by the Government.

Education, leisure and cultural activities:

(Articles 28, 29 and 31)

16. With regard to the State party's education system, please indicate measures taken to implement the provisions of the Convention regarding the State party's obligation to make primary education compulsory and free to all children. Please further indicate measures taken to provide adequate educational facilities; to ensure that there is a sufficient number of qualified teachers, textbooks and teaching materials in the school system. In particular, please provide further information regarding measures taken to ensure that the vulnerable groups identified in the report have access to education and on measures taken to encourage regular attendance at school and to reduce drop-out rates, especially of girls and of children belonging to non-Khmer groups.

Free and compulsory primary education

Because of poverty, shortage of labor in the family and the lower level of education, certain segments of the population perceive that education is not imperative for themselves or for their families. Therefore, the Ministry of Education, Youth and Sport could not impose a specific law on the obligation of nine-year basic education for all citizens yet. Primary education is not compulsory by law.

Moreover, a survey on "Education" jointly conducted by the Department of Planning of the Ministry of Education, Youth and Sports, and Care International in July 1998, shows that those who achieved primary education level do not earn much more than those without education. However, those who complete lower secondary school always receive higher income than those who complete only primary schools do.

The Ministry pays due attention to create equal opportunities for school-age children of all regions and all ethnic origins, so that they have the chance to complete primary education and receive full nine years of basic education.

Education in Cambodia is free of charge.

Due to budget constraints, there is little hope of ensuring equal opportunity for every child to receive a 9-year basic education in the very near future. Problems are to be found in the education system, such as the poor education delivery and the widening gap in the education quality between urban schools and rural or remote schools.

The national budget for education can cover staff salaries (teacher and education administrators) and a small part of recurrent expenditures incurred at central and provincial levels. For the year 1998, the government allocated 147 billion riels (about USD 40 millions at current exchange rate) to the education sector, thus representing 10.3% of the national budget or about 1.5% of the GDP. In contrast, in 1997 the education budget was 8.1% of the national budget. However, in 1999, the National Budget for Education was 149, 5 billion riels and in 2000, it was increased up to 183,170 billion riels, representing 13.92 % of the national budget. Nevertheless, these budgets are far lower than the actual needs. A Ministry of Education, Youth and Sport survey has shown that Cambodia is one of the countries in the world in which a very high proportion of the resource for primary education comes from the local community. This has perhaps resulted from the fact that the Cambodian people have suffered greatly through a murderous regime, thus boosting their desire to restore their country's education systems. To keep schools functioning well, the community has to, through "Parents" or "Association" or "School Supporting Community", raise money to cover not only the recurrent expenses, but also to sponsor all sport and art activities.

Educational facilities, teachers, textbooks and educational material

For the school year 1998-99, the country had a total of 5,156 Primary schools, 355 lower-secondary schools and 132 upper-secondary schools. Of the total number of primary schools, only 51.7% do have the complete range of grades (Grades 1 through 6) for the primary cycle. Children who live far away from a school with the complete range of grade find it very hard to continue learning and some of them inevitably become dropouts.

On the other hand, 28 districts do not have yet owned their lower-secondary schools. Children aged from 12-14 years old, especially girls, do not have access to secondary schools. In principle, the Ministry of Education, Youth and Sports encourages core schools within school clusters to expend themselves into lower secondary school so as to increase chance for children to receive full nine years of basic education.

The pupil-teacher ratio is about 48.1 to 1 nation-wide though 37 to 1 in urban primary schools.

The shortage classroom is very critical for schools in the urban areas at 87.3 pupils per classroom, forcing some school to conduct three shifts per day.

In view of education services and the differences between schools in the towns and the schools in the remote areas, the Government has been paying attention to the teachers. Up to the year 2000, the Government had increased teacher's salary at the rate of 60% and pedagogic incentives for six times ranging from 53 000 riels to 55 000 riels according to their levels. New education officers who are voluntarily working at the outlying areas have received additional support at the departure at an amount equivalent to US\$60 each. As for teachers working at the low-lying areas who volunteer to teach or work at the outlying areas, they will be provided with transportation to go home by land and come back to work twice a year.

The Ministry has continued to improve the education system. The curriculum was reformed, new textbooks were developed and new teaching skills were provided to teachers to ground the introduction of a new 12-years education system (6+3+3) in the 1996-97 school year. The new system has increased the number of learning hours for every grade in the cycle of primary education.

Enrollment and attendance

The enrollment rates are relatively low and the learning achievement or internal efficiency of the education system is even lower. The low enrollment rate and internal efficiency result in great loss of resources in terms of finance, material and equipment, and time to the country as a whole. The ministry of Education Youth and Sport is striving hard to solve these problems.

Selected Education Indicators, 1998/99 show:

- | | |
|--------------------------|---------|
| 1. Gross Admission Rate | :103.3% |
| 2. Net Admission | :62.4% |
| 3. Gross Enrollment Rate | :89.7% |
| 4. Net Enrollment Rate | :78.3% |

As the scale of our new system of education is quite similar to that of neighboring countries in the region, the Ministry of Education, Youth and Sports (MoEYS) hope to be able to reduce the repetition rate and increase learning hours. Yet, the repetition rate in Grade 1 is very high (40.9%) while the promotion rate is 48.4%. In general, Grade1 students have the highest repetition rate. In the current school year, dropout rates are very high, especially in Grade 1, Grade 2 and Grade 3 at 14.7%³, 14.0% and 14.1% respectively. There is growing fear that these dropouts might become illiterate.

The school-age population has increased in the 1998-99 school year and the net enrollment rate in primary education for the whole country is 78.3%. In other words, about 21.7% (or about 0.4 million) of the population aged 6-11 remains outside the school, some received only 1-2-3-4 or 5 year-schooling. A very good a number of children who already had changed to complete lower grade, become drop-out due to many causes, including the incomplete range of grades, for the primary cycle. As the encouragement of primary school to have complete range of grade for the primary cycle is one of MoEYS priority, the multi-grade teaching methodology should be promoted in remote areas where the school-age children are sparse. The increasing number of dropouts in lower grade is the cause of the higher rate of illiteracy. In order to be saved from falling in to lapse again, a child must at least complete grade 4 or grade 5. The situation is worst in remote provinces as the net enrollments rate is event lower then 50%.

Children belonging to non Khmer groups

The government also pays attention to and gives opportunity to the ethnic minority to open schools in accordance with their own religions and believes. Many children of the minority groups who speak Khmer are admitted to public schools.

Girls

³ Due to clerical mistake it is suggested to change from 14.7% to 10.7%

The 1999 Statistics of the EMIS indicate that among the 2,094,000 nationwide pupils, there are only 956,084 girls, which represents 45%. The girls in the countryside usually tend to drop school, due to the old practice by which parent(s) want to keep their daughter living with them. Therefore, a majority of girls could not attend school or dropout schools when they are at Grade1-2-3-4 or 5. The reasons are the parent(s) request, the fact that the girls have to look after their younger brother/sister, or that girls have to work in the rice fields or do hard works.

The Ministry of Education, Youth and Sport and the NGO CARE conducted a survey on girl education in 1998. It is annexed to the report.

Main Education policies and reforms

Though there is no law on Education yet, the Ministry of Education, Youth and Sport had based on the Constitution of the Kingdom of Cambodia its 4 major policies which are:

- Universalizing 9 years of basic education and developing opportunities for functional literacy
- Modernization and improving the quality of education through effective reform
- Linking education/training with labour market and society
- Rehabilitating and developing Youth and Sport in both formal and non formal education system

To implement the above mentioned policies, the Ministry pays due attention to the following objectives:

- To create equal opportunities for school age children of all regions and ethnic groups to attend school so that they have the chance to complete primary education and receive full 9-years of basic education: in this sense, the Ministry will encourage at least 75% of primary schools to complete the range of grades (grade1 through grade 6) for primary level within the next 5 years and encourage schools in the areas where the school age is sparse to apply multi-grade teaching methods. At the present, 48.3% of primary schools do not have a complete range of grades in the primary cycle. If 250 schools manage to have a complete range of grade (grade 1 to 6) for primary education level within each year, 75% of all primary schools will have a complete range of grades by year 2004.
In addition, 28 districts do not have yet their own lower secondary schools. Children aged from 12-14 years, especially girls, do not have access to secondary schools. In principle, the Ministry of Education, Youth and Sport encourages core schools within school clusters to expand themselves into lower secondary schools so as to increase chances for children to receive full 9 years of basic education.
- To increase the internal efficiency of the education system.
This is done by implementing measures such as retraining teachers; increasing the number of learning hours; providing adequate textbooks and teacher's guides; applying modern teaching methodology; forming inspector teams; reforming methods to evaluate students' achievement; and motivating members of the local community to be more active in educational development.
- To restore the physical infrastructure and build new schools.
The Ministry will also continue to build at least one lower secondary school attached to the core school of each school cluster.
- To develop other important sub-sectors.
In parallel with these efforts, the Ministry will also develop other important sub-sectors, including upper secondary education, non formal education, education for vulnerable groups, higher education, technical education and vocational training in order that more young people may have a chance to further their study in higher grades or to acquire technical skills according to their own interests and talents.
- To enhance all levels of education administration and management in order to increase efficiency and effectiveness in education sector planning, administration, management, and inspection through the implementation of development of human resources programs. Central and provincial levels receive some modern equipment for their use. A number of basic documents are developed and then put into use step-by-step at central, provincial, district levels and by the school principals. The Ministry is also beginning the process of staff rationalization and the inception of administrative decentralization.
- To organize functional literacy classes and to launch a campaign aimed at coordinating the activities of the Literacy Commissions at provincial and district levels.
- To rehabilitate and develop Youth and Sport in the formal system and non-formal education.

The Ministry of Education, Youth and Sport has also started an important curricula reform, but the impact of this reform is not yet known. It aims at improving student's competencies by building up their knowledge of the surrounding environment; adapting the current situation of the education system to the prevailing trend; and cutting down wastage within the education system, i.e. to reduce repetition and drop-out rates. Student-centered and other participatory methods are encouraged.

In parallel with the education reform, the government stimulates teachers by increasing additional pedagogic incentives at the amount 53 000 riels – 55 300 riels in accordance with the individual grades. Further, more the government has increased teacher salary of 60%.

Special protection measures:

(Articles 22, 30, 32-40)

17. In the light of article 22, please provide additional information on the measures taken, including legislative ones, to protect the rights of unaccompanied, asylum seeking and refugee children. Please also provide information on measures taken to allow for the legal registration of births of children belonging to refugee families.

As mentioned in the report, Cambodia ratified the Convention relating to the Status of Refugees and its Protocol, but to date there have been no laws enacted yet. However, there was a Notice No: 25 dated 13/8/93 of the Cambodian National Provisional Government asking all provincial/municipal governors to pay attention to the distribution of land to the returnees following the termination of food assistance by UNHCR.

UNHCR has been the only source to provide protection and social assistance to refugees in Cambodia. Government has been encouraged by UNHCR to put refugee issues into national legislation. A Sub-Decree on refugees has been drafted and it is pending for the Government decision.

So far, there have only been four or five refugee children in Cambodia since UNHCR started its Refugee Status Determination Program in Cambodia. They are accompanied by their parents. They were not born in Cambodia. Therefore, there have not been any practical examples or experiences concerning birth registration and unaccompanied minors of refugee individuals here in Cambodia.

The returned refugees have freedom to choose their safe destination to settle anywhere inside the country. Returned refugees as child victims of previous armed conflict with no caregivers were considered as vulnerable for the UNHCR repatriation programme and received social assistance and vocational training provided directly by UNHCR's implementation partners.

18. Please provide further information regarding measures taken to enact special legislation on children in conflict with the law, in particular that every child alleged as or accused of having infringed the penal law has at least the following guarantees, indicating, where relevant, additional guarantees provided to the child:

- i) To be presumed innocent until proven guilty according to law;*
- ii) To be informed promptly (indicating any time-limit fixed by law) and directly of the charges against him or her and, if appropriate, through his or her legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;*
- iii) Not to be compelled to give testimony or to confess guilt;*
- iv) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;*
- v) To have the free assistance of an interpreter if the child cannot understand or speak the language used;*
- vi) To have his or her privacy respected at all stages of the proceedings.*

Although there is no specific act related to children in conflict with the law, most of those guarantees are already provided for in the current legislation, either through specific provisions for juveniles or through general provisions with regard to fair trial for anyone, including children. The draft criminal code and criminal procedure code although provides for those guarantees in general.

i) To be presumed innocent until proven guilty according to law:

- Article 38 of the 1993 Constitution of the Kingdom of Cambodia:

The accused shall be considered innocent until the court has judged finally on the case.

- Article 25 of Transitional Criminal Law:

All suspect, indicted and accused persons benefit from the most complete presumption of innocence.

- Article 1 of the Ministry of Interior's Prakas No: 217 dated 31. 3. 98 define the word of non convicted person as follows:

Non-convicted persons are those who have not been sentenced by the court and they are considered as innocent persons. They can be suspected or accused persons in a commission of an offense. They are detained in a lawful detention center under the court order awaiting for additional decision from the court.

- In addition to this, the Ministry of Justice has reiterated this principle in the Preamble of the Draft of Criminal Procedure Code.

This law includes the principle of presumption of innocent.

Article 1 states that:

The purpose of a criminal action is to examine the existence of a criminal offense, to prove the guilt of an accused person and to punish a convicted person according to the law.

ii) To be informed promptly (indicating any time-limit fixed by law) and directly of the charges against him or her and, if appropriate, through his or her legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

- Article 75 of Law on Criminal Procedure (January 28, 1993) states:

When the accused person appears for the first time, the investigating judge shall record his/her identity, inform him/her of the imputed act, receive his/her statement after informing him or her of the right to answer or not to answer without the assistance of a lawyer or defender chosen by him/her or appointed automatically.

- Article 13, paragraph 3 of Transitional Criminal Law, related to arrest and detention, states:

The judge may thus decide, by a decision setting out the reasons:

- To charge the suspect with or without incarceration;*
- To release the suspect because the evidence is insufficient;*

- Article 10 of Transitional Criminal Law states:

- 1. The right to assistance of an attorney or counsel is assured for any person accused of a misdemeanour or crime.*
- 2. No one may be detained on Cambodian territory more than 48 h without access to assistance of counsel, an attorney, or another representative authorized by the present text, no matter what the alleged offense may be.*

- Article 17 of Transitional Criminal Law is related to the access to file by the counsel. It states:

- 1. If a judge decides that additional investigation is necessary, counsel of the accused shall, throughout the investigation, be immediately advised of new evidence presented against his or her client.*
- 2. Counsel shall have access to the file of the person charged upon simple written request at any time during the proceeding, and shall obtain from the judge any results of investigation, expert testimony or hearings, which he or she considers useful in the defense of his or her client.*

- Article 76 of Law on Criminal Procedure states:

At this first appearance and after recording the identity and informing his/her accused act, if the accused tells the judge that he/she chooses a lawyer, or requests that a lawyer shall be automatically appointed by the government for his/her defense, then the investigating judge shall suspend the interrogation and call the counsel shortly in order to interrogate the accused in the presence of the counsel.

The automatic appointment of a lawyer shall be made by the presiding judge in the following cases:

- *The victim is a minor without defense,*
- *The accused person is a minor without defense,*
- *The accused person is mute, deaf, blind, or has mental disorder,*
- *The accused of committing any crimes and is not able to afford a defender.*

In other cases as mentioned above, the investigating judge may interrogate the accused person when he/she accepts to defend by him/herself.

With regard to contact between the minor and his or her parents, article 4.1.f of the Prakas No: 217 of the Ministry of Interior on the Administration of Prisons, dated on March 31st, 1998, states:

All prisoners shall be allowed to inform their families or relatives about their presence in the prison.

The Draft Criminal Procedure Code prepared by the ministry of Justice provides for guarantee for minors:

Article 88: Not allow to delays duration of police custody (minor below 16). Not allow to keeps minor below 13 up to 48h.

Article 92: While police keeps a minor under its custody, police have to inform his/her parents, legal representative or caretaker.

Article 131: Accused who is a minor need to have lawyer always.

Article 187: Minor below 13 can not be kept under judicial control.

iii) Not to be compelled to give testimony or to confess guilt:

Article 125 of the Law on Criminal Procedure combined with article 38 of the Constitution and article 24 of Transitional Criminal Law can be considered as providing for this guarantee.

- Article 125 states:

The evidences of a criminal offence may be produced by any means in order to convince the judge, for example by confession, by witness's appropriate and convincing testimony, by examination on all indications, by expertise or by other legal means such as the on-site visit etc...

To ascertain its conviction, the criminal jurisdiction may examine all document put forward for questioning during the hearing and examinations between parties and attorneys in order to render judgment. Judges shall not base their conviction on personal knowledge he/she might acquire outside the hearing.

- Article 38 of the Constitution states:

Confession obtained by physical or mental force shall not be admissible as evidence of guilt.

- Article 24, paragraph 3 of Transitional Criminal Law states:

Confessions by accused persons are never grounds for convictions unless corroborated by other evidence.

- Article 299 of the Draft Criminal procedure Code states:

A confession shall be submitted to the court for consideration in the same manner as other evidence. Answers given under physical or mental duress shall have no evidentiary value. Evidence coming from communications between the accused and their lawyers is inadmissible.

iv) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

- Article 109 of the Constitution states:

The Judicial power shall be an independent power

The Judiciary shall guarantee and uphold impartiality and protect the rights and freedoms of the citizens.

The Judiciary shall cover all lawsuits including administrative ones.

The authority of the Judiciary shall be granted to the Supreme Court and to the lower courts of all sectors and levels.

- Article 29 of Transitional Criminal Law provides for the review of certain trials:

Any convicted person may directly or through the counsel or an attorney, request a review of their trial to determine whether they have been convicted for their ideas, opinions, statements, or their membership or non-membership in a racial, ethnic, religious, political or social group.

- Article 4, paragraphs 4 and 5 of Transitional Criminal Law provides for the right to appeal:

4. Any intervening party, prosecutor or the accused may appeal decisions of trial courts within a period of two months from the day judgment is pronounced in court if the accused is present; an additional fifteen days are added to this period if the judgment was rendered in absentia.

5. Appellate courts judge both law and fact.

- Article 5 of the Transitional Criminal Law also provides for the Supreme Court's competence:

In accordance with the wishes of the Party "State of Cambodia's, the current supreme court in Phnom Penh shall be improved so that it may comply with the requirements of Article 1 above and perform the following functions:

a) It exercises judicial review of the law;

b) It reviews appellate judgments on petition by the Attorney General, the convicted party, the intervening party or by their counsel within a period of two months from the day judgment is pronounced in the appellate court if the accused is present for sentencing; an additional fifteen days are added to this period if the judgment was rendered in absentia.

- Article 14, paragraphs 2 and 3 of the Transitional Criminal Law states:

2. The accused has the right to petition the judge for release, either directly or through counsel. The judge must respond within five days by a reasoned decision.

3. The accused, the intervening party or their counsel or the prosecutor may appeal the decision of the judge within five days. The Appellate Court must judge within fifteen days petitions appealing decisions on detention.

The Law on Criminal Procedure provides for the right to appeal any criminal decision within two clear months from the day when the judgment is rendered (article 155). Articles 156 to 205 are related to the procedure in Appeal Court and articles 206 to 236 are related to the Supreme Court.

The draft Criminal Procedure Code also provides for the right to appeal decisions.

Articles 185 and 362 provide for the right of the accused to request a release from pre-trial detention at any time. If the investigating judge does not decide within five days, the accused can make a complain directly to the Council of Investigating Judges who shall decide instead of the investigating judge. Articles 190, 192, 232, 237 provide for the right of the accused to contest decision from the investigating judge.

v) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

- Law on trial procedure of 20.7.89 provides:

Article 5: Language to be used before the court is Khmer. However the court allows minority to use his/her owns language and script.

Article24: Upon an invitation by the court, interpreter must be present during the trial and must fulfill his/her duty properly. In case that he/she intentionally falsifies or colors something, he/she will be sent to the

court for trial for doing such an act.

Article 50 (similar to article 136 of the law on criminal procedure)

- Article 136 of the Law on Criminal Procedure states that:

If the accused or the witness is mute, deaf but know how to write, the clerk shall write down the questions and various remarks for them in order to get back the answer in written form. If they do not know how to write, the judge shall assign automatically by himself a person who is used to communicate with them by using sign language as interpreter.

In Phnom Penh court, there are interpreters for Chinese and Vietnamese languages. Ministry of Justice appoints them. In other provinces or municipalities, the court always makes them available when it is necessary.

The Draft Criminal Procedure Code prepared by the ministry of Justice provides for interpreter:

Article 132: When necessary investigating judge shall invite interpreter.

Article 143: Investigating judge can invite interpreter to listen to witness's statement.

Articles 274, 275, 276: Prosecutor calls interpreter to attend.

Article 307: When necessary, the President of the court can invite an independent interpreter.

vi) To have his or her privacy respected at all stages of the proceedings.

Article 40 of the Constitution states:

Citizens' freedom to travel, far and nears, and legal settlement shall be respected. Khmer citizens shall have the right to travel and settle abroad and return to the country.

The rights to privacy of residence, and to the secrecy of correspondence by mail, telegram, fax, telex and telephone shall be guaranteed.

Any search of the house, material and body shall be in accordance with the law.

Article 20 of the Transitional Criminal Law states:

- 1. Searches must be conducted in the presence of the suspect and two witnesses, preferably neighbours or owners of the building.*
- 2. Except in cases of arrest without a warrant, searches must be authorized by one of the judges of the competent court or by the prosecutor. They may take place only between the hours of 6:00 am and 6:00 p.m. They should take place in the presence of the suspect if possible, and two witnesses from among the suspect's family members. Proof obtained in violation of the present article is not admissible in court.*

Article 22 of the Transitional Criminal Law states:

- 1. If any of the procedures set out in Articles 10-21 is not complied with, the accused must be immediately released. This immediate release may be obtained by counsel for the accused or any authorized representative of UNTAC civil administration, human rights or civil police components. As of the date that the present text takes effect, all detained or imprisoned persons must have a file prepared in conformity with the present text and immediately available for review by judges, prosecutor or authorized agents of UNTAC. If no such file exists, these persons must be released on petition by their counsel, by any authorized representative of UNTAC civil administration, human rights or civil police components, by the judge or by the prosecutor.*
- 2. Violations by public officials of the individual rights enumerated in Articles 10-21 of the present text will incur sanctions provided in Article 57.*

Article 57 of the Transitional Criminal Law states:

Any public agents, including police or military agents, who deliberately infringe upon rights to be free from physical abuse and the sanctity of the home, protected by the present text, will be punished by one to two years in prison.

The draft Criminal Procedure Code has many provisions related to this right. It provides for confidentiality of the investigations and interrogations (article 26); it regulates the searches (articles 83, 104, 147, 200 and 208); it provides for the confidentiality of the discussion between the detained person and his or her lawyer (articles 90, 137 and 533).

19. With regard to the situation of children deprived of their liberty, please provide additional information on the situation of children detained in places other than in the Youth Rehabilitation Centre (Phnom Penh) and the compliance with of articles 37, 40 and 39 of the Convention, in particular with regard to:

- ***Separation of children from adults;***
- ***Pre-trial detention;***
- ***Opportunities for the contact with families;***
- ***Monitoring of the conditions in such institutions;***
- ***Guarantees to ensure the periodic review of placement;***
- ***Complaint procedures in cases of ill-treatment;***
- ***Education, health and other facilities.***

Please also provide additional information on the existing alternatives to deprivation of liberty.

Children detained in other places than the Youth Rehabilitation Centre

According to data from the Ministry of Interior, in this current month of April 2000, there are 95 children in prisons. There are 90 males and 5 females, aged from 13 to 17 years of age. Fifty five are in pre-trial detention while 40 have already been sentenced to prison terms. Prison sentences are depending on the court judgements.

Conditions of the prisons

The conditions in the prison are not good. Most of the prisons are old, some dating from the French era. The allocation is 1,000 riels (1 US\$ = 3,800 riels) per day per prisoner.

