



Convention on the Rights of the Child

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Committee on the Rights of the Child Fifty-seventh session

Summary record of the 1621st meeting

Held at the Palais Wilson, Geneva, on Friday, 3 June 2011, at 3 p.m.

Chairperson: Mr. Zermatten

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

Consideration of reports of States parties (continued)

Second periodic report of Cambodia (continued) (CRC/C/KHM/2-3;
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1. *At the invitation of the Chairperson, the delegation of Cambodia took places at the Committee table.*
2. **Ms. Varmah** noted that, while the State party had been a party to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption since 2007, all such adoptions had been provisionally suspended until the regulations to implement the State party's 2009 legislation on intercountry adoption had been established. However, the Committee had received reports that very young children were still being given up for adoption by poor families and offered anonymously by the staff of Government institutions to foreign couples and that babies from State-run institutions were given up to foreigners for large amounts of money. She asked what measures the Government was taking to investigate and prevent such illegal acts.
3. **Ms. Al-Asmar** asked whether the private sector was involved in the provision of early childhood education in the State party. She wished to know whether the budget allocation for educational infrastructure could be justified, given the challenges facing the State party in terms of teacher numbers and the quality of education in general. The Committee would welcome details of any studies that had been conducted in the State party into the high dropout rate among school pupils, particularly girls. She asked which entity was responsible for monitoring adoptions that took place within the State party.
4. **Ms. Maurás Pérez** took note of the State party's efforts to prevent the economic exploitation of children through child prostitution, child pornography and the sale and trafficking of children, including its cooperation with the International Programme on the Elimination of Child Labour of the International Labour Organization (ILO). She would welcome the delegation's comments on reports that Cambodian courts had been reticent to prosecute perpetrators of sex tourism involving children, often handing down mild sanctions to those found guilty or even allowing them to leave the country.
5. **The Chairperson** requested additional information on the situation of children who lived in prison while their mothers were serving jail sentences. In particular, he wished to know about the facilities provided for those children, including for preschool education, and confirmation of the age until which children were allowed to remain with their mothers in prison.
6. **Mr. Ith Samheng** (Cambodia) said that intercountry adoption was regarded as a last resort; every effort was made to place children in families in Cambodia before intercountry adoption was considered. Efforts had been under way to prepare the regulations for the implementation of the 2009 legislation on intercountry adoption in cooperation with international legal experts. In the interim, some 200 cases of intercountry adoption had been resolved in accordance with the existing regulations. In order to prevent any illegal activity in the processing of intercountry adoptions, steps were being taken to establish clear standards and introduce a fixed fee. Anyone acting as an illegal adoption agent and accepting payment for their services would be punished in accordance with the law. Intercountry adoptions were monitored by the intercountry adoption authority, which published reports that enabled partner countries to assist with the monitoring process and assured the transparency of the adoption process.
7. Employers who were found to be employing children to carry out inappropriate work were punished in accordance with the law. Pursuant to its cooperation with ILO,

economic sanctions such as the removal of export licences were imposed on garment factories that employed children.

8. **Mr. Kotrane** (Country Rapporteur) said that, while the Committee was aware of the State party's legislation on child labour and its cooperation with ILO, it remained concerned at reports about the lack of implementation of that legislation and the extremely high number of children who were employed, including in the worst forms of child labour. He would like to know how many employers had been punished for violating the child labour legislation.

9. **Mr. Ith Samheng** (Cambodia) said that labour inspectors from the Ministry of Labour and Vocational Training had the power to fine employers for violations of labour law. In the case of serious offences, the inspectors filed a report which went before the courts. Information would be provided in writing on the number of employers who had been punished for violating child labour legislation.

10. The Government had implemented several projects on domestic work in cooperation with development partners and NGOs. In cases of serious abuse, children who were employed as domestic workers were rescued and the employers brought to justice.

11. While the Ministry of Social Affairs, Veterans' Affairs and Youth Rehabilitation took the lead in providing support and care for street children, an inter-ministerial committee was responsible for gathering data on the number of people living on the streets and providing for their needs. Efforts were made to ensure that services were made available to them on a voluntary basis. The Ministry of Social Affairs was also responsible for setting up and running rehabilitation centres for drug addicts, including children.

12. Measures were taken to prevent trafficking in children and to protect child victims under the National Plan of Action against Trafficking and Sexual Exploitation. Those found guilty of human trafficking received severe sentences. Centres for the rehabilitation and reintegration of child victims of trafficking were run in cooperation with NGOs.

13. **The Chairperson** requested additional information on the actual services provided to street children, child drug addicts and child victims of human trafficking. The Committee had received reports that little or no assistance was available to many such children in the State party.