Government efforts to deal with the prison situation

The Ministry of Interior, with the assistance of AusAid, has undertaken efforts to ameliorate the prison conditions. New regulations have been drafted. A new prison has been built.

Separation of children from adults

The Prakas No 217 on the Administration of Prisons, adopted on March 31st, 1998 by the Ministry of Interior, and annexed to this report, regulates the admission and conditions of imprisonment. It provides for the separation of male and female prisoners, minor less than 18 years old and adults, convicted and non-convicted persons, etc...

In practice, due to a poor infrastructure, juveniles are not always separated from adults. Nevertheless, the Ministry of Interior is engaged in a reform of the prisons. A new prison has been built up for women and juveniles in the outskirts of Phnom Penh. However, in some provincial prisons, juveniles will still be together with adults.

Pre-trial detention

Article 12 of the Transitional Criminal Law provides for arrest and detention to take place in accordance with the Standard Minimum Rules for the Treatment of Detainees, as well as the Basic principles for the Treatment of Prisoners, adopted by the United Nations.

Article 14 of the Transitional Criminal Law states in its paragraph 5:

Minors less than 13 years of age may not be placed in pre-trial detention; minors 13 to 18 years of age may not be placed in pre-trial detention for more than a month. The length of such detention may be double if the minor is charged with a crime.

The draft Criminal Procedure Code has a chapter 11 related to temporary detention. It sets up that the principle is the freedom of the accused and that temporary detention is the exception (arts. 172 to 174). Article 180 prohibits pre-trial detention for a minor under 13 years old. A minor over 13 years old charged with felony may be temporary detained for 6 months if under 16 years old and 1 year if between 16 and 18 years old (art. 181). If charge with misdemeanour, the temporary detention cannot exceed 4 months if under 16 years old and 6 months if between 16 to 18 years old (art. 182).

Opportunities for the contact with families

The Prakas No 217 on the Administration of Prisons, adopted on March 31st, 1998 by the Ministry of Interior, and annexed to this report, regulates the admission and conditions of imprisonment. It provides for the contact between the prisoners and their families, twice a week.

Monitoring of the conditions in such institutions

The Prakas No 217 on the Administration of Prisons, adopted on March 31st, 1998 by the Ministry of Interior, and annexed to this report, also regulates the monitoring of those institutions. Prisons can be monitored by the representative of the King, a member of the National Assembly, the Minister of Interior and the Minister of Justice, those persons authorised by the Ministry of Justice, Judges, Prosecutors, provincial governor, as well as a person or an organisation authorised. Prosecutors monitor prisons twice a week.

The Circular No. 001 of the Ministry of Interior on the Administration and Monitoring of the civil prisons in Cambodia, dated 31st March 1998 provide for the Provincial and Municipal Governors to monitor the prisons in their respective jurisdiction, as well as for them to receive complaints in relation to prison operations and to refer them to the General Director of the Administration Department and to the Prison Department.

In addition, there are a number of regulations relating to the prisons as indicated in the document "Prison procedures index" in the annex.

The new Criminal Procedure Code provides for the organisation and internal regime of prisons and detention centres to be determined by ministerial Prakas. It also provides for the General Prosecutor of the Appeal Court, the Chairperson of the Council of Investigating Judges, Prosecutors and Investigating Judges to permanently inspect the prisons.

Guarantees to ensure the periodic review of placement

According to the new Criminal Procedure Code, temporary detention can be appealed by the accused (art. 185).

The draft Criminal Code in article 169 provides for convicted minors less than 18 years old shall always be granted conditional release regardless how long prison term he/she had already served. Article 180 provides that minor less than 18 years old can be granted amnesty or reduction unconditionally.

Complaint procedures in cases of ill-treatment

The Ministry of Interior has no reported cases of ill treatment of juveniles in prison. In case the parents see it happening to their child, they can file a complain to the court.

Education, health and other facilities

The Prakas No 217 on the Administration of Prisons, adopted on March 31st, 1998 by the Ministry of Interior, and annexed to this report, regulates the admission and conditions of imprisonment, including the rights of the prisoners, access to education, health and other facilities.

However, due to a shortage of resources, although some prisons have a dispensary, there are very few medicines. If a juvenile gets sick, the parents will have to pay for the medicine. Authorisation from the judge to allow the juvenile to be taken to a hospital will be sought by prison authority.

Existing alternatives to deprivation of liberty

There are no alternatives to deprivation of liberty, except fines.

20. Please provide further information on measures undertaken to prevent and combat sexual abuse, trafficking and sexual exploitation of children, including prostitution, pornography and sex tourism. Please also provide further information on relevant bilateral, regional and multilateral agreements concluded or to which the State party may have acceded, including in the areas of judicial co-operation and co-operation among law enforcement officials to effectively prevent and combat illicit transfer, non-return and trafficking of children for sexual and other purposes. Furthermore, please indicate further information about the implementation of the five-year National Plan against Sexual Exploitation of Children launched in July 1999.

1. Measures to prevent and combat sexual abuse, trafficking and sexual exploitation of children

For the prevention of and the combat against sexual abuse, trafficking and sexual exploitation of children, Cambodia has enacted various legal provisions and adopted National Plan as well as programmes.

1. National Plan and Proclamation of the Government:

- A National Five Year Plan against Trafficking and Sexual Exploitation of Children was adopted by the Government at the meeting of the Council of Ministers held on 17 March 2000. Following the 1996 Stockholm Congress where Cambodia sent a high delegation, the Plan was prepared by the CNCC in consultation with all relevant ministries, NGOs and international organizations, as well as provincial authorities. It is annexed to this report. It consists of 4 major programmes as follow:

Prevention:

There are 3 goals, 6 strategies and a number of activities under this programme. This programme is aiming at preventing children from being trafficked and falling into prostitution by raising awareness on children's rights, laws, tricks of the traffickers, narcotic drugs and the dangers of trafficking and sexual exploitation among the whole Cambodian Society through workshop, mass media, curricula for formal and informal education and through mobile library. The last strategy is community mobilization to develop local monitoring system so that the people protect their children in their own villages, communes and districts.

Protection:

There are 4 goals, 8 strategies and a number of activities under this programme. The programme is aiming at improving the legal framework, reviewing child-related laws as well as enacting additional laws or provisions in order to protect children. It is also aiming at strengthening law implementation and existing mechanisms, establishing a special Unit for the repression of the Trafficking, combating pornography, and improving the complaint system. Under this programme, various training for judicial police officers, military officers, police officers and local competent authority will be conducted and a Sub-Commission of the CNCC will also be established in order to monitor and promote the implementation of the Plan.

Recovery:

Under this programme, there are 2 goals, 4 strategies and a number of activities. It is aiming at helping children victims who had been rescued through providing him/her with short-term shelter, medical services/treatment, psycho-social interventions, education and vocational training and social skills, etc...

Reintegration:

There are 2 goals, 5 strategies and a number of activities under this programme. It is aiming at reintegrating child victims into an appropriate community and helping children in finding a job or giving support for income generation opportunities so that they can survive by themselves and following up the children that had been rescued.

- On 6 April 2000, the Royal Government issued the Proclamation No: 01 on the Measures for the Implementation of the National Five Year Plan against Trafficking and Sexual Exploitation of Children. Considering this Plan as its Plan, the Government has determined the duties of some ministries, institutions, local authorities at all levels and the whole community to implement this plan. Meanwhile, all ministries, institutions and local authorities at all levels shall disseminate the plan, develop further plans to implement it according to their respective duties, and report the results step by step to the CNCC. Then the CNCC shall summarize the results and send them to the government.

2. Laws, Regulations and Implementation:

In addition to the Law on the Suppression of the Kidnapping, Trafficking and Exploitation of Human Persons referred to in the report, there are some other related governmental and technical ministry circulars and instructions:

- Government's Circulars:
 - ♦ Circular No: 09SR of 26 December 1997 on the main duties for the prevention of sexual abuse, trafficking and exploitation of children and women for prostitution and prevention of violence against women.
 - ♦ Circular No: 03 of 18 February 1999 on the strengthening of security and public order in the Kingdom. This circular contains the provisions relating to the abduction of children and women.

- ♦ Circular No: 13SRNN of 29 September 1999 on the strengthening and expansion of framework against the trafficking of children and women.
- ♦ Circular No 14 of 29 February 2000 on the establishment of the inter-ministerial commission for the suppression of pornographic video showing and sale of pornographic video tapes in the Kingdom of Cambodia.
- The Ministry of Justice has instructed all provincial/municipal courts and prosecution departments to implement the 1996 law (Letter No: 1140 dated 16 October 1996).

Concerning pornography:

- The Ministry of Culture and Fine Arts has issued:
 - ♦ Instruction circular No: 04 of 05 August 1996 on the Showing and Exploitation of Prohibited Films and Video Cassettes, the Sale, Rent or Showing Video without License or Pornographic Films and Video Cassettes.
 - ♦ Letter No: 76 SN dated 29 January 1997 prohibiting a few owners of video-houses to show pornographic films.
- The Ministry of Culture and Fine Arts cooperates with the Ministry of Interior to prevent the importation of bad culture and pornographic videos and magazines.
- The Ministry of Information has issued the instruction Circular No: 37/99 of 14 January 1999 to prohibit TV stations and cable TV stations to broadcast rape and pornographic spots, which are in the video stories. The Ministry also prohibits artists to wear too short and too sexy clothes during the performance and has requested to reduce the broadcast of videos of atrocious character. It does not permit children to perform in any non-educational programme which has an effect on other children in general.

Concerning child prostitution through tourism activities:

- The Ministry of Tourism has issued a letter forbidding the use of business places or services for tourism as gambling houses, brothels, places for the use of drugs and places to show illegal pornographic video cassettes (letter N0:16 S.CH.N of 12 February 1999).
- The Phnom Penh Municipality Office had instructed the owners of the hotels, guest houses, massage business, karaoke houses, bars and discotheques to participate in the social obligation by not receiving clients under 18 years of age unless there is an authorization by their parents or guardians. In case of non-obedience, the Municipality Authority will take action by stopping business for 1 month (Notification No: 60 S.CH.N.S of 09.6.1999).
- In cooperation with World Vision Organization and ECPAT, the Ministry of Tourism organized a workshop to make hotels' owners and tourism agencies aware on Child Rights and Child Prostitution relating to tourism and explore methods for prevention.
- In order to achieve the goal of combating child sex-tourism, the Ministry of Tourism cooperates with World Vision Organization and the CNCC to prepare national strategies against child sex tourism. Programmes and strategies are being drafted with the assistance of ECPAT-Australia.

Concerning the suppression of child sexual exploitation and trafficking:

- The Ministry of Interior has ordered its active forces to go to the spots to examine brothels, massage houses, karaoke houses, entertainment clubs, hotels and restaurants. These forces make investigations on any person suspected of trafficking in human persons. At the meantime, the Ministry has instructed police forces at the border entries in the whole country, such as the east border entry (Bavet), the north-west border entry (Poipet) and the south-west border entry (Sre ambel and Bak khlorng), to pay attention in checking and detecting the trafficking of human persons abroad.
- From 1996 to 1998, competent police has suppressed offenses of trafficking in human persons in 72 cases. They arrested and sent 57 offenders to court. 693 sex workers, including 442 Cambodians and 251 Vietnamese, were rescued from brothels. Among those who were rescued, there were 135 children, among them 100 were Cambodian. Recently, two foreign offenders were arrested in Siem Reap province for having abused children.

3. Mechanisms for Cooperation and coordination:

- A sub-commission of the CNCC will be established by the end of second semester of 2000 in order to monitor and promote the implementation of the Five-year National Plan. This sub-commission will be under the chair of the deputy chairperson of CNCC, Secretary of State at the Ministry of Interior, and composed of representatives from technical Ministries.
- The Ministry of Interior is establishing 2 offices: the Office for Suppression of Kidnapping and Trafficking. This office is in charge of kidnapping and trafficking of human persons, including children. Another office is the Minor Protection Office. The second office has duties to protect children from various abuses.
- Sihanouk ville authorities have established Child Rights Protection Commission. This commission is composed of concerned departments of the city. Battambang and Banthey Meanchey authorities have established inter-sectorial commissions for child protection. Those commissions are under the supervision of the Deputy Provincial Governor; the chief of provincial DSALVY is the permanent deputy of the Commission. The members are from technical departments and NGOs. Those commissions are divided into different working groups according to their sections. In the previous time, those commissions used to rescue women from brothels with cooperation from police, ministries and NGOs concerned.
- The Ministry of Women's and Veteran's Affairs was assigned by the Royal Government to lead the participation of the Country in a regional initiative supported by the United Nations to eliminate trafficking, sexual exploitation of women and children in the region. A project, entitled "Elimination of all kind of sexual exploitation of women and children in Cambodia", has been developed. It aims at strengthening the human resources and program capacity of MoWAVA by enhancing knowledge of legislation, and socio-economic issues related to exploitation. It will provide training to officials of the Royal Government of Cambodia and Government authorities at all levels.
- In cooperation with NGOs, such as ASPECA, AFESIP, Krousar Thmey, Youth with a Mission, Friends, World Vision, Sok Sabbay, Cambodian Women Crisis Center, Cambodian Center for Protection of Children's Rights, MOSALVY helped to rescue, protect child victims and provided them with vocational training and psychological rehabilitation. The Municipal Social Affairs in Phnom Penh has also established a Young Women Crisis Center for emergency shelter.
- The Ministry of Women's and Veteran's Affairs in some occasions has cooperated with the Ministry of Interior in rescuing victim women from brothels and in sending them to rehabilitation centers run by NGOs.
- Non-governmental organizations established one inter-organization network, named "Working Group against Commercial Sexual Exploitation" (WACSE). This network is tasked with advocacy and awareness raising awareness among local authorities and policemen. It is also a place to exchange views and experience, as well as to coordinate actions.
- Another NGOs network, named Action Committee on Child Exploitation (ACCE), has cooperated with the police, MOSALVY both at central and provincial levels in rescuing women victims, following up the conditions of the victims' families, providing the victims with psychological rehabilitation at the Rescue Centers and reintegrating the victims.

II. Bilateral Cooperation

Cambodia has not yet concluded any bilateral, regional or multilateral agreement relating to Child Prostitution and Trafficking. However, the record of the third meetings (31 January to 10⁴ February 2000) of the Mixed Commission for the Cooperation between Cambodia and Thailand mentioned the extradition and the repression of illicit drugs and illegal trafficking. This is a starting point for judiciary cooperation.

Nevertheless, the International Organization for Migration (IOM) has cooperated with the government, UNICEF and NGOs in establishing a Programme for Reintegration of Women and Children who are the victims of Trafficking in the Region (Cambodia, Thailand and Vietnam). Since 1996 and as the first stage, 600 women and children have been repatriated. In 1999, 146 additional persons have been sent back from Thailand and 6 Vietnamese girls were sent to Vietnam.

In 1999, MoSALVY and IOM have established a Center for Cooperation and Documentation for the Repatriation and Reintegration. MoSALVY has cooperated with IOM, NGOs and the Ministry of Social Affairs of Thailand in repatriating the victims from Thailand under the 3-year programme.

⁴ Due to clerical mistake it is suggested to change from **10 February** to **1February**

III. Implementation of the Five-Year Plan

Although the plan was adopted only recently by the Council of Ministers, there have been already several activities which implement it. Some of them existed before the plan and were included into it. Some are new. In addition to the measures and coordination mechanisms already mentioned, activities include:

1. Concerning social services:

- Currently there is one Young Women Crisis Center located in Phnom Penh. This Centre is under the supervision of the government and funded by UNICEF. In addition to this, there are Centers run by NGOs and they are receiving fund from foreign countries. These Centers are located in Phnom Penh and in the Provinces.
- In cooperation with some technical organizations, the Ministry of Health has provided sex workers in the municipalities and provinces with health education and care.
- The Ministry of Women's and Veteran's Affairs has a literacy programme aiming at helping poor women to have skills to earn their living. This programme had been carried out in 8 provinces in cooperation with some NGOs. At the same time, there is a 2000- 2003 programme aiming at preventing all forms of sexual exploitation of women and children.

2. Concerning awareness and advocacy:

- CRC and child related problems have been disseminated among civil servants and the public through various seminars and mass media by the CNCC, concerned ministries, NGOs and IOs.
- The Ministry of Education, Youth and Sport has incorporated Children's Rights, Sexual Abuse and Child Labour issues in its formal and informal school curricula.
- Under the initiation of UNICEF and through UNICEF's CASD programme, which involve the Ministry of Rural Development as well as provincial and local departments of the Ministries of Social Affairs, Women's Affairs, Education, Health and Interior, villagers residing in some provinces are aware of CRC, dangers for children being abducted and child prostitution.
- The Ministry of Women's and Veteran's Affairs has incorporated child sexual exploitation and trafficking issues in birth spacing program, literacy program and home violence program in order to make the community aware of the problems.

3. Concerning capacity building for the institutions and officials:

With regard to the problems concerning child abduction and child prostitution, there are a number of activities to build the capacity of officers from concerned ministries and NGOs:

- MoSALVY provides its officers with training through seminars, formal and informal training, study tours, meetings at local, regional and international levels, researches and surveys, participation in the meeting of various networks and by sending staffs to work with relevant organizations. With the assistance and support of UNICEF, it has also engaged in training its provincial and district staff in monitoring the reintegration of children victims of sexual exploitation and trafficking.
- With the assistance from AusAid, the Ministry of Interior has conducted many training on CRC for police officers. At the meantime, the Ministry has cooperated with IOM, World Vision, UNICEF, Save Children Norway and UNCOHCHR in establishing a two-year program to improve the capabilities of police, investigating judges and prosecutors, to investigate cases of sexual exploitation of children, including rescue of victims, development of referral systems, arrest of offenders and initiation of court proceedings. This program was launched in early March 2000.
- The Ministry of Women's and Veteran's Affairs has cooperated with IOM in preparing a program aiming at the development of human resources and strengthening the capacity of the Ministry to prevent the trafficking of human persons. The purpose of the program is to make the Ministry officers to have legal knowledge, and disseminate information and policies.

ANNEXES

1. Law on Immigration, 26 August 1994
2. Law on Press Regime, 18 July 1995
3. Law on gambling suppression, 09 January 1996
4. Law on Suppression of the Kidnapping, Trafficking and Exploitation of Human Persons, 16 January 1996
5. Law on Nationality, 20 August 1996
6. Law on the Control of Drugs, 09 November 1996
7. Labor Code, 10 January 1997
8. Law on General Statute of the Royal Cambodian armed forces, 15 September 1997
9. Law on Abortion, 6 October 1997
10. Law on the prohibition of the use of all kinds of anti-personnel mines, 28 April 1999
11. Law on the Approval of the Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction, 18 May 1999
12. Sub-decree No 74 related to the Family Book, adopted on November 4, 1997;
13. Sub-decree No 73 related to the Resident Book, adopted on November 4, 1997.
14. Summary of the latest report based on the Education Management Information System
15. Summary of the last report based on the Health Information System
16. Latest demographic survey
17. National Policy and Priority Strategies for HIV/AIDS Prevention and Control from 1999 to 2004
18. Prison procedures index.

**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PAPERS
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

CAMBODIA

1. The Committee considered the initial report of Cambodia (CRC/C/11/Add.16), submitted on 18 December 1997, at its 629th and 630th meetings (see CRC/C/SR.629-630), held on 24 May 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the state party's initial report, which follows the guidelines for reporting, and of the written replies to its list of issues (CRC/C/CAM.1). The Committee is encouraged by the constructive dialogue it had with the State party's delegation and welcomes the reactions to the suggestions and recommendations made during the discussion. The Committee also welcomes the presence of a high-ranking delegation directly involved in the implementation of the Convention which allowed the Committee to have a full assessment of the situation of the rights of the child in the State party.

* At the 641st meeting, held on 2 June 2000.
GE.00-43008 (E)

B. Positive aspects

3. The Committee welcomes Cambodia as a State party to the six major international instruments for the protection of human rights. The State party's ratification (1999) of the Convention on the prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction is also welcomed.
4. The Committee welcomes the inclusion by the State party in its 1993 Constitution (art.48) the protection of the rights enshrined in the Convention on the rights of the Child.
5. The memorandum of understanding signed by the Government of Cambodia and the Office of the High Commissioner for Human Rights (1996), which established a programme of technical assistance and advisory services on human rights, including the rights of child, is welcomed by the Committee.
6. The Committee welcomes the measures taken by the State party to combat child labour such as the ratification in 1999 of the ILO Minimum Age Convention (No. 138) and the signing of a memorandum of understanding by the Government of Cambodia and ILO/IPEC in 1997.
7. The Committee welcomes the participation of non-governmental organization in the preparation of the State party's initial reports as well as in the implementation of the Convention.

C. Factors and difficulties impeding progress in the implementation of the Convention

8. The Committee notes with concern that the State party is facing many difficulties in the implementation of the Convention, in particular, owing to the legacy of more than 20 years of genocide, armed conflict and political instability as well as to the isolation suffered by the State party for many years. The Committee also notes that the State party's very difficult socio-economic situation is affecting the most vulnerable groups, including children, and hampers the enjoyment of their rights.

D. Principal areas of concern and recommendations

1. General measures of implementation

Legislation

9. While aware that the State party's legislative framework covers several provisions of the Convention and that efforts have been undertaken to draft new legislation, the Committee remains respect the Convention. The lack of enforcement of the existing is also matter of concern.

10. The Committee recommends that existing laws be reviewed with a view to bringing them into line with the provisions of the Convention, in particular with general principles (art.2, 3, 6 and 12). Special attention needs to be paid to the areas of the birth registration, family and alternative care, and juvenile justice. The Committee further recommends that the State party include children's rights concerns in the current and future processes of drafting legislation, in particular the draft Civil, Criminal and Criminal Procedures Codes. In this regard, the Committee encourages the State party to continue to seek technical assistance from OHCHR and UNICEF, among others.

Coordination

11. Although the Committee welcomes the establishment of the Cambodian National Council for Children (CNCC), which is in charge of coordinating the implementation of the Convention, it express its concern about the Council's ability to carry out its mandate fully in an effective manner throughout the territory of the State party. In particular, concern is expressed at the Council's lack of human and financial resources.

12. The Committee recommends that the State party take effective measures, including through international cooperation, to strengthen the role of the Cambodian National Council for Children (CNCC) in coordinating the implementation of the Convention at the national, regional and local levels. Greater efforts should be made to provide the CNCC with more substantial human and financial resources and to establish closer cooperation and coordination with non-governmental organization working in the field of children's rights.

Monitoring

13. The committee is concerned at the State party's limited capacity to monitor the implementation of the Convention and at the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the Convention.

14. **The committee recommends that the State party 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 their rights in a child-friendly and expeditious manner, and to 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.**

Data collection

15. The committee welcomes the measures taken by the State party in the area of data collection, such as the Education Management Information System and the Health Information System. Nevertheless, concern is expressed at the lack of a systematic, comprehensive and disaggregated qualitative data collection mechanism for all areas covered by the Convention, including child abuse and ill-treatment, children belonging to minority groups, girls, children in rural areas, and child victims of sale ,trafficking and prostitution .

16. **The committee recommends that the State party 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 year of age and specifically emphasize vulnerable groups of children as a basis for assessing progress achieved in the realization of children's rights and be used to help design policies for better implementation of the provisions of the Convention In this regard, the Committee encourages the State party to seek international assistance from UNICEF, among others**

Budgetary allocations

17. While the committee is aware that most of the State party's infrastructure and social services were destroyed as a result of decades of war ,if expresses its concern at the insufficient attention paid to the provisions of article 4 Of the Convention concerning budgetary allocations to the "maximum extent of available resources "

18. **The Committee recommends that the State party 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, In this regard ,the Committee encourages the State party to continue and foster open cooperation with the international community ,in particular within the coordinated framework of the donors' Consultative Group on Cambodia.**

Dissemination of the Convention

19. While aware of the measures undertaken to promote widespread awareness or the principles and provisions of the opinion that these measures need to be strengthened.

20. **The Committee recommends that the State party strengthen its efforts to disseminate the principles and provisions of the Convention in order to sensitize society about 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. The Committee encourages the Stat party to consider seeking technical assistance in the area from UNICEF and OHCHR, among others.**

Training for professionals

21. The Committee welcomes the Stat party's efforts, in cooperation with OHCHR and UNICEF, in providing training for professionals working with and for children. Nevertheless, the Committee is of the opinion that current programmes need to be developed further in order to reach all groups of professionals.

22. **The Committee encourages the State party to continue to undertake systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers. Technical assistance from OHCHR and UNICEF, among others, could continue to be requested in this regard.**

2. Definition of the child

23. The Committee is concerned at the lack of clear legal definition of the child in the State party's legislation. In particular, concern is expressed at the lack of minimum legal ages of sexual consent and of criminal responsibility.

24. In light of the principles and provisions of the Convention, the Committee recommends that the State party include in its legislation a definition of the child. The Committee further recommends that the State party take into consideration, in the process of drafting its new legislation, the incorporation of minimum ages of criminal responsibility and sexual consent. Furthermore, the Committee recommends that the State party enforce the law on minimum age for marriage.

3. General principles

25. The Committee is concerned that the measures adopted to incorporate the general principles of the Convention in the State party's domestic legislation are insufficient.

26. The Committee recommends that the general principles of the Convention (i.e. non- discrimination (art.2), the best interests of the child (art.3), the right to life, survival and development (art.6) and the respect for the views of the child (art.12) be included in all relevant legislation affecting children and taken into account in all administrative and judicial decisions, as well as in all policies and programmes related to children. Awareness-raising among the public at large, including community and religious leaders, as well as educational programmes on the implementation of these principles should be reinforced in order to change traditional perceptions regarding children as objects and not as subjects of rights.

Non-discrimination

27. With regard to article 2 of the Convention, the Committee expresses its concern at the existing patterns of discrimination on the grounds of gender, ethnic origin, HEV/AIDS status and disability. In particular, concern is expressed that the State party's Constitution refers only to the rights of Khmer citizens.

28. The Committee recommends that the State ensure that all the rights enshrined in the Convention are enjoyed by all children, without any distinction. The Committee further recommends that the State party take effective measures to eliminate discrimination against girls, in particular with regard to their access to education. Efforts need to be made to eliminate discrimination against children living and/or working on the streets and children belonging to minority groups, especially of Vietnamese origin. Further more, the Committee endorses the recommendations made to the State party by the Human Rights Committee in 1999 (CCPR/C/79/Add.108,para.17) and by the Committee on the Elimination of Racial Discrimination in 1998 (CERD/C/304/Add.54,paras.11-13) in this regard.

4. Civil rights and freedoms

Birth registration

29. With regard to the implementation of article 7 of the Convention, the Committee expresses its concern that birth registration is not compulsory and consequently not all children are registered at birth.

30. The Committee recommends that the State party review its domestic legislation in accordance with the principles and provisions of the Convention, with a view to making birth registration compulsory for all children, without any type of discrimination. Children of non-Khmer citizens, regardless of their legal status, or refugees, when born in Cambodia, should always be registered at birth even if they are not entitled to Cambodian nationality. The Committee further recommends that the State party undertake effective measures to enforce the existing sub-decrees related to the Resident Book (No.73) and the Family Book (No.74), both of 1997, in particular to ensure that all children who were not registered at birth are registered. In addition, the Committee recommends that the State party conduct awareness-raising campaigns to encourage the registration of all children at birth. The Committee encourages the State party to consider seeking international cooperation from UNICEF and other international organizations to this end.

Nationality

31. The Committee is concerned that the State party's Law on Nationality (1996) might lead to discrimination against children of non-Khmer origin and might, in violation of article 7 of the Convention, leave as stateless a large number of children born in Cambodia, such as children belonging to minority groups.

32. The Committee recommends that the State party's Law on Nationality be reviewed in the light of the Convention with a view to eliminating all grounds of possible discrimination and eradicating and preventing children being stateless.

Participatory rights of children

33. With regard to children's participatory rights, concern is expressed at the insufficiency of the measures undertaken by the State party to promote the participation of children in the family, the community, the schools and other social institutions, as well as to ensure the effective enjoyment of their fundamental freedoms, including freedom of opinion, expression and association.

34. In light of articles 12-17 of the Convention, the Committee recommends that further measures, including legislation reform, be undertaken to promote the participation of children in the family, the school and other institutions, as well as to ensure the effective enjoyment of their fundamental freedoms, including the freedoms of opinion, expression and association. Public awareness of the participatory rights of children needs to be increased in families, communities, institutions and schools.

Access to appropriate information

35. The Committee is concerned at the lack of legislation to protect children from harmful information and material injurious to their well-being and development, as well as to guarantee their access to appropriate information.

36. In light of article 17 of the Convention, the Committee recommends that the State party enact 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. The Committee further recommends that the State party take into consideration the Committee's recommendations during its day of general discussion (1996) on the child and the media (CRC/C/57).

5. Family environment and alternative care

Children deprived of their family environment

37. The Committee is concerned that children tend to be placed in child welfare centres or children's homes rather than in foster care of adopted, at the lack of regulations for the operation of such centres, and at the increasing number of orphans owing to the HIV/AIDS epidemic and the limited measures available to cope with this situation.

38. The Committee recommends that the State party undertake 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.

39. The Committee recommends that the State party develop policies and regulations regarding children's institutions and other forms of alternative care. Social services need to be strengthened and expanded to cover a larger number of children, in particular children orphaned by the HIV/AIDS epidemic, and alternative forms of care, such as foster families, need to be developed. The Committee further recommends that sufficient financial and human resources be allocated for these purposes. International technical and financial assistance in this regard is also recommended.

Adoption

40. While noting the State party's efforts in drafting a new intercountry adoption law that accords with the Convention and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993, the Committee remains concerned that the existing legislation on domestic adoption is not in accordance with the Convention and that existing adoption procedures are usually not respected and are reported to be barked by corruption and abuse. Concern is also expressed at the prevalence of illegal informal adoption.

41. The Committee encourages the State party to continue with the process of enacting its legislation on intercountry adoption and to undertake legislative reform of the existing legislation on domestic adoption. In this regard, the Committee takes note of the State party's willingness to consider accession to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 and encourages it to do so. Further more, the Committee recommends that the State party strengthen the adoption bureau. International assistance could be sought from UNICEF, among others, in that regard

child abuse and ill-treatment

42. Concern is expressed at the insufficient awareness of the scope and harmful consequences of mistreatment and abuse of children, including sexual abuse both within and outside the family, the insufficient care and rehabilitation measures, including facilities available for child victims of abuse.

43. In light of articles 19 and 39 of the Convention, among others, the Committee recommends that the State party take effective measures, including setting up multidisciplinary programmes and care and rehabilitation 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. It suggests, *inter alia*, that law enforcement should be strengthened with respect to such crimes, adequate child-friendly procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice and to avoid impunity for the offenders. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. The Committee encourages the State party to consider seeking international organizations to this effect.

6. Basic health and welfare

Right to survival and development

44. The Committee welcomes the international cooperation initiative "Strengthening Health Systems" between the Ministry of Health and several United Nations agencies (WHO, UNICEF, UNDP and UNFPA), which aims at rebuilding the Government's capacity in the development of a national programme for immunization, in particular against polio. Nevertheless, concern is expressed that the State party's infant mortality and under-five mortality rates remain among the highest in the region. Child malnutrition is also an area of concern.

45. The Committee recommends that the State party address the issue of childhood morbidity and mortality by taking a multisectoral approach recognizing the critical role of illiteracy, lack of clean water supplies and food insecurity in the current pattern of childhood illnesses. Priority areas must be identified on the basis of baseline data collected by careful and comprehensive research. Such a strategy must take into account that most health care takes place outside health facilities and outside State control, it must also health care takes place outside health facilities and outside State control, it must also recognize the needs of particularly isolated communities. In addition, the Committee recommends that measures be put in place establishing an efficient primary health-care sector, including strategies to encourage car-seeking for childhood. In this regard, the Committee encourages the State party to continue working in cooperation with international agencies.

Childhood affected or infected by HIV/AIDS

46. While aware of the measures taken by the State party for the prevention of HIV/AIDS and the care of infected persons, the Committee expresses its deep concern that the State party has the fastest growing rate of HIV/AIDS infection in the region and that children are among the most affected groups, in particular due to mother-to-child transmission.

47. The Committee recommends that the State party continue to take effective measures for the prevention of HIV/AIDS, including awareness-raising and educational campaigns. The Committee further recommends that the State party take into consideration the Committee's recommendations adopted on its day of general discussion on children living in a world with HIV/AIDS (CRC/C/80). International technical assistance from UNICEF, WHO and UNAIDS, among others, should continue to be requested in this regards.

Children with disabilities

48. The committee expresses its deep concern that as a result of the prolonged armed conflict, the State party has one of the highest levels of disabilities in the world. In this regard, the committee notes that most services for children with disabilities are provided by NGOs, which need substantial resources to maintain the current high standards of care and rehabilitation services.

49. In light of the Standard Rules on the Equalization of Opportunities for persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on children with disabilities (CRC/C/69), the committee recommends that the State party work in close collaboration with and support the activities of NGOs working in this field in order to develop early identification programmes to prevention 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 in society, and establish adequate monitoring of private institutions for children with disabilities. The Committee further recommends to the State party to seek technical cooperation for the training of professional staff working with and for children with disabilities.

Right to health and health services

50. Concern is expressed at children's limited access to health services, due notably to the shortage of medical and public health personnel and the insufficient number of primary health centres, in particular in rural areas. Concern is also expressed at the high cost health care and medicines, which lead families into debt and greater poverty.

51. The Committee recommends that health-care services and medicines be improved and extended in order to guarantee the access of children belonging to poor families and other marginalized groups.

Adolescent health

52. The Committee expresses its concern at the high maternal mortality rate, the limited access by teenagers to reproductive and sexual health education and counselling services, including outside the school system, and the low level of contraceptive use. Concern is also expressed that insufficient attention has been given to issues of adolescents' mental health.

53. The Committee recommends that the State party undertake a 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. The Committee also recommends that further efforts be undertaken for the development of child-friendly counselling services as well as care and rehabilitation facilities for adolescents.

7. Education, leisure and cultural activities

54. While welcoming the current efforts being carried out by the State party, in cooperation with international agencies, to improve its educational system, the Committee expresses its concern at the fact that primary education is not compulsory, that although enrolment rates in primary school are relatively high, equal access to quality education is not ensured owing to a lack of schools in rural and remote areas, that there are gender disparities in school attendance, that there are high repetition and drop-out rates, and that a majority of children belonging to minority groups do not have access to any form of education.

55. The Committee recommends that the State party continue to undertake effective measures to make primary education free and compulsory for all children, to increase the enrolment rates and decrease drop-out and repetition rates, to increase access to schools, in particular for poor children, girls, children belonging to minority groups and children living in remote areas. The Committee further recommends that the State party continue to take measures to improve its education system by increasing budget allocations for the education sector, providing training to upgrade teachers' skills, making the school curricula more relevant to children's needs, expanding opportunities for vocational training and non-formal education, including at pre-school and secondary levels, and establishing an evaluation system to measure the effectiveness of the education system.

8. Special protection measures

Refugee children

56. Concern is expressed at the lack of a legal framework for the protection of unaccompanied, asylum-seeking and refugee children.

57. The Committee recommends that the State party take the necessary measures to introduce legislation for the protection of the rights of refugee children, in line with the relevant international standards, and to develop a family reunification procedure to assist refugee children who might be separated from their families. Technical assistance from UNHCR could be sought in this regard.

Children affected by armed conflict

58. While welcoming the enactment of legislation prohibiting the military recruitment of children under 18 years and the State party's willingness to demobilize the remaining under-age soldiers in the army, the Committee expresses its concern at the insufficient measures for social reintegration and physical rehabilitation of former child

soldiers, Concern is also expressed at the high number of landmines planted in the State party's territory during the recent armed conflict which represent a threat to the lives of children.

59. The Committee recommends that the State party take effective measures for the identification, demobilization and psychological rehabilitation and reintegration in society of child soldiers and to undertake awareness-raising campaigns for army officials to prevent the further recruitment of child soldiers. The Committee further recommends that the State party continue to work in cooperation with UNICEF for the rehabilitation and reintegration of under-age soldiers.

60. With regard to the problems of landmines, the Committee recommends that the State party increase budget allocations for demining in post-conflict areas and that awareness-raising campaign be conducted to prevent mine-related accidents. Furthermore, the Committee recommends that the State party continue to work in cooperation with international agencies for the elimination of landmines.

Economic exploitation

61. The committee is concerned about the large number of working children, including in the informal sector, in agriculture and in the family context. Concern is also expressed at the inefficient enforcement of existing labour laws.

62. The Committee recommends that the State party enforce the provisions of the Labour Law regarding the minimum age for access to employment, that labour inspectors be trained and provided with the means to monitor child labour, and that appropriate sanctions be applied to violators. The Committee further recommends that the State party enact legislation protecting children from hazardous forms of labour. The Committee acknowledges that the State party is considering 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 and encourages it to do so.

Sexual exploitation and trafficking

63. While welcoming the enactment of special legislation to combat sexual exploitation and the adoption of a five-year Plan of Action against Sexual Exploitation of Children (2000-2004) and other related measures in this area, the Committee expresses its concern at the widespread phenomena of child prostitution and the sale and trafficking of children, the inadequate enforcement of the new legislation on these issues, and the shortage of trained people and institutions to provide rehabilitation to the victims.

64. The Committee recommends that the State party review its legislation with a view to reinforcing it, and in the meantime to enforce fully its current legislation against sexual exploitation, that the plan of Action be fully implemented, that sufficient resources, both human and financial, be allocated for the implementation of the Plan, that social services for the rehabilitation of child victims of sexual exploitation be strengthened and expanded, that violators be prosecuted, and that bilateral cooperation, especially with neighbouring countries, be strengthened and border controls increased. The Committee suggests that the State party seek further technical assistance from OHCHR and UNICEF, among others.

Administration of juvenile justice

65. With regard to the situation of children in conflict with the law, concern is expressed at the lack of special legislation, policies and programmes in this area, at reports of children detained in prisons with adults, the situation of children detained for extended periods without being charged and without access to a lawyer or to a court, and the reports of detained children allegedly being subjected to beatings and other ill-treatment.

66. The Committee recommends that State party establish a juvenile justice system, taking into account the principle and provisions of the Convention, in particular articles 37, 40 and 39, and other relevant United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guideline for the Protection of Juveniles Deprived of their Liberty. The Committee further recommends that the State party 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. Furthermore, the Committee recommends to the State party to consider seeking technical assistance from OHCHR, the Centre for International Crime Prevention, UNICEF and the International Network on Juvenile Justice through the Coordination Panel on Juvenile Justice, among others.

Dissemination of reports

67. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted there on by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned NGOs.

1. At the invitation of the Chairperson, Mr. Im Sethy, Mr. Nouv Phearith and Ms. Chan Haran Vaddey took places at the Committee table.
2. **Mr. IM SETHY (Cambodia)** said that his country had ratified the Convention on the Rights of the Child without reservation in 1992, and was also a party to the other major international human rights treaties. The initial report under consideration had been drafted by a ministerial committee working in collaboration with non-governmental organizations and the United Nations.
3. **Cambodia** had been devastated by three decades of war, killing and crisis. Its infrastructure was inadequate and outmoded. Mines still affected certain parts of the country. Many intellectuals had died while the Khmers Rouges were in power, and the country was cruelly short of skilled human resources.
4. In spite of those obstacles, a great deal of effort had been made to apply the Convention. In legislation, for example, the Law on Suppression of the Kidnapping, Trafficking and Exploitation of Human Persons passed in 1996 had already led to the arrests and trials of numerous traffickers. The Ministry of Justice had drafted a code of criminal procedure and penal code incorporating provisions dealing with juvenile justice, and setting the threshold for criminal responsibility at 18 years. A new civil code and a new code of civil procedure were also planned to cover the many areas where legislation was still lacking, such as registrations of births and the placement of children in foster families or institutions. The Ministry of Social Affairs had drafted a bill on international adoption which was consistent both with the Convention on the Rights of the Child and with the Hague Convention on the Protection of Children and Co-operation in respect of Inter-country Adoption, the ratification of which was under consideration. **Cambodia** had also ratified ILO Convention 138.
5. The Cambodian National Council for Children (CNCC) had been set up in 1995 to coordinate Government activities and oversee implementation of the Convention. Although short on staff and resources, CNCC had produced a number of reports on the situation of children. It had also drafted a five-year plan to combat the sexual exploitation of children, which was to be put into effect by all ministries; CNCC would be responsible for coordination and follow-up.
6. **Cambodia** had set up data-collection systems, chiefly in the areas of health and education where budgets, although still low, had nevertheless been rising steadily. The country was still experiencing survey health problems. Mortality among infants, mothers and the under-fives remained very high, and AIDS was spreading rapidly. In education, the shortage of schools was making it hard to introduce mandatory schooling, and the truancy rate and the numbers of children repeating years were high. Child labour, sexual exploitation, trafficking in children and juvenile justice were all matters of concern to the Government.
7. **Cambodia** was cruelly short of human and financial resources and needed technical assistance from United Nations bodies and specialized agencies. The Government intended to do all it could to apply the Convention, and assured the Committee that its advice and recommendations would be taken into account.
8. **Ms. TIGERSTEDT-TAHTELA** observed that **Cambodia** had followed the Committee's guidelines in producing its report and written replies; the report was somewhat too formal but the written replies, citing numerous laws and policies, gave a clearer idea of how the Convention was being applied in **Cambodia**. It did not appear, however, as though children had been involved in the preparation of the initial report.
9. Coordination and follow-up to the Convention were first and foremost the responsibility of the Government, but civil society should be involved as well because it could be both more objective and more critical. How was the application of the Convention followed up in practice, and what role in the process was played by CNCC? Several ministries and international organizations were represented on CNCC, and she wondered how the various plans and projects adopted were coordinated in practice. Did **Cambodia** have any plans to introduce a children's ombudsman?
10. She wondered whether CNCC regularly reviewed action taken pursuant to the national three-year plan for children and the Five-Year Plan of Action against Sexual Exploitation. Did the Cambodian authorities contemplate moving in the future to a system of rolling plans so that they could begin evaluation while programmes were in progress?
11. **Mr. FULCI** asked whether efforts were being made to bring to justice those responsible for the genocide in which so many children had suffered.
12. The Cambodian report gave no information on the training undergone by professionals working with children. Little to have been done to involve civil society, non-governmental organizations and children themselves in activities to protect children. The media did not appear to have been sufficiently closely associated with the dissemination of the Convention, and children appeared not to be very conversant with the Convention or its principles. Could the delegation provide further information on those points?
13. The Committee on the Elimination of Racial Discrimination reported serious discrimination and violations against the many Vietnamese living in **Cambodia**. There were, for example, said to be very few facilities available

for Vietnamese children to learn Khmer. Given the principle of non-discrimination set forth in article 2 of the Convention, what action was being taken to enable all children, irrespective of their origins, to exercise the rights they enjoyed by virtue of the Convention?

14. **Ms. MOKHUANE** asked for further information about the coordinating functions of CNCC. How did they operate at the provincial or local levels? Did the Parliament receive any reports about them and if so, where from: the Ministry of Social Affairs, CNCC, or provincial governors? Were there any plans to establish a children's ombudsman? Each ministry seemed to be responsible for drafting laws covering its own field of reference without there being any real coordination among ministries. A vital link - one making the legislation into a coherent whole and allowing all matters covered by the Convention to be dealt with together - was missing.

15. There appeared to be a similar want of coordination in data collection, which seemed to be done individually by the various ministries. It would be helpful to have a standard data-collection mechanism to cover all the areas dealt with by the Convention.

16. What proportion of the budget was devoted to children at risk? Who set budget priorities, the ministries or the provincial authorities? The fact that teachers' salaries had not been raised although the budget had grown was likely to be injurious to future morale: what did the State intend to do about that problem?

17. **Mr. RABAH** wanted to know why there seemed to be so little cooperation and coordination between the government and NGOs in **Cambodia**, and how exactly things stood. Had NGOs participated, directly or indirectly, in the preparation of the initial report? Was there a real policy on children's rights in **Cambodia**? Was there any centralization of the services available to Cambodian children outside as well as in the big cities?

18. He wondered why the marriageable age was 18 years for girls and 20 years for boys. He asked for further information on article 177 of the labour legislation, under which a child aged under 18 could work with the consent of its parents or guardians. Lastly, the Committee had not been told the minimum wage for joining the Armed Forces; it would be helpful to know it.

19. **Mr. DOEK** asked how the Cambodian Government intended to follow up on the findings of the study carried out by CNCC which revealed that no provision was made in legislation for any follow-up to the implementation of the Convention, and that it would therefore be appropriate to draft a general law on children and set up a national team for the purpose.

20. Half of the national budget appeared to be devoted to defence and security, to the detriment of other areas. Could the Government justify that situation? Moreover, the amounts disbursed on certain activities appeared to be lower than those originally forecast. He would like some light to be shed on that matter.

21. What were the goals of the National Plan of Action for Children, which seemed to be an assemblage of steps taken by the various ministries to make it easier to monitor and assess the situation of children? Were there any general goals, progress towards which would enable the Committee to assess the advancement of the Plan as a whole?

22. **Ms. RILANTONO** emphasized the need for coordination among the activities of the various ministries whose fields of competence extended to children, and the need to make the ministries as well as the general public aware of the Convention. The traditional, village-assembly-type local structures found in Asian countries would appear to be a good way of spreading word about the Convention in **Cambodia** if they existed there. Had **Cambodia** established a national training programme for skilled workers, such as legal experts and teachers, given its lack of qualified staff?

23. **The CHAIRPERSON** asked how the Cambodian Government set about disseminating the Convention and how it overcame the difficulties posed by its traditional attitude towards the principle that children were covered by the law.

24. She was sorry that the written replies did not indicate the legal age of sexual consent, since juvenile involvement in prostitution was a crucial problem in the region. Was article 434 of the Penal Code enough to guarantee children protection?

25. **Ms. CHAN HARAN VADDEY (Cambodia)** said that CNCC had only recently been set up, just as the Convention on the Rights of the Child had only recently begun to be implemented. CNCC was striving to coordinate activities designed to protect children, monitor their application and review the legislation on the matter. It coordinated not only the activities of the various ministries but also those of the Government and NGOs. It was also responsible for coordinating national activities and the work of provincial- and local-level committees responsible for children's questions.

26. In spite of the inadequate human and physical resources available, CNCC had managed to set up a National Plan of Action for Children. Contacts between non-governmental organizations, governmental bodies and the media

provided it with valuable sources of information. It oversaw governmental bodies and NGOs at the provincial level, and was thus able to put forward recommendations to the Government. It worked in close collaboration with NGOs, international institutions such as UNICEF, the private sector and civil society. It had conducted surveys in the provinces on topics such as child sexual exploitation.

27. **Mr. IM SETHY (Cambodia)** emphasized the coordinating role of CNCC, which brought together over 18 Ministers and Secretaries of State with responsibilities of relevance to the situation of children. Once it had considered the legislation in force, the Council could make recommendations to the Council of Ministers. Given the enormous problems Cambodia faced after a protracted period of armed conflict, the Government had to set about rebuilding in all sectors, beginning with legislation. Over 120 pieces of legislation had been passed since 1993 but there was still much to do to frame laws that would ensure the welfare of children and the population at large. CNCC thus played a vital role, and had, for example, recommended the passage of legislation against the traffic in and sexual exploitation of children.

28. CNCC worked closely with non-governmental organizations, which numbered at least 400, over 20 of them specializing in human rights and the rights of the child. At gatherings organized by CNCC, the non-governmental organizations had an opportunity to explain how their activities complemented the Government's efforts.

29. CNCC also served as a promotional body for, among other things, the Convention. It strove to awaken public opinion by staging lectures and activities devoted to children, such as celebrating the International Day of the Child on 1 June. As for the question of strengthening teaching, the most important thing was to ensure active involvement by parents and the community at the local level.