14. **Ms. Aidoo** said that, while the State party's plans seemed commendable, the Committee would appreciate a precise figure for the number of people who had been convicted for human trafficking and what penalties had been handed down to them. That information should be provided on an annual basis.

15. **Ms. Wijemanne** asked whether there was a mine-risk education programme for children in the State party, given the large number of unexploded landmines still on its territory. It would also be useful to know whether there was a rehabilitation programme for children who were victims of landmines and if so, what services it included.

16. **Mr. Ith Samheng** (Cambodia) said that there were mechanisms and programmes in place to assist street children and encourage them to make use of education, health and rehabilitation services. No precise figure for the number of street children who had received assistance was currently available.

17. The Government provided a drug rehabilitation centre for children. There were also community and home-based rehabilitation programmes for children, which were supported by staff from local hospitals and had proved successful in many cases.

18. The efforts of the Government and its international partners to combat human trafficking had been effective in reducing the number of people being trafficked, including

children. Likewise, the conviction of foreigners who travelled to Cambodia in search of sex with children had succeeded in reducing the number of sex tourists to the country.

19. There were rehabilitation centres for children with disabilities, regardless of whether they were landmine victims or not. In 2010, there had been some 1,830 children with disabilities. People with disabilities received free food rations and financial assistance with transport costs, including under a recently established disability fund. In 2011, several rehabilitation centres had been transferred from international NGO management to the control of the Ministry of Social Affairs.

20. **The Chairperson** requested clarification on the number of children with disabilities, which appeared to be extraordinarily low. If the figure was in fact 1,830, it would seem to suggest that there was a significant problem with data collection in the State party.

21. **Mr. Cardona Llorens** requested additional information about the budget of the recently established disability fund. Given that many children with disabilities would live with their disability for their entire lives, they did not require rehabilitation. Rather, they needed to be included in society and given the ability to exercise their rights on an equal basis with the rest of the population. He therefore wished to know whether the State party planned to take measures to integrate people with disabilities into society rather than institutionalizing them.

22. **Mr. Ith Samheng** (Cambodia) agreed that the figure for the number of children with disabilities was perhaps not entirely accurate. The Ministry of Social Affairs was working with an expert from the International Committee of the Red Cross on establishing a reliable system for collecting data on people with disabilities. The Government and many NGOs promoted the social integration of people with disabilities. A joint project conducted by the Ministry of Social Affairs and the United Nations Children's Fund (UNICEF) aimed to provide services in the community for people with disabilities, including employment opportunities.

23. Some of the children who lived in orphanages were not true orphans; one of their parents was alive, but was living and working abroad. It was considered to be in the best interests of the child to live in the orphanage as that facilitated their access to education.

24. The Government's investment in educational infrastructure was part of its development programme, which was necessary in the wake of the destruction caused by years of conflict and genocide. The Government was particularly focusing on infrastructure in remote rural areas, where communities currently had scant resources and few opportunities.

25. **Ms. Sandberg** asked what measures the Government took to support families, particularly single-parent families, in order to enable them to take care of their children at home. Leaving them to be cared for in orphanages was generally not in the children's best interests.

26. **Ms. Nores de García** emphasized the importance of providing the Committee with the statistical data it had requested. Without those figures, it would be impossible to ascertain the level of enjoyment of children's rights in the State party. While the Committee was aware that years of armed conflict had left the country's infrastructure in ruins, the State party's most valuable resource was its children. She urged the Government to ensure that the data that had been requested were provided so that the Committee could support it in its development efforts.

27. **The Chairperson** asked whether there was a system of alternative care, such as foster families, available to parents who experienced difficulties bringing up their children. He would welcome additional information on any strategies in place to help those parents, such as parenting skills classes.

28. **Mr. Ith** Samheng (Cambodia) said that placing children in orphanages was a last resort. Keeping children with their families, or at least in their communities, was the priority, as had been clearly established in the National Policy on Alternative Care for Children. Parents who experienced difficulties in raising their children were given assistance by NGOs.

29. His delegation would make every effort to supply the Committee with the statistical data it had requested.

30. **Mr. Nath** (Cambodia) said that the Government's education policy included provision of early childhood education for children under the age of 6, including those living in remote areas. In cooperation with NGOs and development partners, efforts were being made to provide education at the preschool stage in order to reduce the dropout and repetition rates in the first three years of primary education. An eight-week initiation programme was available for children who began primary school without having benefited from early childhood education. Bilingual education was available in the first three years of primary school in Rattanak Kiri, Mondul Kiri and Stung Treng provinces, where children were taught in both the language of their ethnic group and the national language. Efforts were being made to increase the budget allocation to education. While teachers' salaries were low in comparison with other countries, they were significantly higher than those of other Cambodian civil servants. Higher salaries were paid to teachers who were willing to relocate to priority education areas.