30. The idea of instituting a children's ombudsman was a very interesting one which would receive due attention, but other matters must take priority.

31. Ethnic Khmers represented 95 per cent of the Cambodian population but children belonging to the Muslim minority, the various ethnic minorities and the Vietnamese and Chinese communities were not discriminated against.

32. The demobilization of the four armed factions, including child soldiers, had begun early and as a matter of priority. It had continued at a rate of 10,000 demobilized soldiers per year. The problem was now virtually solved.

33. The size of the defence and security budget was due in part to the outlays incurred as the factions regrouped. Extensive resources were also devoted to demobilization activities which, besides reducing troop numbers, were also concerned with training and job-finding for former soldiers. The Government was, nonetheless, firmly resolved to increase the social-sector budget, beginning with health and education.

34. CNCC had argued for a national action committee to ensure that everyone could exercise their right to education. Increases in the education budget were planned for 2000 and 2001. Steps had been taken since 1993 to ensure that civil servants' - and especially teachers' - salaries were paid. Teachers, who made up more than half of all civil servants, also received teaching bonuses. As part of the reform of the administration, a computer-based survey of civil servants was currently in progress. Further raises in teachers' wages were planned.

35. **Mr. NOUV PHEARITH (Cambodia)** said that the marriageable age was set at 18 for women and 20 for men. Girls could get married earlier (if they became pregnant, for example) with their parents' consent. The minimum age for taking up employment was at present 16, but given the harsh economic situation and the extent of poverty there were plans to reduce it to 14 so that children could help their families.

36. **The CHAIRPERSON** observed that the delegation had not yet answered the questions about the results of the study comparing national legislation with the Convention, how traditional assemblies could help spread the word about the Convention, coordination among ministries, the legal age of sexual consent and traditional attitudes towards the Convention.

37. **Ms. CHAN HARAN VADDEY (Cambodia)** said, on the subject of legislation, that CNCC had called for a special team including representatives of the private sector, non-governmental organizations, international organizations and governmental bodies to be set up to consider all the bills drafted by the technical ministries and ensure that they took the rights of the child into account. UNICEF had been contacted about financing the services of a legal adviser, but the requisite financial resources still had to be found.

38. In conjunction with UNICEF, CNCC had drawn up a schedule of activities to promote children's right that was due to be considered centrally and in the villages. Word about the Convention was spread in part through television broadcasts, some of them on a private channel, on occasions such as the International Day of the Child. A drive had been launched to make people more aware of the Convention and the problems of child sexual exploitation and child labour.

39. Efforts were also being made to alert and educate civil servants at all levels, in part to encourage them to go beyond the purely technical aspects of implementing the Convention. Volunteer groups were helping children under a community capacity-building aid programme run by the Department of Rural Development with UNICEF backing.

40. There was no law setting a minimum age of sexual consent.

41. **The CHAIRPERSON** invited the Committee to put forward questions about general principles and civil rights and freedoms.

42. **Mr. DOEK** said he would like more details of alleged police brutality against children in the street and at certain police stations, and of the steps taken to counter it.

43. **Mr. FULCI** asked for additional information about the status of the hill tribes. It was alleged by some sources that three boys had been tortured at a rehabilitation centre: he wanted to know what was being done to make the police change their behaviour. He would also like to know when mine-clearing operations in Cambodian territory would come to an end.

44. **Ms. TIGERSTEDT-TAHTELA** asked what was meant in **Cambodia** by nationality and citizenship. She wondered who apart from Khmers held Cambodian nationality, and where those of Vietnamese stock stood. The aim of combating discrimination was not just to ensure equal treatment for all but to give preferential treatment to disadvantaged groups. She would like to know what action was being taken to change attitudes and put an end to traditional practices that discriminated against young girls.

45. **Ms. MOKHUANE** said she did not think the questions in paragraph 6 of the list of issues had been properly answered. She wondered whether the Constitution and laws allowed non-Khmers who suffered discrimination to seek redress, and whether there were information and consciousness-raising campaigns to ensure that HIV-positive individuals and AIDS patients were not left at a disadvantage. She asked whether the hill tribes had access to all social services.

46. She also wondered how the best interests of the child were taken into account in criminal and family-law matters, such as when questions of child custody were settled during divorce proceedings. And what was being done to prevent HIV-positive mothers from transmitting the virus to their children?

47. **Ms. RILANTONO** wondered whether there was a law that specifically enunciated children's right to express their opinions freely. The report said that in practice, children expressed their views in class by answering the questions their teachers asked them during meetings; was that the only time when they could do so? Could they also state their views within the family circle, or did Cambodian culture require them rather to defer to their elders? If their parents divorced, could children above a certain age indicate a preference for living with their fathers or their mothers?

48. **Mr. DOEK** asked when the provisions of the civil and penal codes requiring children to be declared at birth would be brought into effect, and what would be done in the mean time since a child must be registered if it was to be taken into account in any policy or covered by any measures for which age was a criterion.

49. **Ms. TIGERSTEDT-TAHTELA** asked whether the family and resident books mentioned in the report served as a sort of child registration document. They were apparently issued for children born in hospital in Phnom Penh. Could that arrangement be extended to the rest of the country? Would it be possible to register births in very far-flung parts of the country, too? Did the country have enough human resources to do the job?

50. **Ms. MOKHUANE** said she would like to know how in practice the authorities and public officials determined a child's identity and age for the purposes of, for example, legal proceedings, juvenile justice or education. She also wondered how children's opinions were taken into account in the planning of services to benefit them, and in policy formulation.

The meeting was suspended at 12.25 p.m. and resumed at 12.35 p.m.

51. **Mr. IM SETHY** (**Cambodia**) emphasized that the proportion of the State budget devoted to defence and security could not be cut abruptly, but that savings from the sector would be steered towards the social sector and would thus also benefit children.

52. Instances of police brutality were not the result of Government or police policy but individual acts. The authorities were making great efforts, with active NGO cooperation, to train police officers and members of the security services to recognize and respect human rights, laws and regulations.

53. Steps were being taken to improve the way juvenile delinquents were treated. Prisons in poor condition had been demolished and new ones built, in part with assistance from international organizations and a number of countries, Australia in particular. In Phnom Penh, young detainees had been separated from adults. Some centers for juvenile delinquents served as vocational training centers, the objective being to make it easier for detainees to return to life in society. Detention conditions for juvenile delinquents remained less good in the provinces than in the capital.

54. The Constitution and Cambodian law prohibited racial discrimination of any kind. The Constitution did refer to the "Khmer people", but the expression actually meant all the ethnic groups living in **Cambodia**, among them a number of indigenous minorities who lived, for the most part, in the north-east. Members of those minorities were fully-fledged citizens. They had registered for and voted in the last two elections. They received aid from non-governmental organizations and the Cambodian Government. There were associations working to revive their cultures. People of Vietnamese stock had long lived in the country, and were Cambodian citizens like anyone else. Unfortunately some fanatics and extremists, and also certain political parties, were in favour of discrimination.

55. Well-trained mine-clearing teams had already accomplished a great deal with assistance from foreign experts and support from many countries. The latest techniques were being used in far-flung spots to identify mined areas, and warning signs were being put up to mark danger zones.

56. There were disparities between men and women in **Cambodia**, but there was no discrimination. That would be contrary to the principles of tolerance inherent in Buddhism which was widely practiced throughout the country. The problems were a matter of attitudes. Parents, for example, could see no reason for their daughters to attend school or continue their studies because they would be getting married. The situation was, however, changing and efforts were being made to make communities and parents aware of the need to treat girls on an equal footing with boys.

57. **Cambodia** had set up an authority to combat AIDS, which worked in conjunction with the ministries involved. Steps had been taken to spread information about the disease as part of the school curriculum, and to train teachers. Prevention was crucial. The Ministry of Health was cooperating with international organizations in bringing assistance to pregnant HIV-positive women and, later, their children.

58. Children did not become fully-fledged citizens until the age of 18. **Cambodia** did not yet have a forum for children, but there were meetings at which children were invited to address the gathering. According to tradition, children were really supposed to listen to adults but the situation was changing and most Cambodians were aware that they needed to listen to children as well.

59. There were as yet no proper laws on the registration of births; the practice followed came from Ministry of the Interior circulars about family books. Birth certificates were now issued for most new-born. While the Khmers Rouges were in power most civil registry papers had been burnt. The system currently followed nation-wide was to draw up files covering groups of houses, giving the names of the heads of household, their wives, their children and other people living with them. Civil registration laws would clearly have to be passed. If someone's civil registration papers had been destroyed, his or her age was established on the strength of a statement by the individual concerned. To change the age shown, the matter had to be taken before the courts.

60. The authorities were aware of the value of after-school activities as a means of fostering children's development. Youth, sports and cultural centers had been set up, but faced many problems due to insufficient resources. At all events, enrolling children in school remained the priority, because **Cambodia** did not hide the fact that almost 400,000 school-age children were not attending school.

The meeting rose at 1 p.m.

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Cambodia (continued) (CRC/C/11/Add.16; CRC/C/Q/CAM/1; written replies of the Government of **Cambodia** to the questions raised in the list of issues (document without a symbol distributed in the meeting room in English only)

1. At the invitation of the Chairperson, the delegation of **Cambodia** resumed places at the Committee table.
2. **The CHAIRPERSON** invited the members of the Committee to ask questions concerning family environment and alternative care; basic health and welfare and education, leisure and cultural activities.
3. **Ms. TIGERSTEDT-TAHTELA** said that the delegation had acknowledged a few isolated cases of police brutality but stated that such conduct was not sanctioned by the Royal Government of **Cambodia**. Should the Royal Government not assume responsibility for the actions of the police, and of the prison and other authorities?
4. Detailed information had been provided on health plans and strategies. She wondered, however, whether the 38 per cent of the population living below the poverty line had access to health services, considering the prohibitive costs of health care and treatment. She would like to know whether free health care for the poor was being envisaged by the Royal Government.
5. **Mr. RABAH** said the Committee had been informed that child-care institutions were run either by the Royal Government or by non-governmental organizations (NGOs). He would like additional information on how those institutions were managed and on cooperation between the Royal Government and NGOs in that regard. He also wondered about the plight of children who were not placed in those institutions.
6. He would welcome additional information on foster care. Were there obstacles to the enactment of legislation that would regulate foster care institutions in the best interests of children?
7. **Ms. MOKHUANE** said that, according to certain sources, inspections of alternative care facilities were not conducted regularly. She would appreciate information about the mechanisms used by the Royal Government to ensure the regular monitoring of alternative care, including the functioning of reporting relationships.
8. **Mr. DOEK** said he would appreciate additional information about inter-country adoption and asked whether **Cambodia** was considering ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption. According to the initial report of **Cambodia** (CRC/C/11/Add.16), very few children were adopted by Cambodian citizens. However, informal adoption appeared to take place; he wondered how many children it affected and whether informal adoptions were monitored by the Royal Government. Was the Royal Government envisaging more effective regulation in that regard, in the best interests of children?
9. According to the report corporal punishment in families was widespread in **Cambodia**. He wondered whether the Royal Government intended to conduct a study of child abuse and neglect at the family level, especially as neglect was closely linked to child abandonment. Did the Royal Government plan to educate parents about physical violence committed against children or to prohibit corporal punishment?
10. **Ms. RILANTONO** said that she was puzzled about the rising infant mortality rates, as the Royal Government had carried out a successful poliomyelitis immunization programme. She wondered whether vaccines were imported and whether assistance had been extended by the United Nations Children's Fund (UNICEF) or the World Health Organization (WHO) in acquiring them. Noting that the incidence of acquired immunodeficiency syndrome (AIDS) was rising, she asked for further information on the two-year strategic plan implemented by the National HIV Centre and asked whether it included drug-abuse cases. She also inquired as to the care offered to children of HIV-positive parents with regard to the risk of transmission.

The meeting was suspended at 3.15 p.m. and resumed at 3.25 p.m.

11. **Ms. HARAN VADDEY (Cambodia)** reiterated that the Royal Government did not sanction police brutality. The Australian Embassy in **Cambodia** was helping to train police officers in order to strengthen their capacity to protect children against violence and ensure that children's rights were respected. In addition, the Ministry of the Interior had signed an agreement with international bodies, including UNICEF, the International Labour Organization (ILO) and the International Organization for Migration (IOM), on child protection and the training of the police in children's rights issues.

12. The Penal Department of the Ministry of the Interior was examining a possible mechanism for protecting children's rights. It would shortly set up a unit specialized in protecting children against exploitation, in keeping with recommendations contained in the Five-Year Plan of Action against Sexual Exploitation of Children developed as a follow-up to the Stockholm Congress. The Cambodian National Council for Children (CNCC) and UNICEF were working together with the Ministry of the Interior to establish a bureau for the protection of children's rights which was expected to begin operating in 2000.

13. Turning to health, she said that the Royal Government recognized the inadequacy of health services at the community level. The problem related more to the difficulty in renewing supplies of medicines than to lack of staff. Consequently, the Royal Government focused on developing capacity-building plans and strategies. The Swiss Government, with the support of NGOs, had built a large hospital which provided services for the poor.

14. Replying to **Mr. Rabah**, she said that in the case of child-care institutions run jointly by the Royal Government and NGOs, staff and funding were provided by the Royal Government. As its contribution amounted to only about \$10 per month, however, additional assistance by NGOs was necessary. Institutions managed solely by NGOs were staffed and funded by those NGOs. In some cases, inter-NGO efforts were assisted by the Royal Government.

15. Foster care was not regulated. NGO-run institutions reported to the Child Welfare Department of the Ministry of Social Welfare every three months, and provincial inspectorates also reported to the Child Welfare Department. The Child-care Bureau of the Child Welfare Department was responsible for monitoring all institutions.

16. Far more inter-country adoptions took place than domestic ones because foreigners were more willing than Cambodians to adopt disabled or even HIV-positive children and better able to finance their treatment. There was no adoption legislation, but a temporary procedure existed. Home studies were carried out of prospective adoptive parents, who must comply with certain conditions relating, for example, to income and good health. The Child-care Bureau reviewed the documents before transmitting them to the Ministry of Social Welfare, which also relied on input from institutions and municipal authorities. Cambodian officials subsequently visited adopted children in the foreign country to ensure that all conditions were met. No study of corporal punishment had been conducted.

17. **Mr. SETHY (Cambodia)** said that improvements had been introduced in the health sector, including a public sanitation project, but that efforts had been limited by budgetary constraints. Free health care was offered in rural areas, but despite assistance provided by foreign Governments and NGOs the replenishing of drug supplies was a persistent problem.

18. Domestic violence was not a major problem in **Cambodia**, although it did exist. The Royal Government had tried to raise the population's awareness of the problem through radio and television campaigns.

19. An extensive vaccination programme targeting six diseases had covered over 70 percent of the country's children. It was true that the campaign against poliomyelitis had been successful, but in general the Royal Government relied heavily on outside help to import vaccines.

20. Campaigns on AIDS prevention and the use of contraceptives had been conducted throughout the country with the result that the public was much better informed than before in that regard. With regard to AIDS prevention education, an inter-ministerial commission had been formed covering all levels of the education system, including schools located in remote areas, and reproductive health had been introduced into the school curricula. Teachers had also been trained in AIDS prevention and teenagers had been made a priority group for attention.

21. Drug abuse, especially intravenous drug use, did not constitute a major problem in **Cambodia**, but it was necessary to raise public awareness in that regard. A programme had been launched for the protection of the children of HIV-positive mothers.

22. **The CHAIRPERSON** invited the Committee members to ask questions concerning special protection measures.

23. **Ms. MOKHUANE** said knowledge about contraceptives was commendable, but it was even more important for behaviour to match that knowledge. She wondered whether studies had been carried out on the use of contraceptives by young people. The Royal Government stated that access to health services had improved, but she wondered about quality of services and how many people actually made use of them. By way of illustration, it had been indicated

that breastfeeding started at a late stage during infancy and was coupled with food which was detrimental to human health. There were also many cases of preventable diseases, disabilities and a high maternal mortality rate in **Cambodia**.

24. Because of the shortage of medicaments, people resorted to traditional medicine, and she wondered whether any exchange of views had taken place between health officials and traditional healers. With regard to environmental health, only 19 per cent of the population had access to proper sanitation; and she asked whether there were any plans to improve that situation. The Committee had received information which contradicted the Royal Government's claim that alcohol abuse was not a major problem in **Cambodia** and which indicated that drug use was on the increase. The Royal Government had said a plan was in place to combat drug trafficking, but was that plan implemented?

25. **Mr. DOEK** said that he was disappointed at the description of primary education in the Royal Government's written replies. The high drop-out rates in grades 1 to 3 meant that some 500,000 school-age children were not attending school. Scant progress appeared to have been made since 1994. Education must be assigned high priority in any country, despite financial and economic limitations. The Royal Government acknowledged the problem, but appeared to have given up hope because of lack of funds. He would like to know what progress the delegation considered the country to have achieved in the previous five years. What was the Royal Government actually doing to attain the numerous educational goals set forth in paragraph 195 of the country's initial report? Had consideration been given to a loan from the World Bank or another financial institution?

26. Was there any existing or planned mechanism for optimizing the effectiveness of the many international organizations working in **Cambodia**, which, according to the report, posed problems of regulation by failing to inform the authorities of the renewal of their mandates?

27. Citing an October 1999 report on child rape in **Cambodia** and a report on sexual exploitation of children he asked the delegation to comment on those phenomena. An important goal of any governmental action was to determine, with help from other organizations, the role of the judiciary and law-enforcement agencies. In **Cambodia** the latter were allegedly insensitive, untrained and ignorant of how such cases should be handled. Members of the judiciary were reportedly open to bribes for settling cases out of court. If that was so, what action was the Royal Government taking to improve the quality of both the judiciary and law-enforcement agencies?

28. **Mr. FULCI** asked what legislative and other measures the Royal Government was taking to achieve the difficult task of demobilizing and reintegrating the large number of children who had been child combatants and what impact those measures were having. He also asked the delegation to comment on the claim made in an NGO report that children aged 7-17 were re-educated at the Youth Rehabilitation Centre in Phnom Penh, the implication being that 7 was the age of criminal responsibility. UNICEF had reported cases of children detained in adult prisons in Phnom Penh and Battambang, without medical services and with no reintegration programme for them on release. It appeared that many of them had not even been convicted. He would appreciate details about **Cambodia's** efforts to comply with articles 37, 39 and 40 of the Convention and on its measures to protect working children and reduce child labour in **Cambodia**. What relations did it maintain with ILO in connection with child labour? Did it envisage ratification of the ILO Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182)?

29. Despite the serious problem of sexual exploitation of children in **Cambodia**, no study had been undertaken on the subject. The Royal Government appeared to oscillate between tolerance and prohibition. What was its actual position? What action were the authorities taking to protect children against the scourge of abduction into networks of exploitation?

30. **Ms. TIGERSTEDT-TAHTELA** noted the delegation's statement that child abuse did not pose a problem in the country, despite reports that corporal punishment in the home was widespread. While there had been no survey on child abuse as such, in 1996 one NGO had conducted a survey on violence against women, which also affected children. Unfortunately, only adults had been polled, but the abused women had reported that their spouses frequently attacked the children after a fight. The authorities should make a point of interviewing children so that their experiences could be used as the basis for media-awareness campaigns. Reporting of offences by neighbours or spouses should also be encouraged, not necessarily with a view to imprisoning the offender but for the protection of the family as a whole.

31. The report painted a very negative picture of the educational situation in the country, highlighting budget constraints, poor education delivery and the widening gap between urban and rural schools. Although the Royal Government had established new policies for reform and was working to improve the efficiency and effectiveness of education sector planning, the high drop-out rate suggested that the schooling on offer did not hold pupils' interest. Attempts might be made to integrate older children (aged 12-18) into curriculum planning in order to discover the type of education they wished to receive, and to seek input from teachers, relevant NGOs and others with ideas about education.

32. **Ms. RILANTONO** acknowledged that with only 8 per cent of the total budget allocated to education, it was difficult to assign due importance to human resource development, which was a major aspect of any country's development. Educational coverage needed to be provided from the earliest possible age and should include compulsory primary and secondary education. Were scholarships for secondary education awarded by intergovernmental or non-governmental institutions? As the report focused on non-formal education for adults, she wondered whether there were any non-formal modules available to children who dropped out of school and needed to work for a few hours each day. She recommended that such education should be provided for children at the primary and lower secondary levels.

33. She requested an explanation of the disparity between the performance levels of boys and girls, who appeared to fall behind after the age of 10. Was that due to parental attitudes? Of what real assistance had the Education Management Information System been in reforming education policy?

34. **Ms. MOKHUANE** said that, while she appreciated the candid reply to question 16, she was dismayed at the Royal Government's abdication of responsibility for leisure activities. Given the general level of poverty in the country, did the delegation not consider it impractical for the community to be asked to finance leisure activities from its own pocket?

35. The reply to question 12 stated that there was no new legislation governing parental responsibilities for a child's upbringing and development. As family violence affected relationships at all levels, she hoped the authorities would promptly consider ways to promote an atmosphere of happiness within the family, as described in the preamble to the Convention.

36. **Mr. RABAH** asked whether the very high numbers of drop-outs and repeaters, most of them girls, and the low levels of education provided could be attributed solely to the country's dearth of teachers. Perhaps teachers' limited skills were also a factor. It had been recommended that teachers' salaries should be increased to US\$ 100 per month, which was still a very low figure. He urged the Royal Government to deploy greater efforts to eradicate corruption in schools, erect more school buildings and provide more materials and services.

37. He was disturbed at the absence of a law governing the juvenile justice system and the lack of specialized judges. He asked whether legal aid was available to minors at police stations or in the courts, what exactly occurred at the Youth Rehabilitation Centre in Phnom Penh and whether the Centre was served by trained judicial officers. As UNICEF and other United Nations agencies were in a position to assist with funding, financial constraints need not be a deterrent.

38. **The CHAIRPERSON** expressed surprise that, although **Cambodia** had been represented at the World Education Forum in Dakar, education was still not compulsory. Was that due to a funding problem? Many developing countries were in a similar situation, yet succeeded in maintaining a level of compulsory education, even if it did not extend to all children.

The meeting was suspended at 4.30 p.m. and resumed at 4.40 p.m.

39. **Mr. PHEARITH (Cambodia)** said that while there was as yet no law governing the juvenile justice system, the authorities were endeavouring to establish a procedure to deal with child offenders. A committee was being established to oversee the child's interrogation by police. Composed of parents, teachers, a judge, local authorities and representatives of relevant NGOs, it would decide what action was in the child's best interests. While the Youth Rehabilitation Centre in Phnom Penh had been used in the past as a detention centre, it had now become a rehabilitation centre. The authorities were cooperating by providing legal aid, and judges were being trained in trial procedures for cases involving children.

40. With the assistance of UNICEF, the National Committee on Demobilization was arranging training for the approximately 300 child victims of armed conflict in **Cambodia**. With the assistance of the Australian Government, the authorities were arranging for the separation of young offenders from adults in Phnom Penh, and the prisons were visited once or twice a week. Fund-raising was in progress to provide similar facilities in the provinces, such as Battambang. With ILO support, a subcommittee of the Cambodian National Council for Children (CNCC) was organizing training for provincial labour inspectors. Leaflets and manuals had been disseminated in order to raise public awareness of the child-labour problem, and measures were in place to integrate child workers into the education system.

41. **Mr. SETHY (Cambodia)** said that traditional medicine was an important part of **Cambodia's** heritage and that there was a special department within the Ministry of Health responsible for promoting it.

42. Implementing the right to education was a long-term undertaking in any country, but particularly in **Cambodia**, where more than 90 percent of schools had been destroyed and more than 80 percent of teachers massacred under the Khmer Rouge regime. Most of the few remaining school buildings had been used by the Khmer Rouge to store

weapons or as sites for carrying out torture. Subsequent Governments had therefore had to rebuild the education system from scratch. People who could themselves barely read or write had volunteered as teachers, and efforts had been made to give them adequate training. Since that time, the number of teachers had increased significantly and 18 teacher-training centers had been set up in different provinces.

43. There were currently more than 2.3 million pupils and students in the education system overall, which was a substantial proportion of the total population of 11 million. However, the Government acknowledged that much remained to be done: not all children were enrolled in school and many schools needed to be rebuilt, which would require substantial funds. The ultimate aim was to provide access to school for all children.

44. The Government was currently conducting a comprehensive review of education policy. Various organizations such as UNICEF and the Swedish International Development Agency (SIDA) had already made a significant contribution to the task of restoring the education system, and he agreed with the Committee's view that it was important to maintain contact with such donors. The Asian Development Bank had also provided loans to help with, for example, the printing and distribution of schoolbooks, and aid had been received from the European Union (EU) to set up teacher-training centers. Funds from the World Bank were being concentrated on primary education. Work was under way to group scattered individual classes into proper schools and to involve parents and the community in general in the education process.

45. High drop-out and repetition rates constituted a waste of resources, particularly for poor countries like **Cambodia**, and discussions were currently under way, with the participation of relevant experts, to reform the curriculum. After participating in the World Education Forum held in Dakar in April 2000, **Cambodia** was determined to develop its own action plan for education. An Education Management Information System (EMIS) centre had been set up, which collected and analyzed data on education. The Government used that data to enable it to provide for the educational needs of the community in the most effective way possible. One of the causes of high repetition and drop-out rates was the low level of motivation among teachers. The Government had recently granted bonuses to some teachers, and their basic salary was double that of civil servants; nonetheless, teachers' salaries were still inadequate. That was one of the issues to be discussed with **Cambodia's** donors.

46. Only a small percentage of children were enrolled in pre-school education. However, **Cambodia** recognized its importance and had already set up joint projects in that field with donors such as the United Nations Scientific, Educational and Cultural Organization (UNESCO) and UNICEF.

47. Although the right to free education for all for nine years was enshrined in the Constitution, it was true that there was no legislation specifying that education was compulsory. That was because, when the Constitution had been adopted in 1993, the Khmer Rouge had still been in control of some areas of the country, and also because the lack of resources would have made it impossible to implement such a commitment. Since 1993, therefore, the State had done its utmost to achieve the ultimate goal of free education for all, but it was clear that there was still a long way to go.

48. **Ms. HARAN VADDEY (Cambodia)** said that no statistics were available on the extent of sexual exploitation of children; however, the Government recognized that it was a serious problem. A survey conducted by the CNCC in 1998 had found that there was no clear mechanism for addressing it in the provinces. However, the Government had recently adopted a five-year plan to combat the sexual exploitation of children, consisting of four programmes aimed at prevention, protection, recovery and reintegration. Each programme contained objectives, strategies and activities and specified the institution responsible for each activity and the resources available from the Government and NGOs. The Government had urged State bodies, parents and the general public to participate in implementing the plan and had recommended that the CNCC should set up a subcommittee to promote and monitor implementation. The plan was ambitious and wide-ranging, and the support of the international community would be required in order for it to be implemented effectively. One of the aims of the plan was to provide training for police officers, judges and civil servants on the law regarding sexual exploitation of children and the procedure for dealing with reports of such exploitation. The Ministry of Social Affairs played a major role in rehabilitating victims and reintegrating them into society. **Cambodia** cooperated with other countries on the issue, although it had not signed any formal bilateral agreements. Cooperation with other countries was also under way to combat sex tourism involving children. The Ministry of Tourism was developing a strategy to deal with that problem and was working to raise awareness of it among the owners of establishments such as hotels, restaurants and discotheques.

49. Adult illiteracy was a major problem and literacy campaigns formed part of the strategy of providing education for all. Pilot projects had also been set up to provide non-formal education and practical skills training. A committee consisting of representatives of several ministries had been established to liaise with committees at the grass-roots level in order to implement the various campaigns and projects.

50. Sex education and the use of condoms were not easy issues to address, as many people, particularly the older generation, found it difficult to discuss such matters. However, sex education, including teaching on HIV/AIDS, was being introduced into the curriculum and the subject was included in teacher-training programmes. It was important

to promote awareness of sexual health issues among adults as well as children. To that end, posters had been put up around the country; given that a large proportion of the population was illiterate, posters were considered to be one of the most effective ways of raising awareness.

51. **Mr. DOEK** reiterated his question about the roles of the judiciary and law enforcement agencies in addressing cases of sexual exploitation, rape and prostitution. According to one report, 11 police officers, in addition to civil servants and other Government employees, had been accused of rape in 1998. None of their cases had been brought to trial, although some had led to out-of-court settlements, certain of which had reportedly involved arranged marriages between the rapists and their victims. Perhaps the members of the judiciary required instruction in the handling of such cases. In addition, the salaries of judges should be raised to ensure a decent standard of living and reduce their vulnerability to corruption.

52. In 1997, a sub-commission for child labour had been established, yet a recent study by the ILO International Programme on the Elimination of Child Labour (IPEC) had found that approximately 500,000 Cambodian children between the ages of 5 and 17 were still working. A few pilot programmes against child labour had been launched in 1996 or 1997; had they been expanded? What had been done in conjunction with IPEC to prevent children from entering the work force and to reintegrate those who already had done so into the education system?

53. **Ms. TIGERSTEDT-TAHTELA** said that the CNCC apparently played a coordinating and monitoring role, while the actual implementation of the Convention was left to the various government ministries. The Government had stated in the written replies that the CNCC needed to strengthen its capacity and that it required technical assistance and financial support from various countries and international organizations. Was the Government planning to transform the CNCC from an advisory body into an executive one?

The meeting was suspended at 5.30 p.m. and resumed at 5.35 p.m.

54. **Mr. PHEARITH (Cambodia)** said that a law against the sexual exploitation of women and children existed, and in certain cases had been enforced very effectively. Sentences of up to 15 years' imprisonment had been handed down for the rape of minors or for sex trafficking. The judiciary, which was considered by the international community as particularly weak, was currently undergoing an extensive reform. With the assistance of an international agency the Ministry of the Interior had established a special unit to combat sex trafficking of minors. A number of NGOs were working against child labour, and some had submitted a plan of action to the sub-commission for child labour. The Government would allocate resources to NGOs for the implementation of that plan of action, which was to include a media campaign, press conferences and assistance for vulnerable children.

55. **Ms. HARAN VADDEY** said that the CNCC was a national body for the coordination, monitoring and evaluation of programmes for children, which also undertook advocacy campaigns. It required an adequate budget to ensure implementation of the Convention by the various ministries. For example, when the Plan of Action against Sexual Exploitation of Children had been drawn up, the ministries concerned had requested funding from the CNCC for its implementation. Resources had been required to establish the sub-commission for child labour and for the training which the CNCC provided for staff in the relevant ministries and for its own staff. Staff attended seminars in **Cambodia** and overseas to learn how to monitor implementation of the law and how to collect and process data. The CNCC was not simply a monitoring and advisory body; it was deeply involved in the formulation and implementation of government policy in its field.

56. **The CHAIRPERSON** invited **Ms. Tigerstedt-Tahtela**, the Country Rapporteur, to present preliminary observations on the discussions with the delegation of **Cambodia**.

57. **Ms. TIGERSTEDT-TAHTELA** (Country Rapporteur) thanked the delegation for engaging in a constructive dialogue in a spirit of cooperation. The Committee was aware of the country's history, the atrocities which it had experienced and its current lack of financial and human resources. As the delegation had stated, **Cambodia** had very nearly had to start from scratch in many areas.

58. Implementation of the Convention was a political issue, and one which deserved the highest priority; the State budget should perhaps be reallocated better to reflect that priority. While NGOs and the international community could assist, responsibility ultimately lay with the Royal Government.

59. **Cambodia** had acceded to the six major international human rights instruments; it had incorporated into the Constitution the rights enshrined in the Convention and it had concluded a Memorandum of Understanding with the Office of the United Nations High Commissioner for Human Rights (OHCHR). It had also recently ratified the ILO Minimum Age Convention, 1973 (No. 138), and was considering ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182). The Committee would no doubt recommend that existing laws should be reviewed to ensure that they were in conformity with the provisions of the Convention, in particular in respect of birth registration, family matters, alternative care and juvenile justice. The country's data collection system needed to be strengthened. The Government should take steps to ensure that all rights were enjoyed by all children, without any discrimination. It should promote children's participation in the family, school, institutions and the local

administrations, and should recognize children's rights to freedom of expression and association. Complaints of child abuse should be dealt with swiftly and effectively by law enforcement agencies and the judiciary through the establishment of procedures accessible to children, so as to avoid offenders going unpunished. A juvenile justice system must be established. The Government should also develop regulations for institutions and other forms of alternative care. Children with disabilities should be integrated into the school system and should be given support, and the social services for the rehabilitation of victims of child abuse and exploitation should be strengthened and expanded. The Royal Government should enforce the provisions of the labour law concerning the minimum age for employment and should train labour inspectors and provide them with the means to monitor child labour.

60. **Mr. SETHY (Cambodia)** said that the Royal Government had taken note of the recommendations made by the Committee. His delegation expressed its gratitude to UNICEF for its logistic and financial support, which had permitted two of its members to take part in the Committee's meetings.

61. **The CHAIRPERSON** said that it was important to coordinate the activities of the hundreds of NGOs and foreign institutions which were currently working in **Cambodia**. She encouraged the Royal Government to consider the establishment of an ombudsman for human rights and to reformulate the education policy with the participation not only of the population, but of children in particular, especially with regard to the methods used. While the Royal Government's recognition of the problem of sexual exploitation was commendable, it still must adopt legislation defining the age of consent for sexual relations, which would no doubt prove useful in giving effect to the child protection programmes it had adopted. She also called on the delegation to ensure that the report and the Committee's concluding observations concerning **Cambodia** would be disseminated throughout the country.

The meeting rose at 6.10 p.m.

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SCHEDULE
Of the National Workshop on Royal Government's follow up the Concluding Observation of the
UN Committee on the Rights of the Child
22-23 Jan. 2001

First day : Monday 22 Jan.

*** Morning**

- 8: 00 : - Arrival of participants, and registration.
8: 20 : - Arrival of the national and the international guests and the presidium.
- 8: 30 : - Arrival of **H.E SAR KHENG** Vice Prime Minister.
: - National Anthem.
: - Welcome speech by **H.E ITH SAM HENG** President of the Cambodian
National Council for Children (CNCC) and Minister of MoSALVY.
: - Opening speech by **H.E SAR KHENG** Vice Prime Minister.
- 9:15 - 9:40 : - **Coffee Break**
- 9:45 - 10:10 : - The meeting in Geneva by **H.E IM SETHY** Secretary of State of MoEYS.
- 10:10 - 10:30 : - The implementation of National Programme of Action for children by
Ms. CHAN HARAN VADDEY General Secretary of CNCC.
- 10:30 - 11:15 : - Presentation on the Concluding Observation of the UN Committee on the Right of the Child by
Ms. FRANCESCA MAROTTA Chief Education Training and Information of COHCHR.
- 11:15 - 12:00 : - Introduction to groups discussion and discussion.
- : - **Lunch break**

*** Afternoon**

- 14 : 00 - 15: 30 : - Groups discussion
- 15:30 - 15:45 : - **Coffee break**
- 15:45 - 17:00 : - Groups discussion (continue)

Second day : Tuesday 23 Jan.

*** Morning**

- 8:00 - 9:00 : - Groups discussion (Continues)
- 9:00 - 9: 30 : - The out put from NGOs' workshop and Recommendation by
Mr. Sim Sou Yung Vice-President of NGOs, CRC.
- 9:30 - 10:00 : - Groups report to the plenary.
- 10:00 - 10:20 : - **Coffee break**
- 10:20 - 12:00 : - Groups report to the plenary
- : - **Lunch break**

✳ **Afternoon**

14:00 - 14:30 : - Press conference

14:30 - 15:00 : - **Coffee break**

- Arrival of national and international guests.

15:15 : - Arrival of **H.E SOK AN** Senior Minister in Charge of Council of Ministers .

- Report from the Workshop by **H.E ITH SAM HENG** President of CNCC.

- Closing speech by **H.E. SOK AN** Senior Minister in Charge of Council of Ministers.

16:30 : - National Anthem and closing



ក្រុមប្រឹក្សាជាតិកម្ពុជាដើម្បីកុមារ
CAMBODIAN NATIONAL COUNCIL
FOR CHILDREN

ព្រះរាជាណាចក្រកម្ពុជា
KINGDOM OF CAMBODIA
ជាតិ សាសនា ព្រះមហាក្សត្រ
NATION RELIGION KING

**Report on the National Workshop on the Royal Government's Follow-up of the
 Concluding Observations of the UN Committee on the Rights of the Child
 January 22-23, 2001**



From January 22-23, 2001, the Cambodian National Council for Children (CNCC) organized a National Workshop on the Royal Government's Follow-up of the Concluding Observations of the UN Committee on the Rights of the Child, whose opening ceremony was presided over by **H.E. Mr. Sar Kheng**, Deputy Prime Minister of the Kingdom of Cambodia, and closing ceremony by **H.E. Mr. Sok An**, Senior Minister and Minister of the Council of Ministers. The workshop was attended by 100 guests of honors (and participants), who are leaders and officials of the government's ministries and institutions, and representatives of local and international NGOs. The workshop, sponsored by UNICEF and UNCHR, proceeded smoothly as scheduled.

As a commencement of the event, **H.E. Mr. Ith Sam Heng**, CNCC Chairman, delivered a welcoming speech, whereby he informed the participants of the obligation to make Cambodia's reports on the implementation of the Convention on the Rights of the Child, UN's recommendations, previous efforts having been directed at children's issues, and a host of issues still faced by children, which required the review of any programs and seeking of proper resolutions, as recommended. **Annex 1**

- Later, **H.E. Mr. Sar Kheng**, Deputy Prime Minister of the Royal Government of Cambodia, gave an opening speech of the workshop, extending his warm welcome, emphasizing the importance and broad meaning of the rights of the child, which the Royal Government of Cambodia and her Cambodian people alike have so far respected and paid special attention to. His Excellency praised ministries, institutions and all organizations for having made fruitful efforts to promote the respect for the rights of the child, while at the same time mentioning gaps in conflict with the world's tendency.

- The implementation of the Convention requires not only knows-how and techniques, but also strong goodwill and spirits of responsibility from related institutions and responsible individuals alike.

- To build a strong and prosperous country, human resources, where children are made up of 52.4%, should be built. His Excellency was confident that the workshop would be able to identify gaps and new experience for enforcement, and His Excellency thanked UNICEF and UNCHR for having sponsored the workshop. Additionally, His Excellency instructed ministries and institutions concerned to comply with the law on child adoption and conducted related investigation and monitoring. His Excellency also requested the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation and other related ministries to further push for quick finalization of the draft of a sub-decree, which should focus also on the health of the child, so as to promote the rights of the child. The Royal Government of Cambodia does not have any principles prohibiting foreigners from child adoption, but requiring them to properly follow the stipulated principles, to ensure the respect for human rights. **Annex 2**

- **H.E. Mr. Im Sethy**, Secretary of State for the Ministry of Education, Youth and Sports, informed the workshop participants of the Royal Government's delegation participating in the debriefing session with the UN Committee on the Rights of the Child, held in Geneva on June 24, 2000. The delegation made the UN Committee get a clear picture of the situation in Cambodia and efforts made by the Royal Government of Cambodia to deal with children's issues. As a contribution to the promotion of the rights of the child in Cambodia, the UN Committee made a number of recommendations, six of which were encouraging, while many were worrying, to which we have to pay attention, even if we could not deal with them all. We have to address them step by step, based on the priority. His Excellency added that it was necessary to strengthen CNCC's work, coordination and cooperation to make it easy for data collection, to establish networks at provincial and municipal levels, and to hold discussions on the gaps to be filled. The meeting(s) with the UN Committee on the Rights of the Child should be attended also by the Ministry of Interior, which is a law enforcement body, and by the Ministry of Justice, which is a law-maker. To make reports, there should prior preparations, investigation and relations to link together an related work/issues, as CNCC has done so far.

- Next, **Madam Chan Haran Vaddey**, Secretary General of CNCC, unveiled the implementation results of the 1998-2000 national action program for children, stressing that new programs for children had been practically established, and children's situation was better than previous years. **Annex 3**

- **Ms. Framseska Marota**, UNCHR's Representative, mentioned in brief the recommendations made by the UN Committee on the Rights of the Child. **Annex 4**

Afternoon's session: The workshop divided into seven groups, discussion the following topics: Strengthening of CNCC's work; Laws; Family obligation; Care; Health and welfare; Education; Fighting against child prostitution; and Publicity.

➤ **On January 23, 2001**, the workshop proceeded according to the following schedule:

- **Mr. Sem Souyong**, Representative of NGOs working on the rights of the child, reported the recommendations of the workshop of the NGOs, which was held from November 16-17, 2000. **Annex 5**

- The representatives of the seven groups reported the discussion results. **Annex 6**

At 2:00 PM, **Madam Chan Haran Vaddey**, Secretary General of CNCC, reported to the press recommendations of the UN and discussion results. Later, the workshop held a ministerial meeting. As a result, each ministry bought up their respective practical programs to be executed in 2001. **Annex 7**

- At 18: 00, the workshop came to the closing ceremony held under the high presidency of **H.E. Mr. Sok An**, Senior Minister, Minister of the Council of Ministers. **Annex 8**

-To conclude the event, **H.E. Mr. Ith Sam Heng**, made a brief report on the proceedings of the two-day workshop, as scheduled, and good comments/recommendations made a request to the Royal Government of Cambodia.

Responding to the event, **H.E. Mr. Sok An**, Senior Minister, Minister of the Council of Ministers, delivered a speech, fully supporting the workshop, which reflected to the world Cambodia's will/commitment, close cooperation between CNCC, ministries and organizations concerned, and strategies in coordinating, monitoring and implementing the Convention on the Rights of the Child from central to local levels, with a view to reducing the issues faced by children. Economic hardship is a factor, but strong determination/struggle is also a key to the promotion of the rights of the child. The Royal Government of Cambodia is presently undertaking various reforms, which would bring rehabilitation and development of the social infrastructures over the next 10 years. His Excellency added that the Convention is implemented world-wide, the workshop saw many requests brought up, including those for the strengthening of CNCC, law review and enforcement, budgets...etc. Budgets available were insufficient. They could meet only parts of the requirements, and therefore efforts had to be made to seek more external assistance. As to the formulation of the law (s) on children, we have systems and law-makers' participation, which needs discussion.

His Excellency recommended the establishment of a working group with **H.E. Mr. Som Sophal** involved in, and with compositions from the Council of Ministers, Ministry of Finance and Economy, Ministry of Justice, Representative(s) of CNCC, law-makers, police, Ministry of Interior, to be in charge of examining and considering requests and practical approaches, regarding, for example, what needs to be done, which and what issue needs to be addressed first... and how, and for forwarding the requests/strategies to the Council of Ministers.

The Royal Government of Cambodia has paid special attention to that, and based on the real situation the working group shall put such a case into firm practice, so as to meet our requirements.

Finally, His Excellency extended his best wishes to all workshop participants and guests of honor for happiness and a great success in all their future endeavors.

The workshop came to a complete and successful end at 19:00 on January 23, 2001 under the joyful and friendly atmosphere.

Phnom Penh, date7 February 2001

Seen and approved
Chairman of CNCC

Secretary General

**Welcoming speech by H.E. Mr. Ith Sam Heng, Minister of Social Affairs, Labor,
Vocational Training and Youth Rehabilitation and Chairman of the Cambodian National
Council for Children (CNCC) at the opening ceremony of the national seminar on the
implementation by the Royal Government of Cambodia of the final observations of the UN
Children's Right Committee
(January 22-23, 2001)**



(Unofficial translation by Chhaily)

Excellency **Sar Kheng**, Deputy Prime Minister of the Royal Government of Cambodia
Excellencies Chairmen
Excellencies Ambassadors
Distinguished National and International Guests
Excellencies, Ladies and Gentlemen
All respected conference participants

First of all, on behalf of the Cambodian National Council for Children (CNCC) and of my own behalf, it is my great pride to express warm welcome to His Excellency Sar Kheng, Deputy Prime Minister of the Royal Government of Cambodia, for presiding over this opening ceremony of the seminar, and to their Excellencies Ambassadors, Excellencies, Ladies, Gentlemen, and all Distinguished National and International Guests for their presence on this occasion.

Today's seminar is organized in order for all related ministries and institutions to examine and consider the final observations of the UN Children's Right Committee, regarding the implementation by the Royal Government of Cambodia, and to set practical targets and plans to be put into practice.

Taking this opportunity, I would like to inform His Excellency the Deputy Prime Minister, Chairmen, Distinguished Guests and all Participants that the convention on Children's Right was adopted by the UN's General Assembly on November 20, 1989, and came into effect on July 2, 1990. The 1990 World Summit attended by 150 countries approved the international goals designed to enable children across the globe to enjoy access to survival, protection, development and expression of opinions.

Article 44 of the Convention requires signatory countries to submit their interim reports within 2 years following their ratification, and to make reports on a regular basis every five years.

Cambodia ratified the Convention on Children's Rights on October 15, 1992. In 1997, Cambodia presented its interim reports to the UN Children's Right Committee. In 2000, Cambodia submitted reports responding to 20 questions of the UN Children's Right Committee, and, in the same year, dispatched a senior delegation of the Royal Government of Cambodia to attend a question-and-answer session, held on May 24, 2000 in Geneva.

Contributing to the promotion of the Children's Right Committee presented the final observation, which is a compass reflecting concerns over gaps, and also made recommendations, on which Cambodia could take into account the execution of the Convention on Children's Rights.

So far, the Royal Government of Cambodia has paid special attention to the children's issues, particularly in the wake of the January 7 Revolution Day, with orphaned children in desperate need collected, brought up and educated at a center, sick children treated at hospitals, immunization and nutrition programs carried out and school opened for them, all of which are done solely for their sake.

Thank to this, children are now able to involve themselves in culture, arts and sports-related activities and other social events.

With cooperation from international organizations as well as non-governmental organizations and under the leadership of the Royal Government of Cambodia, related expertise ministries and institutions have put into practice the work on children, whereas considerable progress and advancement in all fields have been achieved.

In order to coordinate and monitor issues to children's right, the Royal Government of Cambodia has established the Cambodian National Council for Children (CNCC). The council has a technical sub-commission, such as the sub-commission against child labor and exploitation of all forms, and recently has created a sub-commission for the formulation of law on children in charge of formulating a law in a way consistent with the Convention, and a sub-commission against child prostitution in charge of coordinating and accelerating the implementation of a five-year plan against child trafficking and child sex exploitation.

The plan has been under frantic practice by expertise ministries in spite of the fact that a number of other programs have yet to be carried out.

However, in spite of more progress having been made in the children's issues, the result, based on the real situation in Cambodia, is not yet sufficient to meet the requirements. Infant mortality-rate remains high, their education quality still low, rate of drop-out from school still high, and health care service insufficient, particularly in rural areas, where local children not yet have access to sufficient social services, are sold or physically and sexually abused...so on and so forth, which requires reviews and addition of various programs and measures, as mentioned in the UN's recommendations.

Today's seminar will enable Excellencies, Ladies and Gentlemen to fix practical programs for children to be carried out this year and in the coming years to come.

May I express my special thank to His Excellency the Deputy Prime Minister, Excellencies Ambassadors, Excellencies, Ladies and Gentlemen for spending your valuable time attending this seminar.

My special thanks also go to UNESCO and UNHCHR for funding this seminar.

Finally, I would like to extend to His Excellency the Deputy Prime Minister my best wishes for sound health and success in all his duties and endeavors.

My best wishes for sound health, intelligence and success in all endeavors also go to Excellencies Ambassadors, Excellencies, Ladies and Gentlemen.

Thank you!



- Today, in the name of the Royal Government of Cambodia and on my own behalf, with the highest honor, I would like to express my exceeding pleasure to be here at the opening of the national seminar on the application of Royal Government to the final observation of United Nation Children's Right Committee, held jointly by the National Council of Cambodia for Children, UNICEF and COHCHR. I would also like to express my warmest welcome and extending my deep appreciation to all delegates of related ministries, institutions and non-governmental organizations. Your presence, as well as your precious opinions and clairvoyance will surely contribute to a good achievement setting the objectives and appropriate road map for effective implementation. As you know, the topic of the national seminar is related to the application of Royal Cambodian Government on the final observation of the United Nation Children's Right Committee. I regard this as one of the meaningful and compulsory topics responding to the present situations that the Royal Government of Cambodia as well as the Cambodian people as a whole are taking seriously to assure the potential children's right. The article 48 of the constitution of the Kingdom of Cambodia stipulated, " The state assumes the responsibility of the children's right as started in the convention, in particular the children's right to live, to be educated, to be protected while-at-war and to prevent the children from the sex exploitation and trade for money. "

The Royal Government of Cambodia has constituted the National Council of Cambodia for Children and the council has conducted a great deal of activities such as compilation of document concerning children's right, publicity of children's right, seminars to amplify the children's right, to prevent the sexual exploitation and cracking down the offense towards the children. To a close observation, the case of children offense have been prevented and forestalled timely and the perpetrators have also been detected and subsequently sent to the court.

Excellencies, Ladies and Gentlemen,
Seminar participants,

It is my understanding that the application of the children's right convention requires not only awareness and technology but strong willingness and spirit of high responsibility from the state and the involve institutions and individuals as well.

As a part of the seminar, I would rather, Excellencies, Ladies and Gentlemen look up to what are the best advantages for the children in programs and identifying the primary prioritized and suitable jobs and the secondary jobs and the limiting the duration of employment. The movement of participation supporting from the communities, from parents as well as that children by themselves is the major; and the better collaboration and cooperation is also the

successful way to which we must cling. I have a strong confidence that the two-day national seminar help you all to grasp good recommendations, and to gather new experiences relevant to the recommendations of the United Nations Organization, and at most, sharing the oppinions to discover weakness and strength of our previous practices and setting forth programs and measures or new access for the best application of United Nations Children's Right Committee final observation.

Taking this opportunity, I once again, would like to appreciate and extend my appreciation to UNICEF and COHCHR for financial assistance and closed cooperation with the Cambodian National Council for Children to launch the seminar, and also to other involved institutions, local and internation non-governmental organizations that are focusing on for the best of the children, and hope that they keep on assisting the children.

At last, I would like to wish you Exellencies, national and international honorable guests, ladies and gentlemen and the seminar participants wisdom, strong spirit and good health and great success for the seminar.

I declare open the seminar from now on.

Thank you !



RESULTS OF THE IMPLEMENTATION OF THE 1998- 2000 NATIONAL ACTION PROGRAM FOR CHILDREN IN CAMBODIA

In 1998, the Royal Government of Cambodia adopted the 1998- 2000 National Action Program For Children in Cambodia. This National Action Program is a compilation of national targets raised in the three or five year plans of related expertise ministries, related to the international goals mentioned in the statement from the 1990 World Summit Conference on Children. The report recapitulation of relevant ministries and NGO's reflects the national targets with the following achievements:

I- Childhood development at the initial stage and basic education

1- Kindergarten Education

- In 1998 and 1999, more progress was made in the field of kindergarten than last year, with school attendance rate among children increased 6.32%. The increase, however, could not yet meet the Ministry's target, as the school attendance rates among children in rural areas, impoverished children, ethnic minority children and disabled children, particularly girl remains low.

By academic year 1999-2000, the Ministry of Education, Youth and Sports had expanded the number of schools, students and teachers in cooperation with all local authorities, communities, charitable individuals, non-governmental and international organizations, so as to equalize the children's rights to education.

School attendance rate among children rose 7.03% with kindergartens across the country reaching 954, (923 of which are run by the government) 117 higher than last year. The number of students was 57, 072, (28, 724 of whom are girls) 4, 265 higher than last year.

Through community actions for social development program, the activities of Early Child Care and Development were implemented by Ministry of Women's Affaire in 18 towns and provinces with 1.007 child care taker and 15.729 children (8.959 girls).

2- Primary School Education

In 1998, the Ministry of Education, Youth and Sports introduced main policies as following:

- Globalization of a 9-year basic general education and professional literacy development;
- Modernization and improvement of the educational quality through effective reforms;
- Linking education and training to labor market and social requirements;
- Rehabilitation and development of youth and sports sector both within and outside educational systems.

In 1998-1999, schools numbered 5, 187, 161 higher than last year, and the total number of students was 2, 096, 530, (946, 152 of whom are girl students) 84, 758 higher than last year. The national goal for the primary education is to expend the equal opportunity for children to have access to basic education through school enrolment and participation of children in the nine-year-long education. And in the academic year 1999-2000, primary school attendance rate was 81.30%, 19% higher than last year. Primary schools numbered 5, 360, 173 higher than last year, and the number of students was 2, 186, 885, (of whom, 972, 612 were girl students) 90, 355 higher than last year.

The primary school completion could only be achieved at 83.62%, lower than last year, so the national target for 95% for the primary school completion to the secondary school level failed. The reason for this was that the number of dropouts was 6.6%, and that of students repeating classes stood 10. 32%.

3- National Budget

The national budget for the educational sector covered salaries of educational officials (teachers and educational management officials), and another little fund to spend on contingency costs only at central and provincial levels. In 1998, the total expense of the national budget on the educational field was 147 billion riel, equivalent to 10.3 % of the total national budgets, or is around 1.5% of GDP. On the contrary, 1997 budget was 8.1% of the national budget, but in 1999 the national budget plan for the educational, youth and sports sector was 8.3%, a slight increase of 149.5 billion riel in cash. In 2000, the national budget plan for education increased 183.170 billion riel, equal to 13.92% of the national budget. Actually, the amount provided is still far short of the real requirements of the ministry.

Because of the educational services and gaps between the schools in the city and those in rural isolated areas, the Royal Government of Cambodia has taken great care of teachers. Up to the present, and salaries have been 60% increased and pedagogical allowances also get hiked six times, getting between 53, 000 riel to 55, 000 riel, depending on their financial steps. As to new educational staffs, who volunteer to work in rural isolated areas, they are provided with US\$ 60 in allowance for their consumables. And as to teachers teaching in lowland areas who volunteer to teach or work in rural isolated, they are also provided with money to pay for their two-way travel (to and from) each Fiscal Year for their homeland visit.

4- Non-formal Education

In addition to the development of the formal education, the Ministry of Education, Youth and Sports has also paid special attention to the informal education, which is an indispensable component in our educational system, especially in the increase of literacy rates. Literacy rate among those aged 15 years and up is 67%. If compared to other developing countries in the region, the literacy rate in Cambodia seems to be a bit higher. Thanks to the literacy promotion campaigns having been conducted so far, the literacy rate has increased to 68.7%. However, the literacy rate in rural and remote areas is much lower than that in cities and towns.

To improve the situation, the Ministry of Education, Youth and Sports has expanded literacy programs among the old, and continued to open extra training classes, particularly for the disadvantaged that include children, young women, and the minority who do not have formal education.

In addition, the Ministry of Women's and Veteran's Affairs, Communal Action Program for Social Development, international organizations, governmental organizations and a number of provinces and cities, with assistance from various organizations, have trained literacy teachers and inspectors in a timely manner.

By 2000, the number of literacy classes reached 2, 516 with 50, 416 students (37, 791 of whom were females). 25, 725 students (18, 087 of whom are females) got literacy certificates, 6000 higher than last year. The total number of literacy teachers was 2,338, (of whom 829 were female), 790 higher than last year. The number inspectors was 271 (of whom, 59 were females), 112 higher than last year.

5- Cooperation

The Ministry of Education, Youth and Sports has closely cooperated with the Ministry of Culture and Fine Arts in integrating music, tradition, painting...so on into school curriculums, with a view to promoting the national cultural foundation among all students across the country.

II- Maternal and Child Health

1- Polio Eradication Program

The program was organized in May 1994 after the National Polio Eradication Day for children under 5 years of age was held in Phnom Penh and Kandal Province. The program focuses especially on the National Polio Eradication Day for children under 5 years of age, strengthening and expanding searches for polio cases among children under 15 years of age country-wide, and also on the coverage rate of the regular immunization programs. Through this special activity, the infection case of polio virus has been effectively eliminated in all areas in the country since April 1997. In 1998-2000, the polio case was totally eradicated nation-wide, with confirmation from the WHO's West Pacific Regional Committee. On October 29, 2000, all countries, including Cambodia, in the region have been awarded with certificates confirming the non-existence of polio cases, in a ceremony held in Tokyo, Japan.

2- Immunization

186, 812 (82%) children under 5 years of age were immunized against measles in 2000. In addition, the coverage rate of the immunization for children under 1 year of age is as following:

- 57% against TB;
- 46% (conducted three times) against polio;
- 46% (conducted three times) against whooping coughs, diphtheria, and tetanus; and
- 43% against measles.

If compared to the same period, this rate is around 11% higher than that in 1999. Additionally, immunization against tetanus was also carried out twice for 27% of pregnant women. If compared to the last year's rate, this rate is 5% higher.

3- Diarrhea and Respiratory Disease

Diarrhea is a serious problem for Cambodia, which is normally faced by up to 40% of infants aged between 6 to 11 months just within two weeks, and all the cases (40%) are dysentery, according to a new health observation. Of all women aged from 15 to 49, nearly half of them understand the importance of ORALIT, and four of 5 children enjoy more fluids than before when suffering from diarrhea. As to the respiratory disease, it is not different from diarrhea. It is a comparatively serious problem faced by young children, as 26% of children aged from 6-11 months often have coughs and unusually violent panting.

Regarding the children of poor families, the illiterate and those living in rural or isolated areas, most of them (the children) suffer from serious diarrhea or tracheitis.

4- Avitaminosis

Avitaminosis is caused by Vitamin Metal deficiency. The rate of Vitamin Metal deficiency is the highest of all, if compared to deficiency of other vitamins. In 1999, over 60% of both female children in their reproductive age, pregnant women and women having just given a birth are found with Vitamin Metal deficiency. In spite of the fact that we have not yet had the national campaign against avitaminosis, we have taken and put into practice preventative measures through health networks, by distributing metal capsules to women before and after giving a birth. In addition, the distribution of metal capsules also comes simultaneously with that of anti-worm and Vitamin A capsules to women and school children. In 2000, based on the results of the observations of the Community Action for Social Development Program collected from eight provinces, 69% of pregnant women suffer from avitaminosis. This rate is increased, if compared to the year 1998 when there was only 62%.

5- Breast Feeding

More than 50% of two-year-old children in rural areas are breast-fed. Weaning as a result of the breast milk absence is 79.9%, and breast-feeding under 2 days of age was 56.7% (in 1994). Thanks to the breast-feeding program, the breast-feeding rate reached 95% in 1999. In 2000, 68% of women continued to breast-feed their babies until they reached 2 years of age (observation results of the Community Action for Social Development Program).

6- Vitamin "A" Deficiency

Vitamin A deficiency showed that the prevalence of night blindness faced by children under 6 years of age is high, such as 10% in Takeo, 21% in Ratanakiri, 5.2% in Koh Kong, and 15% in Pursat.

Goiter cases, from Vitamin A deficiency, also showed the prevalence of 11%, of which 88% are women. Iodine was mixed with salts for consumption in cities and provinces. Training courses in nutrition, Vitamin A deficiency, iodine deficiency among children under 5 years of age were conducted in four districts in Takeo and one district in Kampong Thom provinces.

7- Birth Spacing

The prevalence rate of the birth-spacing increased from 7% in 1995 to 16% in 1998. In 1999, there was 16% of birth spacing, and only 34% of births in rural areas were delivered by trained medical staff. In 2000, there was 29% putting into practice a modern family planning based on birth spacing. Two methods were used: 65% getting contraceptive injections, and 36% taking pills.

Therefore in 2000, birth spacing rate successfully met the national target. In addition, the Ministry of Women's and Veteran's Affairs introduced a pilot community birth-spacing program. As a result of the program, 11, 485 beneficiaries in eight provinces (Kampong Cham, Prey Veng, Battambang, Siem Reap, Kampot, Kampong Thom and Kampong Chhnang) got informed. Of whom, 177 started using condoms and 1, 466 took pills. 4, 034 sheets of pills were distributed.

8- Baby Delivery

According to the reports of the Ministry of Health, only 34% of women get their babies delivered by trained medical staff. The rate of baby delivery by traditional midwives is 66%. In 1998, the rate of baby delivery by trained medical staff or traditional midwives was 50%.

9- HIV and AIDS

In the Southeast Asian Region, Cambodia is the most seriously affected by rapid spread of HIV and AIDS. Based on the preliminary estimation by WHO, over 15, 000 children under 15 years of age will be infected with HIV in late 2000, nearly 8, 000 others will be AIDS carriers, 30, 000 children under 15 years of age will be orphaned and left behind by HIV and AIDS in 2000, and this number (30, 000) would reach 60, 000 in 2002. In 1998-1999, the rate of the adults aware of AIDS was 80%. In 2000, the rate of the adults understanding AIDS was 90%, higher than last year. According to unconfirmed estimations, around 170, 000 people in Cambodia are carrying AIDS presently.

The National Authority for Combating AIDS prepared and issued national policy and priority strategy intended to combat against and control the HIV and AIDS infection from 1999-2004. The policy included:

- All national municipal and provincial institutions shall ensure that civil servants and citizens get the maximum information regarding HIV and AIDS epidemic and know preventive measures;
- AIDS programs shall be integrated into other national programs under the control of the State and Private Sector. For example, the Anti-AIDS Program of the Ministry of Health shall be integrated into the National Maternal and Child Health Program, National Primary Health Program, National TB Eradication Program, National Malaria Eradication Program...so on so that all of them (the programs) go smoothly and effectively.
- The Ministry of Education, Youth and Sports shall integrate health education program on AIDS into school curriculums at all levels.
- Education on discriminations against HIV, AIDS and STDs carriers shall be conducted, whereas mature children shall be made well aware of AIDS infection.

III- Nutrition

1- Infant Mortality Rate

Infant mortality rate declined from 115 out of 1,000 to 89 in 1996. In 1999, the mortality rate among children under 5 years of age declined from 181 out of 1000 in 1996 to 115 in 1999. The death rate among women during the delivery in 1999 was 473 out of 100, 000 women.

2- Iodine

The iodine use started in 1998, and up to the present (2000) considerable progress had been made in the eradication of iodine deficiency, through mixing iodine substance with salts used in cities and provinces. Sub-Commission for the Eradication of Iodine Deficiency has pushed the production of 9, 033, 63 tons of iodine salts, of which 4, 901, 94 tons were grand iodine salts and 4, 131, 69 tons were ground iodine salts. The iodine salts were distributed nationwide. In addition to the production promotion, the Sub-Commission also public publicity campaigns educating people to understand the importance of iodine salts. The Sub-Commission also observed and inspected the quality of iodine salts on sale in markets in 18 provinces/cities. Additionally, the Ministry of Health also provided 230, 000 tablets of iodine to women in their reproductive age from 14-48 in five provinces where the rate of goiter cases is high (Kratie, Stung Treng, Ratanakiri, Mondulakiri, and Siem Reap).

3- Vitamin “A” Deficiency

In an effort to minimize the Vitamin A deficiency, the Ministry of Health established a working group which is made up of the National Maternal and Child Health Center, Unit of the Expanded Program for Immunization (EPI) of the Ministry of Health, UNICEF and Helen Keller organization, to measure the feasibility of enforcing the immunization and vitamin A capsule (VAC) distribution program.

The distribution of vitamin A capsule (VAC) to children aged 6- 59 months is carried out on a yearly basis, twice per year, March and August. In the 1st quarter of 2000, vitamin A capsules (VAC) were provided to:

- 65, 195 children aged 6- 12 months old;
- 442,729 children aged 12 months- 59 months

4- Malnutrition

We could only achieve 33%, failing to fully meet the national targets for the reduction from 40%-50% rate of malnutrition faced among the children under 5 years old to 25% in 2000.

IV- Water and Sanitation

1- Clean Water

In 1999, two-thirds of the Cambodian people used water from streams, rivers, lakes, with no proper covers. The conditions in rural areas are much poorer than those in cities. More than half of the families in the city have access to tap- water, supplied by the Phnom Penh Municipality Water Authority (according to the report of the National Council on Nutrition). Based on the results of the observations by UNICEF and the Community Action for Social Development Program (CASD), in 2000 58% of people in eight communities used clean water.

The Community Action for Social Development Program (CASD) dug 339 water wells, and Food for Work Program of WFP drilled 519 wells in 18 provinces. According to the reports issued by the Ministry of Industry, Mines and Energy, capital cities in 18 provinces and cities have access to clean water. However, another five provinces and cities (Pailin, Kep, Mondulhiri, Preh Vihear, and Uddor Meanchey) do not yet have clean water. In 2000, the clean water produced by the 18 provinces and cities amounted 5, 558, 677 cubic meters, while the Phnom Penh Municipal Autonomous Water Supply Authority produced 39, 987, 749 cubic meters. In spite of the fact that the clean water production, more progress was made in the practice of clean water than in previous years.

2- Sanitation

Over ¾ of all families in Cambodia do not enjoy a sanitation system. The difference between the rural areas and the cities is clearly visible. 85% of the families in rural areas do not have a sanitation system, while in the cities only 50% do not. In the whole capital city of Phnom Penh alone, around 20% of families do not have toilets, according to the 1999 reports issued by the National Council on National Nutrition.

Based on the results of observations by UNICEF and the Community Action for Social Development (CASD) Program, only 14% in eight provinces, in 2000, had toilets. The Ministry of Rural Development, in cooperation with WFP, put into practice Food for Work (FFW) Programs, constructed 5, 700 toilets. And the Community Action for Social Development Program, with support from UNICEF, built 5,216 latrines. So in spite of the fact that the national figures are not available, the use of hygienic latrines is higher than previous years.

V- Protection of Vulnerable Children

1- Propaganda, Training and Education

- The Cambodian National Council for Children as well as other relevant ministries have disseminated the Convention on Child Rights (CRC), child trafficking issues and child prostitution to government employees and the public through seminars and multi-media (TV, radio and books). However, their awareness of the issues remains low.

- In collaboration with UNICEF, in 1999-2000, the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation (MOSALVY) has implemented the Children in Needs of Special Protection Program (CNSP) in Tmor Kol District / Battambang province, encouraging 518 children to school. Meanwhile, the Ministry, in collaboration with Save the Children/UK, have encouraged 1,217 kids to school in Kompong Speu province.

- In collaboration with the International Organization for Migration (IOM), the Ministry of Women's and Veterans' Affairs (MOWVA) has developed a human resource program and expand the capacity of trafficking prevention program by making government staff fully aware of law, multi-media, and relevant policies.

2- The Implementation of National 5-Year Plan against Child Sexual Exploitation and Child Trafficking

The Royal Government of Cambodia has ratified the National 5-year Plan to combat trafficking in children and child sexual exploitation, and released a declaration (*Prakas*) No 01 on implementation measures of the plan.

- *Prevention*: The Ministry and associate institutions have conducted dissemination on CRC, child prostitution, anti-drug activities, HIV/AIDS via workshops, community education and multi-media. CRC has been integrated in school curriculum.

- **Protection:** In addition to the Law on Suppression of Human Kidnapping, Sales and Sexual Exploitation, there are circulars, decisions, letter for instruction released by the Royal Government of Cambodia, the expertise ministries including Ministries of Cults and Fine Arts; Information; Interior; and Tourism in order to prevent sexual abuse, violence against women, to enforce the security and public order, to suppress phonographic businesses and cassettes. Prostitution, gambling and drug-use, etc must be strictly prohibited in tourism resorts.

The Cambodian National Council for Children has established a sub-committee to combat child trafficking and child sexual exploitation.

- **Actions:** The Ministry of Interior has planned to conduct investigation and prostitution suppression. As a result, victimized children and women have been rescued from brothels while perpetrators have been brought to the court. With the support from UNICEF, in 2000, the Ministry has developed its hot-line telephone.

CNSP Working Group has taken legal intervention for seven sexual abused cases in Battambang province.

Rehabilitation and reintegration: the Ministry, in collaboration with IOM and UNICEF, has initiated Support Services for Trafficked Children and Women from Thailand Program (SSTP) and repatriated them to Cambodia.

In 1999, in collaboration with NGO's, the Ministry provided health services, vocational training and job placement for 502 children rescued from brothels. Meanwhile, a number of NGO's – CCPCR, AFESIP and House of Hope were seen involving in the above program activities.

3- Street Children

According to the first semester reports of MOSALVY, in 2000, 974 street children have been sheltered and provided with vocational training.

At the present time, based on the reports by the Ministry of Planning, approximately 1,000 street kids either live on their own or with their family, most of whom are boys. Most children are seen commonly work as scavengers (46%) and beggars (18%). Approximately 9% of female street kids and 5% of male ones are involved in prostitution. All of them are easily lured into the gang committing crime, such as pickpocket and stealing activities in order to survive. Moreover, they are very exposed to drug addiction and prostitute themselves for income or shelters. 19,029 street children outside the center have received non-formal education. Meanwhile a number of street minors have been cared for in NGO centers.

4- Children with Disabilities

According to the MOSALVY-released reports in 2000; 16,010 kids with disabilities reside at 20 provinces/municipalities. 72 children with disabilities in 21 government orphanages have been educated and raised. At the moment the Ministry, in collaboration with the Disability Action Council (DAC), has developed pilot "standard home-care" program raising 5 orphaned disabled kids in the community. Additionally, the Operation Enfant de Battambang (OEB) provides care and education to children with disabilities in the community in Battambang. Blind, mute and deaf children have been educated in Krousar Thmei-run schools in Phnom Penh, Battambang and Siem Reap.

5- Landmines

Landmine issues have been so far informed through TV. UNICEF and Mine Advisory Group (MAG) initiated a project in collaboration with Ministry of Education, Youth and Sports (MoEYS), to integrate the danger of landmines into school curriculum and provide priority to the district with the most landmines. A number of NGO's, in collaboration with those implementing demining activities, develop activities to effectively improve the related-demining practices.

6- Child Labor

The Child Labor Unit of MOSALVY organized training workshops for labor inspection staff from 14 provinces/municipalities, whose child labor and child trafficking rates are high, and for NGO's staff. The workshops were mainly focused on (1) capacity building and awareness raising on child labor in the Cambodian future context; (2) training provision to 24 participants from government institutions and NGO's on development, monitoring and evaluation of child labor project; (3) the official declaration on international program of child labor eradication in Cambodia and MOU signing between MOSALVY (on behalf of the Royal Government) and International Labor Organization (ILO), which determines policy and procedure of cooperation, announcement of the labor survey findings in Cambodia, the establishment of recommendations for national plans for combating child labor.

The Sub-Committee for child labor and other forms of child exploitation has a key role and prime objective to ensure the implementation, monitoring and evaluation of all policies and projects related to child labor. The committee has so far ratified 26 projects valued US\$142,548.80 for child labor service agencies. MOSALVY and

the Ministry of Planning, in 2001, are under their preparation for the second child labor nationwide survey valued US\$ 31,015 (the first one was in 1996).

7- Legislation

CNCC has formed a Sub-Committee for Legislation related to children. The committee is composed of representatives from concerned ministries.

MOSALVY has drafted an adoption legislation to be submitted to the Council of Ministers for its review.

Concluding observation of the United Nations Committee on the Right of the Child on Cambodia

What are they ?

A public document containing:

- Assessment by the Committee of the realization of the rights of children in Cambodia, based on RGC's report, NGOs reports, and dialogue with RGC.
- Recommendations on measures to be taken by the RGC to improve implementation of the rights contained in the Convention on the Rights of the Child.

<u>CRC CONCLUDING OBSERVATIONS</u>

POSITIVE ASPECTS

- Inclusion in the Constitution of rights guaranteed by the Convention on the Rights of the Child.
- Measures against child labour, including ratification of ILO Minimum Age Convention and cooperation with ILO/IPEC.
- Cooperation with Office of the High Commissioner for Human Rights on human rights programmes.
- Participation of NGOs in the preparation of the RGC's report and implementation of the Convention.

<u>CRC CONCLUDING OBSERVATIONS</u>

OTHER INITIATIVES WELCOMED BY CRC

- Establishment of the CNCC.
- Measures for data collection in the education and health areas.
- Inclusion of the Convention on the Rights of the Child in school curricula.
- Efforts to train professional groups working with and for children.
- Efforts to draft inter-country adoption law
- Prohibition of military recruitment of children under 18.
- Legislation against sexual exploitation and five-year Plan of Action against Sexual Exploitation of Children.
- Cooperation with UN agencies on immunization programmes.

CRC CONCLUDING OBSERVATIONS

Measures

Suggested measures to improve realization of children rights include:

- Adoption or review of legislation
- Law enforcement
- Policy development
- Allocation of financial resources
- Data collection
- Development of institutions and mechanisms
- Awareness raising, education and training
- International cooperation/assistance

CRC CONCLUDING OBSERVATIONS

Coordination and monitoring

- Strengthening of CNCC's role in the implementation of the Convention on the Rights of the Child through increased resources
- Increased cooperation with NGOs
- Mechanism to monitor implementation of the Convention, deal with complaints and provide remedies for violations
- Strengthening of data collection system in all areas of the Convention
- Allocation of resources to health, education and social services for children.
- Education and training of all professional groups working with and for children

CRC CONCLUDING OBSERVATIONS

Laws and regulations

A number of specific measures are recommended to bring domestic legislation in conformity with the Convention on the Rights of the Child, and to establish an adequate legal framework for the protection and promotion of children's rights.

- ♦ **Develop new legislation on:**
 - Juvenile justice
 - Protection of refugee children

- Protection of children from hazardous forms of labour
- Participation of children in the family, school and other institutions
- Protection of children from harmful information and guarantee access to appropriate information.

◆ ***Review and strengthen existing legislation:***

- Include children rights' concerns into draft civil, criminal and criminal procedure codes
- Include definition of "child" in domestic legislation
- Clarify minimum age for criminal responsibility and sexual consent
- Include general principle of the convention (non discrimination, best interest of the child, rights to life, survival and development) into all relevant legislation
- Insure that birth registration is compulsory for all children
- Review Law on national to eliminate all grounds of possible discrimination
- Review legislation on domestic adoption
- Strengthen legislation on sexual exploitation of children

◆ ***Enforce existing legislation on:***

- Minimum age for access to employment
- Minimum age for marriage
- Sub-decree on Resident and Family books to ensure registration of children
- Sexual exploitation of children

<u>CRC CONCLUDING OBSERVATIONS</u>

Family and alternative care

- Development of policies and regulations regarding children's institutions and other forms of alternative care, including foster family
- Strengthening of social services to cover larger numbers of children, including HIV-AIDS orphans
- Allocation of adequate financial and human resources for these purposes
- Review legislation on domestic adoption and enact legislation on inter-country adoption
- Accede to the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption
- Strengthen adoption bureau
- Strengthen measures to prevent and combat child abuse and ill-treatment of children within the family, at school and other institutions, including through law enforcement, child-friendly complaint mechanisms and education

CRC CONCLUDING OBSERVATIONS

Health

- Develop multi-sectoral strategies to address child health issues, based on accurate data collection and taking into account the needs of isolated communities
- Establish an efficient primary health-care sector
- Continue to take effective measure of HIV-AIDS prevention, including through awareness raising and education
- Promote the rights of children with disabilities by implementing alternative measures to institutionalization, conducting awareness campaigns to avoid discrimination, facilitating access to education, and training relevant professional staff
- Improve access of poor children to health care services and medicines
- Undertake study on adolescent health problems, to develop appropriate policies, strengthen reproductive health education, and develop counseling services

CRC CONCLUDING OBSERVATIONS

Education and Leisure

- Make primary education free and compulsory for all children
- Increase enrolment and decrease drop-out rates
- Increase access to schools for poor and minority children, girls, and children in remote areas
- Improve quality of education by increasing budget of education by increasing budget allocations for the education sector, training teachers, reviewing curricula

CRC CONCLUDING OBSERVATIONS

Child Trafficking and Exploitation

- ◆ Prevent and punish *economic exploitation* for children by:
 - Enforcing norms on minimum age for access to employment
 - Monitoring child labour through inspectors
 - Applying sanctions to violators
 - Enacting laws protecting children from hazardous forms of labour
 - Ratifying ILO Convention 182
- ◆ Prevent and punish *sexual exploitation and trafficking* of children by:

- Fully enforcing relevant domestic legislation, and reviewing it to strengthen it
 - Fully implementing the 2000-2004 Plan of Action against Sexual Exploitation of children and allocating adequate resources to it
 - Strengthening social services for rehabilitation of victims
 - Prosecuting violators and strengthening bilateral cooperation
- ◆ Take further measures for the rehabilitation and reintegration of *Child soldiers*
- ◆ Eliminate *discrimination* against children living or working on the streets, and belonging to minority groups

<h2><u>CRC CONCLUDING OBSERVATIONS</u></h2>

Information and cultural activities

- Disseminate the Convention on the Rights of the Child, especially in rural areas and among minority groups
- Education and training programmes for all professional groups working for and with children
- Promote participation of children in the family, the school and other institutions
- Enact laws to protect children from harmful information and to guarantee access to appropriate information
- Disseminate RGC's report and replies, CRC summary record and concluding observations

Cambodia Office of the High Commissioner for Human Rights

Results of the NGOs' workshop on the UN's recommendations on the implementation of the Convention on the Rights of the Child in Cambodia

Major Concerns	Recommendations made by NGOs
I- General implementation measures 1- Existing laws not yet consistent with regulations and principles of CRC ✦ Birth certificate registration ✦ Alternate care means ✦ Judicial system for children 2- Training provided by CRC for legislative officials and law enforcement still limited. 3- Non-existence of the independent mechanism for monitoring and observing the implementation of CRC and for addressing children's complaints.	✦ Any laws regarding children be amended so that they can be consistent with the regulations and principles of CRC. ✦ Law enforcement regarding birth certificate registration be boosted. ✦ Law be enforced to remove power from any parents seriously abusing children, and regulation on the management of the Children's Center be formulated. ✦ Court system composed of judges, prosecutors and lawyers with expertise in child-related cases be established. ✦ Independent mechanism for monitoring and observing the implementation of CRC, and for solving children's complaints be formed.
II- Definition, General Principals and Children's Rights and Freedom 1- No clear definitions, regarding children, in laws. 2- General principal of CRC not yet reintegrated into program execution and any activities for children. 3- Majority of children not yet registered in the birth certificates 4- Children's participation/involvement still low.	✦ Children's ages be clearly defined in the laws, such as age at which children shall be held responsible for penal cases, age at which they (children) can have sex, and minimum age at which children can be involved in improper work. ✦ The importance of the free and obligatory birth certificate registration should be publicized. ✦ Debriefing session program, designed for children to share their ideas and unveil their real challenges, should be created.
III- Family atmosphere and alternate care 1- Abused children aren't yet properly rehabilitated. 2- Some parents have yet to fulfill their parental roles, duties and responsibilities.	✦ Efforts should be made to found many reliable rehabilitation centers both for children who are the offenders and for children who are the victims. ✦ Education to communities, families and schools on laws, obligations as parents or caretakers to take care of children be promoted through the public media.
IV- Basic Health and Welfare 1- Problems of Illiteracy, clean water supply and food insecurity. 2- Local health services remain limited, with no mechanism for monitoring private health services in place. 3- Awareness of AIDS still low.	✦ Both formal and non-formal education be provided to citizens living in remote areas. ✦ Clean water supply and irrigation system be ensured, and basic health care services be made available in isolated areas. ✦ Education and treatment be provided to AIDS carriers, and child prostitution be eradicated.
V- Education, Recreation and Cultural Activities 1- Education at a primary level has not yet reached all children.	✦ Strict measures be taken, to encourage parents to send their school-age children to schools.

2- Dropout rate is high, and school access of impoverished children, the minority and children living in remote areas remain low. 3- Tough control on the in-flow of improper foreign cultures and games to which children are prone is not yet put into practice. 4- National budget for the educational sector is still low.	✎ Obligatory and free education at a primary level be promoted. ✎ Non-formal education program for children who have no access to schooling or who have dropped out be continued. ✎ Tough actions be taken, to control and eliminate any in-flow of improper cultures and debaucheries for children. ✎ School buildings, equipment, materials, teachers, and funds be provided.
VI- Special Protective Measures 1- Legal shortages, and law enforcement is not yet effective. 2- Social services for rehabilitation of sexually abused children are not yet proper. 3- Children's cases are not addressed in a timely manner, and offenders often enjoy impunity.	✎ Exclusive law on children be formulated. ✎ Sub-decrees and regulations be issued, to put into effective practice laws in effect. ✎ Legal education and RCR be provided to law enforcement officials, effective law enforcement be strengthened, and corruption be eliminated. ✎ Rehabilitation centers for abused children be founded. ✎ Places to receive children's complaints be established, children's cases be solved in a proper and timely manner, and exclusive child detention center be founded.

To materialize the above-mentioned recommendations, NGOs could share following responsibilities with the Royal Government of Cambodia:

- Widely educate on and publicize national and international laws regarding the Convention on the Rights of the Child.
- Provide human resources and various techniques for drafting laws related to children.
- Investigate and collect all data regarding the children's situation and implementation of the Convention on the Rights of the Child (CRC).
- Contribute to the publicity, aimed at promoting the awareness of the importance of birth certificate registration.
- Provide legal services to children in conflict with the laws, and to children who are the victims.
- Cooperate and supply rehabilitation centers with materials and vocational training.
- Cooperate with the Ministry of Education, Youth and Sports in making non-formal schools available to poor children and children living in remote areas.
- Publicize at a communal level the importance of education and AIDS prevention.
- Participate in implementing any programs for the development of children.

Prepared by Non-Governmental Organization's Committee for the Rights of the Child.

Discussion Group 1

Discussion Topics:

Strengthening of the roles of CNCC and ombudsmen; data collection; monitoring and investigation, from central to provincial and local levels.

Discussion Results:

1.
 - Cooperation, coordination, strengthening of the roles of CNCC, data collection, budgets and training.
 - Request for the review and amendment to Sub-Decree on the establishment of CNCC, precisely determining hierarchy, structure, role and framework, and ensuring sufficient human resources and exclusive and sufficient budgets so that CNCC can fulfill its arduous task, coordinate and monitor from a central to local level.
 - Request related ministries to pay more attention to the compositions to be nominated as members of CNCC. The compositions should be those at a decision-making level. Spokesmen or absenteeism shall be avoided.
 - Regarding human resources development, a long- term plan should be made. Children's rights-related training should be conducted in a broad manner.
 - Questionnaires shall be prepared and circulated at district and provincial levels, meetings with CNCC's staff and NGOs held on a regular basis, so as to gather information on children, and to address related issues.
2.
 - Ombudsperson
 - Request for children's rights at Senate, National Assembly and Council of Ministers.

Discussion Group 2

Discussion Topics:

Law review; Definition of children; Discrimination; Registration of children in birth certificates; Opinion sharing and reception of information; Fleeing children; Child adoption; Sexual exploitation of children.

Discussion Findings:

1.
 - Law review and birth certificate registration
 - CNCC is requested to further strengthen its Legislative Sub-Commission and its leadership, and to make a proposal for the establishment of the youth judicial system.
 - Cambodia shall include children's issues in the penal and civil laws. An additional special law shall be established to include any cases regarding children, not stipulated by the above-mentioned laws.
 - Children's rights-related training shall be provided to law enforcement officials, to ministries, to institutions, to law-makers, and to schools.
 - Birth certificate registration shall be regarded as a priority.
 - Judicial system shall be established for children.
 - Laws, regulations, sub-decrees and royal decrees are already in place, but poorly publicized.

Discussion Group 3

Discussion Topics:

Family obligation; Parental care; Monitoring and investigation; Protection of children against abuses and brutality; Issues of disabled children.

Discussion Findings:

1.
 - Law on family obligation and care.
 - There should be a law on family, care by parents, institution concerned and various organizations.
 - Participate in writing and drafting laws by the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation, Ministry of Justice, Ministry of Interior, Ministry of Women's and Veteran's Affairs, governmental and non-governmental organizations.
 - Study shortage of laws, reflecting the Convention on the Rights of the Child.

2.
 - Child Adoption.
 - Any local responsible individuals and child adopters, failing to comply with promises and related laws, shall be held responsible before the law.
 - The existing laws should be quickly put into effect, child adoption investigated at both national and international levels.
 - Transparent promises and state-to-state agreements with both local and foreign child adopters shall be made.
 - Age, health, personal background and heritage reception shall be clearly determined by laws, and such laws shall be properly enforced.
 - Capacity of CNCC's staff shall be strengthened, and materials and budgets shall be made sufficient for implementation.
3.
 - Protection and monitoring
 - Clear data collection systems shall be established and strengthened, work execution assessed through meetings and workshops, and cooperation with local and international organizations and institutions concerned promoted.
 - Children regardless of any nationality, having violated law(s) shall be punished under the local law(s), so shall any abusers of children.
 - The rights of the child shall be widely and effectively publicized, court(s) for children established, and law(s) properly enforced.
 - Social services shall be cemented, so as to protect disabled and vulnerable children.
 - Cooperating with local and international NGOs with financial and technical assistance (especially increasing allowances for child care centers, to meet real demands).
 - Rights shall be provided by the Royal Government of Cambodia to CNCC to monitoring and investigation, and related ministries and institutions shall submit reports on a regular basis. CNCC is requested to conduct direct observation and implementation according to the effective procedure(s).

Discussion Group 4

Discussion Topics:

Non-discriminatory access to medical services, especially by vulnerable children; Budgets; Children's rights-related training to medical staff; Promoting children's survival and health; Teenage children; Effectiveness-enhancing measures.

Discussion Results:

1.
 - Access to medical services, budgets and training.
 - Availability of hospitals and health centers should be increased. Medical services should be provided to impoverished children for free.
 - Children's rights-related training shall be provided health officials, and there shall be professional conscience.
2.
 - Treatment and educational program expansion.
 - Health and sanitation-related education shall be made broadly available and at all levels.
 - Effective treatment for pediatric diseases (diarrheas and lung disease) shall be upgraded, projects for prevention of AIDS transmission from mothers to babies (PMTCT) brought up and carried out, and PMTCT implementation promoted.
 - Health care during pregnancy, pregnancy consultation at least three times before delivery, expended program for immunization (EPI) and nutrition provision.
 - Formal and non-formal reproductive health education programs shall be expanded, and AIDS reality reflected with a view to exchanging practices and cooperating with related institutions.

Discussion Group 5

Discussion Topics:

Budgetary data collection and monitoring; Training to teachers in children's rights; Children's access to schools; Quality of education; Study of young girls and vulnerable children; Protection of children in the educational framework, especially physical torture inflicted on children.

Discussion Outcomes:

1.
 - Monitoring shall be increased, and non-formal education cemented.

- Monitoring of respect for children's rights at schools shall be increased, accurate data collected, and non-formal education to children, without access to schools, promoted.
- Working groups for children, not attending schools, shall be increased in number, and vulnerable children encouraged to take extra class.
- There shall be cooperation and coordination of external assistance (P.A.P).
- Educational institutions shall be made more widely available to everyone, without taking contributions from parents, and non-formal education provided to children having no access to schools.

Discussion Group 6

Discussion Topics:

Discussion on the data collection regarding trafficking and child prostitution for combating; Implementation and coordination of the national 5-year plan to combat against child labor; and Protection of children against child debauchery.

Discussion Results:

1.
 - Collection of data on the child trafficking, child prostitution, and budgets.
 - There should be a Hot Line in a computer system to store data. The data-keeping duty should be handed over to CNCC, who should do the work by cooperating with NGOs, international organizations and the Ministry of Information.
 - Regarding budgets for the combat against child trafficking and child prostitution, CNCC shall be responsible for seeking them from national and international organizations and humanitarian organizations, and for making and submitting related proposals to the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation and to the Royal Government of Cambodia for consideration.
 - CNCC institutions and human resources shall be strengthened so that they can be transparent (and active), to deal with job necessity.
 - Effective enforcement of the proclamation No 01, dated April 6, 2000, shall be promoted.
 - The national five-year plan shall be widely publicized to all institutions and communities.
2.
 - Fighting against child labor and protection of children from debauchery.
 - A staff member from the child labor should be allowed membership into working groups, and all institutions should pay special attention to the child labor.
 - The Royal Government of Cambodia should pay exceptional attention to the salaries of teachers, who, in return, should focus on promoting the quality of education to children, so as to prevent them (children) from falling into debauchery.
 - Relationships between parents and schools should be further promoted, so as to further improve education and eliminate "Big Brothers" groups at schools.
 - Gambling available at schools shall be prohibited, and local authorities shall take the most serious measures to crack down on such a case.
 - More youth rehabilitation centers should be founded, and children, guilty of penal offenses, in particular, should be separately detained from the old.

Discussion Group 7

Discussion Topics:

Budgets for promoting the publicity program(s) for children and children's access to information regarding the rights of the child in general, especially the four principles, encouraging minority children.

Discussion Results:

1.
 - Publicity system(s) on the rights of the child;
 - The rights of the child should be publicized broadly and for free of charge;
 - The Royal Government of Cambodia is requested to increase the budgets for children's rights-related publicity program(s) in all media outlets;
2.
 - Minority children
 - The Royal Government of Cambodia should pay exclusive attention to disadvantaged children, minority children, and TV program(s), whereas minority children, in particular, have access to.
3.
 - Children's social involvement

- Children should be encouraged to be actively involved in social activities, and allowed a chance to express their opinions, in order to boost the awareness of the rights of the child.
- Publicity system(s) regarding the rights of the child should be made available through teachers and monks, and various circles in society should pay special attention to the Convention on the Rights of the Child.
- Pornography in newspapers and magazines shall be eradicated.



Officials representing each ministry discussed their ministries' programs and activities to be executed in 2001, and obtained following results:

CNCC:

- Review and legislate law(s) regarding children;
- Strengthen the enforcement by the Sub-Commission for Combating Child Trafficking and Sexual Exploitation of Children;
- Review and revise sub-decree(s).

Ministry of Interior:

- Cooperate with CNCC in examining and legislating law(s) regarding children.

Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation:

- Child labor prevention program(s);
- Program(s) for the rehabilitation and prevention of children from abusing drugs;
- Child debauchery prevention program(s);
- Program(s) for the investigation and reintegration of children into communities;
- Program(s) for the formulation of law on child adoption.

Ministry of Interior:

- A- Work on vital records office (where births, marriages and deaths are registered);

At the end of 2000, the Ministry of Interior issued a circular, instructing all provinces and municipalities to strengthen the enforcement of a Sub-Decree No 018 of the Royal Government of Cambodia on the vital records office.

In 2001, the ministry will even more broadly publicize and directly execute the work.

- B- To enforce the legal protection against sexual exploitation of children, the Ministry of Interior has put into practice the Royal Government's national five-year plan on the fight against child trafficking and sexual exploitation of children, has continued to provide training courses to judicial police officials in the combat against the above act, in 13 provinces and municipalities, and established a mechanism for combating sexual exploitation of children, in cooperation with local authorities, institutions and courts.
- Widely publicize the related issue(s) at communal and districts levels, to increase the awareness of the fight against sexual exploitation of children.

Ministry of Foreign Affairs and International Cooperation:

- Fight against cross-border child trafficking, by cooperating with regional countries and the world, and by preparing formalities/paperwork, through diplomacy, in order to enable victimized children to return to their homeland.

Ministry of Tourism:

In 2001, the Ministry of Tourism will introduce its following activities designed to contribute to the curbing and prevention of child trafficking and their sexual exploitation:

- In early 2001, the Ministry of Tourism cooperated with World Vision-Cambodia in preparing a tourism industry-related training project for:
 - + 204 tourism agencies;
 - + 241 hotels in Phnom Penh, Siem Reap and Sihanoukville;
 - + 28 Phnom Penh - Siem Reap transportation means by boat, and 91 cruisers in Phnom Penh and Siem Reap.
 - + Transportation means by land: 384 cabs; 194 buses;
 - + 111 tour guides in Phnom Penh, and 414 guides in Siem Reap.

The training project is intended to promote the awareness of children in the tourism field, with a view to reducing cases of child trafficking and sexual exploitation of children in the tourism domain, and publicizing law(s) on the serious punishment for flesh tourism. It is anticipated

that positive results could be achieved if the project receives financial, technical and material assistance for international organizations. Meanwhile, the Ministry of Tourism is arduously seeking assistance for the publication of publicity materials on the combat against sexual exploitation of children in the tourism sector.

Ministry of Women's and Veteran's Affairs:

- Legal protection and education (on the rights of the child, through non-formal education) in 17 provinces and municipalities: Prey Veng, Svay Rieng, Kompong Speu, Kompong Thom, Oddar Meanchey, Steng Treng, etc.
 - Marriage law (child division and food rations);
 - Draft law on the eradication of domestic violence (women and children);
 - Policy on prostitution control (brothels in Phnom Penh);
 - Eliminate woman and child trafficking (over the period of 3 years) in 900 villages in provinces and municipalities: Svay Rieng, Banteay Meanchey, Koh Kong, Pailin and Phnom Penh;
 - + Capacity building;
 - + Mobile publicity;
 - Health sector
 - + Community birth spacing;
 - + Maternal and child care;
 - + "NEARIRATANAK" plan
-

**The speak of H.E. SOK AN, Senior Minister, Minister of Council Minister, States in the closed Ceremony of Workshop on Government implementation to the final decision of Committee of Children Rights of United Nation
(Januar 22-23, 2001)**

- His Excellencies, Madams, National and international Honor guests
- His Excellencies, Madams and Participants of Workshop

At the first, I would like to say congratulation, and fully support for the national workshop that process in hard working, and get a good result for two days. The report of the workshop shows about the cooperation between the Cambodian National Council for Children (CNCC) involving ministry, international organization NGOs that share and revealed the ideas for implementation in order to get useful for Cambodia Children.

The final decision of committee of children rights of United Nation, has mentioned the lacking point, and shown the preparation of needed point. After the final decision, workshop found the methodology of implementation as, coordination, work, and monitor work, for implementing of children rights of Cambodian National Council for Children (CNCC) from the middle authorities to the local authorities. The exact valuation of children's situation submit to royal government make the children get healthy and good health care service at the cities and rural. And also reach for reducing the dead rate of children. The children care in center or in family, the position of the children smuggling, is the children improvement by education quality and teaching quality, and reach for reducing the bad action in the education field.

I know that the Cambodian National Council for Children (CNCC) has made sub-committee for the publication relating to the children. Meanwhile, we have to improve the high effective implementation. The system media is the main factor for education. The control of the publication can get good information and they become themselves good citizen. The parents, communities should publish the information children rights education.

Actually, the economic problem is the main factor to reach the development direction of implementation of children rights. Now we are shortage of schools, lacks of communication are the difficulties of children education. The low standard living of family delay the children studies, and children play role as breadwinner. So they can not grow up fast because of lacking food and parents care and so on. But the pledge, struggling morale and high emotion for supporting children rights are the important factor.

At the same time, Royal government of Cambodia has been holding the reformation. It will provide a restoration and development of infrastructure of socio-economy that is the way for improving the next ten years. The Royal Government of Cambodia is strongly reducing the poverty through the job-improving program for rural citizens, constructing the road communication, providing the fishing lack to those people and increasing the budget of the education field, social affair and health etc...

Now Cambodia is showing the world that is the willing of implementation of children rights. The advantages of children have been initiative considered of all the decisions of the institution concerned, and obtained the main priority for Cambodia to advance in the development as the neighboring countries. On behalf of Royal Government of Cambodia and I myself, I would like to get ideas and requests that the workshop raised up the meeting, and strongly support of all the implementation of the ministry's program and institution.

The children are the successor, a column and strong power of the country. The care of children health and the improvement the children are the main topic and priority for restoring the program of the country development. Finally, I bless his Excellency, madam, national and international honor guest and participants have a good health and intelligent to be a strong movement in supporting the children rights in the country.

Children are the soul and heart of every one of us.

Thanks!

Present list who coming of the National workshop
on 22-23 January 2001

N°	Name and Surname	Male	Female	Position
Delegation				
1-	H.E Ith Samheng	M		Minister of MoSALVY
2-	H.E Im Sethy	M		Secretary State of MoEYs
3-	H.E Om Yentieng	M		Chief Cambodia Human Right Committee
National and International guests				
4-	Ms. Chea Veasha		F	Assistance COHCHR
5-	Mr. Lao Monghay	M		KID
6-	Mr. Chai Chandaravanth	M		SCA
7-	Mr. Bo Harvold	M		Director SC Norway
8-	Mr. Guide Camole	M		UNICEF's representative
9-	Mr. Alex Amirh	M		US Embassy
10-	H.E Say siphonn	M		Under Secretary of MoSALVY
11-	Mr. Keo Sakann	M		Deputy General Secretary
12-	Mr. UY SIM	M		Chief Cabinet of H.E Sar Kheng
Prime Minister Cabinet Participation's member				
13-	H.E Seng Limnov	M		Under Secretary of State
14-	Mr. Kong Vok	M		Director Department
15-	Mr. Haran Sivilay	M		Advisor of H.E Sar Kheng
16-	Mr. Meas Sarim	M		Advisor of H.E Sar Kheng
17-	Mr. Kong Uok	M		Director Department
Ministry of Interior				
18-	Mr. Ten Borany	M		Deputy Director Department
19-	Mr. Chhim Ny	M		Deputy Director Department
Ministry of Social Affaire, Labor, Vocational Training and Youth Rehabilitation				
20-	H.E Nev Phearith	M		Under Secretary of State
21-	H.E Yu Bunna	M		Under Secretary of State
22-	H.E Oum Mean	M		General Secretary
23-	H.E Thach Sem	M		Advisor of MoSALVY
24-	Mr. Kong Chhan	M		Deputy Director General
25-	Mr. Haing Sitha	M		Deputy General Director
26-	Mr. Touch Samon	M		Deputy General Director
27-	Mr. Keo Seun	M		Director Department
28-	Mr. Chhem Sunheng	M		Adoption bureau
29-	Mr. Keo Soksethiny	M		Advisor of MoSALVY Minister
30-	Mr. Krouch Sophary	M		Chief Cabinet
31-	Mr. Mao Sovadei	M		General Director
32-	Ms. Yourn Sovanna		F	Director Save Children Center
33-	Ms. Ouk Saphoan		F	Deputy General Director
Ministry of Foreign Affaire				
34-	Ms. Phan Lovy		F	Chief Bureau
35-	Mr. Kim Sovanna	M		Chief Bureau of law
Ministry of Justice				
36-	Mr. Sor Supheary	M		Chef municipal Course
37-	Mr. Chheng Path	M		
38-	Mr. Hout Vuthy	M		Chief Bureau
Ministry of Defense				
39-	Mr. Neang Eang	M		
Ministry of Education Youth and Sport				
40-	H.E Bun Sok	M		Under Secretary of State
41-	Mr. In Thé	M		Director Department
42-	Mr. San Sot	M		Deputy Director Department
43-	Mr. Seng Kournno	M		Youth Chief Bureau
44-	Mr. Phan Sokim	M		Youth Director Department
45-	Mr. Ou Chea	M		Deputy of Administration
Ministry of Women's Affairs				
46-	H.E. San Arun		F	Under Secretary of State
47-	Ms. Sam Mony		F	Deputy General Director

48-	Ms. Sat Salym		F	Deputy Director Department
49-	Ms. Kong Bunnork		F	Chief Bureau
	Ministry of Health			
50-	H.E. Seng Haksrun	M		Under Secretary of State
51-	Mr. Chhun Lut	M		Health Protect
52-	Mr. Kim Limbunna	M		NCHADS
53-	Mr. Ly Sam Ol	M		NAA
	Ministry of Rural Development			
54-	Ms. Tum Titheary		F	Officer of Health Education
	Ministry of Industry Mine and Power			
55-	Mr. Kim Touch	M		Director Department
	Ministry of Plan			
56-	Mr. Ky Long	M		Deputy Chief Bureau
	Ministry of Tourism			
57-	Mr. Yong Vorn	M		Director Department
	Ministry of			
58-	Mr. Ourng Sophearin	M		Deputy Director Department
	NGOs			
59-	Ms. Taton Valéry		F	UNICEF
60-	Mr. Keo Sokea	M		UNICEF
61-	Mr. Phok Sophea	M		UNICEF
62-	Mr. Ou Vun	M		UNICEF
63-	Ms. Heng Neang		F	UNICEF
64-	Ms. Nhornh Sophea		F	COHCHR
65-	Ms. Van Nary		F	COHCHR
66-	Ms. Francesca Marotta		F	COHCHR
67-	Mr. Ourk Vor	M		COHCHR
68-	Mr. Sim Souyong	M		Chief CRC
69-	Mr. Meas Samnang	M		LAC
70-	Mr. Huon Chundy	M		Lawyer LAC
71-	Ngeng Teng	M		LICADHO Phnom Penh
72-	Mr. Ith Rady	M		Human rights committee
73-	Mr. Em Chanmakara	M		Chief of CRC committee
74-	Ms. Mom Thany		F	Senior advisor CRC
75-	Ms. Prak Savang		F	Director Orphan Kandal Center
76-	Ms. Mey Meakea		F	SCUK
77-	Ms. O Khemalyn		F	VOR
78-	Mr. Leng Sam Ol	M		NAA
79-	Mr. Chea Mony	M		ILO
80-	Mr. Ngourn Rithy	M		WVC
81-	Mr. Men Setharoth	M		UNICEF
82-	Mr. Tan Try	M		UNICEF

**RESULTS OF THE WORKSHOP
ON THE UN RECOMMENDATION ON IMPLEMENTATION OF
CRC IN CAMBODIA 16-17 NOV 2000**

On the day two of the workshop, participants were divided into smaller groups for discussing the giving of order of priorities to UN's recommendations. Results of the group discussion are as follow:

A- Order of Priorities of the UN's Recommendations

1- General Course of Actions

- 1- Review the existing laws for their compliances to the Convention's regulations, and to the general principles of the Convention, in particular, by specifically focusing on:
 - Birth registration
 - Families and alternative care
 - Justice for children
- 2- Continue to provide systematic education and training on child rights to and for Members Parliament, judges, lawyers, law enforcers, civil servants, staff of Municipality, staff of institutions or prisons, jails with children, school teachers, social workers, health staff and psychiatrists
- 3- Consider on establishment of an independent mechanism for monitoring implementation of the Convention and accept and look into complaints made by children on the abuse of their rights
- 4- Incorporate worries/concerns relating to child rights in the current and future processes of drafting a law, especially the draft of a civil law, criminal law and its legal procedures
- 5- Give priority to and ensure available maximum resource for health, education and social services for children, especially pay attention to protection of vulnerable and neglected groups of children
- 6- Continue to develop and strengthen data system for entering data of all areas stated in the Convention, especially about the vulnerable groups of children
- 7- Strengthen roles/responsibilities of CNCC in facilitating the implementation of the Convention at the national, regional and local levels
- 8- Provide appropriately sufficient human and financial resources to CNCC for effectively carrying out its mandate
- 9- Ensure close cooperation and coordination between organizations and NGOs working for the rights of the child
- 10- Conduct campaign to raise awareness aimed at facilitating the easy and effective use of the mechanism
- 11- Strengthen the promotion of child rights, especially those of minority groups as well as those of rural and remote geographical areas.

2- Definition

- 1- Incorporate the definition of "the child" in the laws
- 2- Consider to incorporate regulations relating to maximum age of a child to be held responsible for their criminal act and consent to sexuality
- 3- Implement regulations concerning minimum age of a child for a marriage.

3- General Principles

- 1- Incorporate general principles of the Convention in all laws relating to and affecting the child
- 2- Bring into consideration all principles in making any administrative and legal (court) decision as well as in any policy and programs relating to the children
- 3- Raise public's awareness of these principles, including community, religion leaders and programs on implementation of these principles
- 4- Take all necessarily effective measures for eliminating discrimination against girls who must receive education
- 5- Make all efforts to eliminate discrimination against street children, children of minority groups, and especially children of Vietnamese origin.

4- People's Civil Rights and Freedom

- 1- Conduct campaign to promote awareness-raising on birth registration for all children after their birth
- 2- Review national (existing) laws for making birth registration for all children an obligation regardless of children's origin
- 3- Take effective action for applying Anukret (sub-decree) N0. 74 on family book (family record), and sub-decree N0. 73 on familial residence record in which children must be registered after birth
- 4- Legislate a particular law for protecting children from receiving negatively uninformative messages, especially messages from TV programs with movies and their brutal, odd languages with obscene images, and to ensure children receiving appropriate and righteous messages/information

- 5- Raise public's awareness on child's right on participation in family's, community, institution's and school's activities
- 6- Take additional actions, including laws reform, for encouraging children's participation in other social institutional activities
- 7- Ensure freedom of expressions, establishment and participation in community activities
- 8- Review laws on nationality, to be in compliance with the Convention, for eliminating any possible discrimination against children, and totally eliminating and preventing the non-registration of a child
- 9- Pay attention to and take into account recommendations of the Child Rights Committee on the general discussion day on the topic "the child and media system" of 1996.

5- Familial Environment and Alternative Care

- 1- Take all effective actions, which include cross-sectoral programming, care and rehabilitation activities, for preventing and combating domestic abuse and violence against a child in a family, a school and/or an institution
- 2- Take effective actions for encouraging family to be a better place/centre, where parents are to be empowered by and through community-based programs to take good care of children, and for centre-based children, counseling services are to be provided with sufficient human and financial resources to be allocated and provided
- 3- Strengthen appropriate legal procedures/actions for children and create mechanism for looking into complaints on child abuse so that a child victim receives early intervention for their justice that leads to avoiding impunity of a criminal
- 4- Strengthen and expand social services which most children, especially orphans of HIV/AIDS, have access to, and establish alternative care, such as care by family, with sufficient human and financial resources allocated and provided
- 5- Enforce the laws concerning the related criminal acts
- 6- Develop policy and regulations relating to child care centre and alternative care with sufficient human and financial resources allocated and provided
- 7- Create and carry out educational activities for combating social traditional behaviour of this related problem
- 8- Continue drafting the law on inter-country adoption, and reform the existing law on in-country adoption
- 9- To become a member of the Hague 1993 Convention on child protection, and co-operate for the inter-country adoption.

6- Health and Well-being

- 1- Address children's health problems (diseases) and child mortality through cross-sectoral approaches with a focus on illiterate people and providing safe drinking water and the issue of food security
- 2- Identify prioritized areas based on data collected through comprehensively careful studies and researches. Also, the health-related issue must be paid attention to through health care services, which are to be taking place outside health facilities without monitoring by the state institution. Moreover, attention must be paid to special needs of the remote communities
- 3- Take effective actions to prevent the spread of HIV/AIDS and to raise awareness of and to provide educational sessions to people on the related topics
- 4- Take correct actions to create an effective primary health care section, which includes a strategy for encouraging the seeking for medical care for children's health problems
- 5- Improve and expand health care and medical treatment services and ensure children of poor families and those of disadvantaged groups have access to them
- 6- Conduct a comprehensive study to identify scope of teenager's health problems, including psycho-social related problems, for promoting and improving policy on teenage health condition and strengthen education on reproductive health
- 7- Create education programs, especially in/at centers, and encourage enrolment of disabled children in educational system
- 8- Close collaboration with any supporting activities carried out by NGOs working in the same areas for early identifying potential disabled children so that disability could be prevented on time
- 9- Conduct campaign to raise people's awareness in order to reduce discrimination against disabled persons
- 10- Pay attention to recommendations by the Committee that approved the "Discussion Day" on "Children Living in a World with HIV/AIDS"
- 11- Make additional efforts in developing the counseling services that are to be easily understood by children, and also easy for care and rehabilitation services for teenagers
- 12- Take alternative actions instead of sending disabled children to a center
- 13- Create adequate monitoring system for monitoring private-run orphanages.

7- Education, Recreational and Cultural Activities

- 1- Take effective actions for a free of charge schooling at the primary level, and all children are sent to and enrolled for schooling

- 2- Continue to improve educational system through increased national budget that is allocated for supporting the educational area
- 3- Increase school enrolment rate, and reduce drop-out and repetition rates; increase school attendance rate, especially for poor children and girls, children of minority groups and those of remote geographical areas
- 4- Expand opportunity for getting trained in vocational skills and through informal system, which include kindergarten and secondary schools
- 5- Make sure that school curriculum and subjects are linked to children's needs
- 6- Train and improve school teachers' skills (and techniques)
- 7- Create an evaluation system for effectively evaluating and assessing educational system.

8- Special Actions for Providing Protection

- 1- Review the existing laws and intensify them, and at the same time, implement the laws concerning sexual exploitation
- 2- File a lawsuit against a law violator
- 3- Implement regulations of a labour law relating to minimum age of a child labourer
- 4- Strengthen and expand social services for rehabilitating child victim of sexual exploitation
- 5- Strengthen bilateral co-operation, especially with neighbouring countries, and increase border inspection activities
- 6- Implement fully the national five-year plan
- 7- Punish law violator
- 8- Create juvenile justice for children using principles and regulations of the Convention and international instruments to be taken into consideration
- 9- Train people of Labour Inspection Unit and provide them ways for monitoring child labour
- 10- Approve local laws for providing protection to children from any hazardous and dangerous forms of working conditions
- 11- Develop a comprehensive policy and programs for children conflict with laws, and pay special attention to children whose freedom was deprived and prevent youthful or juvenile offence
- 12- Ratify the new ILO Convention NO. 182 concerning the immediate prohibition and elimination of serious forms of child labour
- 13- Ensure public's comprehensive access to available first report and written report that answer questions, and make request for publication of the reports already reviewed by the Committee, combined with briefed records relating to the final observation that conspires a discussion about and understanding the implementation of and monitoring the Convention within the Government, the National Assembly and the public as well as the concerned organizations and NGOs
- 14- Take effective actions for identifying the identity of army demobilization and rehabilitation of psycho-social ability and reintegration of demobilized child soldiers into the community
- 15- Conduct campaign to raise awareness of high-rank people in the army so that they no longer recruit or accept a child in the army
- 16- Co-operate with UNICEF, continue to rehabilitate and reintegrate into community under-aged child soldiers
- 17- Take necessary actions, in compliance with related international norms, to promote rights protection of child refugee
- 18- Conduct campaign to raise people's awareness on prevention of mine accidents
- 19- Create a mechanism through which separated child refugee could be arranged to see his/her family members
- 20- Increase budget for de-mining activities carried out in post conflict (war) areas.

B- NGOs' Recommendations on Implementation of UN's Recommendations

After discussion on the setting of priorities, the workshop continued to discuss deeper on hierarchy of the set priorities aimed at collecting the ideas/comments and identifying activities to be carried out following the recommendations.

- 2- What can and should the Government do to respond to the UN's recommendations with selected priorities?
 - 3- What should NGOs do to share in assisting the Government to successfully carry out the above-mentioned activities?
 - 4- What actions can the Government and NGOs take to effectively monitor the implementation of the activities?
- Due to limited time, the workshop decided to discuss about 2 or 3 priorities for each area. The results of the group discussion are as follow:

I- General Action of Implementation

For effectively implementing the UN's recommendations, the Government should:

- » Enforce the existing laws and review the existing regulations on birth registration, and make amendment to a point or points that are not in compliance with the Convention on the Rights of the Child.
- » Enforce the implementation of the existing laws and regulations for depriving power of parents and/or guardians to prevent them from punishing and/or abusing the children, and there have to be laws for controlling orphanages and those individuals involved in providing alternative care to children.
- » Legislate a law for establishing a Juvenile Justice for children.
- » Sensitize and incorporate training on child rights into institutions of all levels, court system and laws enforcers.
- » Establish an independent body for children to be composed of representatives from all bodies, such as the Senate, the National Assembly, the Government, NGOs, Buddhist monks, ordinary people and traders. Representatives from these bodies and institutions must be with high morality, experienced in the area of child rights so that they can monitor the implementation of child rights and work out with free of charge with complaints received from children complainants.
- » There must be enough financial resources provided for carrying out these tasks.

For successfully implementing the above-mentioned recommendations, NGOs should:

- » Conduct campaign to promote child rights and make known to public the laws relating to child rights, families and use of child justice system and an independent body, for monitoring the implementation of child rights.
- » Train staff and Government civil servants on child rights and laws relating to children.
- » Collect data and information on child rights abuse and provide them to the independent body and the Royal Government, involve in giving advice and ideas in drafting a law relating to children.
- » Provide appropriate technical support and materials for encouraging the implementation of the above-mentioned activities relating to children.

For effectively monitoring the implementation of the activities, the Government and NGOs should:

- » Conduct first-time assessment (or a survey) and prepare semester or annual report and organize meeting to monitor and evaluate the activities. Assessment on the program's achievements should also joined by children.

II- Definition, General Principles and Civil Rights and Freedom

For effectively implementing the UN's recommendations, the Government should:

- » Incorporate regulations to clearly define age of the child to be held responsible for his/her criminal acts and age of consent to sexuality.
- » Raise people's awareness on general principles of the Convention on Child Rights and incorporate these principles into all laws relating to children.
- » Through media system, stress the importance of birth registration and affects from not being registered to people and local authorities of all levels.
- » Promote free of charge birth registration and oblige birth registration to local authorities and individual people.

For successfully implementing the above-said recommendations, NGOs should:

- » Provide advice/comments for advocating the incorporation of all regulations and the general principles of the CRC into laws.
- » Form a special task force with representatives from NGOs and Government institution to ensure incorporation and passing of regulations relating to definition of age of the child and age of consent to sexuality.
- » Involve in promoting of the importance of birth registration.

For effectively monitoring the implementation of the activities, the Government and NGOs should:

- » In cooperation with National Institute of Statistics, organizations and other concerned authorities, collect data relating to children.

- ▶▶ Verify the incorporation of regulations, general principles of the CRC and definition of child's age into laws and draft of laws.

III- Familial Environment and Alternative Care

For effectively implementing the UN's recommendations, the government should:

- ▶▶ Increase education activities for families, communities and schools on morality, child rights and parents' responsibility for care of their children through comprehensive media system, such as familial education manual, leaflets, magazines, radio and TV programs.
- ▶▶ Enforce the implementation of existing laws in order to severely punish offenders as a means to prevent abuse against children.
- ▶▶ Establish and expand youth rehabilitation programs.
- ▶▶ Take action to improve situation of poor families through provision of land, appropriate shelter, capital fund, knowledge (skills) for them to generate incomes for supporting the families.
- ▶▶ Provide education to community children, especially those of poor community.
- ▶▶ Establish a facility for receiving complaint relating to children and strengthen legal procedures for early dealing with the received complaint with ensuring the safety of the children.
- ▶▶ There have to be lawyers assisting children in legal procedures and strengthen the court (legal) system.
- ▶▶ Establish a detention centre for child criminals separately from that for adults.

For successfully implementing the above-said recommendations, NGOs should:

- ▶▶ Strengthen educational outreach programs for children, families, communities for providing health care services and protection to children.
- ▶▶ Intervene and seek for justice for child victim through dealing with received complaints and identifying lawyers to assist in legal case with free of charge and helping child victim in legal (court) processing and hearing as well as digging out unfairly ignored legal case of a child victim by bringing the case back to the court system.
- ▶▶ Cooperate in sending out messages on legal procedures in making and filing a complaint and dealing with a complaint of a child abuse case.

For effectively monitoring the implementation of these activities, the Government and NGOs should:

- ▶▶ Have concrete plans and put them into a real practice.

IV- Basic Health and Well-Being For Reducing Child/Infant Mortality Rate and Improving Child Well-Being, the Government should:

- ▶▶ Promote and expand formal and non-formal education system to remote geographical areas for eliminating illiteracy through provision of materials and funds.
- ▶▶ Provide primary health education, especially to ensure access to sufficient safe water supply through construction of water well to be equipped with pump, pond, water-jar and prevention and care services.
- ▶▶ Make available and more irrigation systems for increasing crops through provision of agricultural techniques and selection of rice seed that will generate good crops to farmers.
- ▶▶ Expand more comprehensively health services and provide medical supplies, medications, additional training and incentives to health staff working in the remote areas.
- ▶▶ Totally eliminate corruption and inappropriate behaviour of some of health staff who have made people so far not feeling secured to go to a health centre.
- ▶▶ Take tough actions against and to monitor private illegal health services, and enforce the existing laws to inspect the health services.
- ▶▶ Work out with media system to get appropriately cheaper price for using its services to send out messages on HIV/AIDS, reproductive health to public and especially youths.
- ▶▶ Provide appropriate counseling to HIV carriers and expand care services for AIDS patients and their children.
- ▶▶ Eliminate child trafficking and child prostitution.

V- Education, Recreational and Cultural Activities The Government should:

- ▶▶ Continue implementing the PAP policy.
- ▶▶ Continue support to educational area through provision of school building, equipment, materials, techniques and teachers to the remote geographical areas.
- ▶▶ Expand dissemination of messages on child rights to parents, communities and local authorities.

- » Local authorities have to have tough measures with parents for them to send their school-age children to school.
- » Improve people's living conditions/situations through provision of skill training to parents.
- » Allocate national educational budget for increasing salaries for teachers and timely and regularly provide remunerations to contracted teachers.
- » Build capacity of teachers and education staff, especially provide them with opportunity to learn experience from other countries abroad.
- » Create a mechanism for monitoring the allocation and utilization of budget for education.
- » Create schooling environment by giving priority to children of poor families, of minority groups and children of remote geographical areas.
- » Continue the non-formal education system for out-of-school children or drop-out children though cooperation with NGOs for providing teaching techniques to volunteering and contracted teachers.

For successfully implementing the above-mentioned recommendations, NGOs should:

- » Continue to expand the non-formal education to the remote geographical areas and those with people of minority groups.

For effectively monitoring the implementation of the above-said activities, the Government and NGOs should:

- » Continue to jointly monitor the accountabilities of the education system.
- » Strengthen effectively the inspection through cooperation with NGOs.

VI- Special Protection, the Government should:

- » Re-study and review the laws on child trafficking and sexual exploitation, and amend some of the existing laws for their compliance with the child rights principles.
- » Issue Anukret (sub-decree) and regulations for effectively enforcing the existing laws.
- » Educate laws enforcers of all levels on and sensitize them with laws, and provide training to police in their investigation techniques and skills for preparing reports and/or complaints for submission to the court.
- » Take action on birth registration as to involve in effectively implementing the regulations on labour law.
- » Clearly define types of labour work, especially the type of hazardous and dangerous one and the light, non-hazardous and non-dangerous one to/for child labour.
- » Careful and regular inspection to a handicraft and an enterprise to check the age of a working child.
- » Create a facility for checking and verifying the age of a child who can be permitted to work as a child labour.
- » There has to be a rehabilitation center for a child victim of sexual exploitation and provide a child with vocational skills and health services, for both physical and mental problems.
- » Re-integrate children to their families with follow-up activities, including provision of support for improving their living condition.

For successfully implementing the above-mentioned recommendations, NGOs should:

- » Provide legal experts (in laws for children) to draft related laws and encourage the issuance of Anukret (sub-decree) and implementation of the laws.
- » Assist in strengthening the enforcement of laws through provision of documents, funds and training to laws enforcers; monitor and provide information on implementation of laws; provide advice to amendment of laws.
- » Cooperate with the Government in rescuing child victim and providing training centre for vocational skills to child victim.
- » Raise awareness of people on the importance of birth registration, and that they provide information to concerned authority people if they happen to know there is a cheat in providing un-true age and acceptance (hiring) of an under-aged child to work. Provide techniques/skills in verifying and checking child age.
- » Comprehensively made known to public the tricks used by laws violators.

For effectively monitoring the implementation of these activities, the Government and NGOs should:

- » Take note on (observe) the implementation of the legal procedures.
- » Collect data on violation of laws and take appropriate measures to resolve the problems.
- » Provide information and report cases of abuse and effectiveness of law implementation.