31. Depending on their level of handicap, children with disabilities were educated in special schools or in special classes within mainstream schools, or were fully integrated into mainstream education.

32. Children began primary school at the age of 6 and finished when they were 11. Some 95.2 per cent of girls and 94.5 per cent of boys currently attended primary school. Only 47 per cent of girls attended secondary school. The Government was taking steps to ensure that more girls completed their secondary education and had the opportunity to go on to further education. In cooperation with UNICEF and the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Government was implementing the Child-Friendly School model, which would be rolled out nationwide by the end of 2011. The country was on course to achieve the Millennium Development Goal of universal primary education by 2015.

33. **Ms. Lee** asked whether the State party planned to make education compulsory. She wished to know how the Government could improve opportunities for the country's children without allocating more than 1.9 per cent of its budget to education. Notwithstanding the fact that teachers were paid more than other civil servants, many children were apparently expected to pay bribes to their teachers, which clearly discriminated against children who could not afford to pay them. Given that most children in the State party currently completed an average of four years at school, it would be useful to know what vocational training and other preparation was available to children making an early transition to working life.

34. **The Chairperson** asked what measures the Government was taking to improve the quality of education. Better quality education would reduce the dropout rate and the number of children who had to repeat grades.

35. **Mr. Nath** (Cambodia) said that the Constitution made no reference to compulsory education, but did specify that education from grades one to six was free of charge. While the budget allocation for the Ministry of Education, Youth and Sport was only 1.9 per cent of the country's gross domestic product (GDP), other ministries took responsibility for some areas of education, particularly at the primary and tertiary levels. The overall education budget was therefore higher than 1.9 per cent of GDP.

36. It was true that children had given teachers bribes in the past, but that practice had been outlawed. Several measures had been introduced to reduce the dropout rate, including the establishment of boarding facilities for girls who lived in remote rural areas, the provision of scholarships in several provinces and the implementation of a re-entry programme for children who had dropped out of school and were willing to go back. In cooperation with UNESCO, plans were being made to set up community learning centres which would provide literacy classes and vocational training, in order to provide opportunities for school dropouts of all ages.

37. **The Chairperson** asked how many children aged 6 years or under attended preschool facilities. He wished to know what contribution the Government made to early childhood development, given that NGOs and parents seemed to take most of the responsibility for young children's education.

38. **Ms. Aidoo** asked whether there were community-based early childhood development programmes which were implemented in cooperation with parents. Such programmes were particularly important as they encouraged high attendance at preschool facilities in the most deprived areas, which in turn significantly reduced the number of children who dropped out of primary school.

39. **Mr. Nath** (Cambodia) said that there were several different types of early childhood education facilities in different parts of the country, and they were answerable to different ministries. Owing to the lack of resources, priority was given to places for children aged 5. Some 46 per cent of that age group currently attended preschool facilities and the Government aimed to reach the target of 70 per cent by 2015.

The meeting was suspended at 4.20 p.m. and resumed at 4.45 p.m.

40. **Mr. Sann** said that child mortality rates in Cambodia were high compared with neighbouring countries, mainly due to respiratory infections and measles and the lack of health services for children with HIV/AIDS. Poor nutrition was a major contributing factor, and there were many malnourished children in urban areas. Care for acutely malnourished children was provided by NGOs and various ministries, including the Ministry of Agriculture, which supplied the children with micronutrients such as iodized salts. The Government had adopted several measures to combat child mortality: a 12-point child survival strategy focusing on exclusive breastfeeding for newborns and supplementary breastfeeding for newborns after the age of 6 months; a Ministry of Health nutrition strategy for the period 2009–2015; and a national immunization programme aimed at eradicating measles and tetanus by 2012. The Government worked with orphanages to immunize orphans. A strategy on the integrated management of childhood diseases had been implemented to build up the capacity of community health care and to train staff in health centres across Cambodia. Other measures included building 100 new health centres and a programme to prevent the transmission of HIV/AIDS from mother to child. The latter programme was considered to be a success because more than 80 per cent of the women who went for pregnancy check-ups volunteered for HIV-screening.

41. The child mortality rate had fallen sharply for children aged 1 to 5. However, the infant mortality rate was 50 per cent higher, prompting a campaign to detect prenatal health problems such as HIV/AIDS.

42. **Ms. Nores de García** asked why newborns aged up to one month suffered from high mortality rates, whereas there had been a sharp drop in the mortality rate of children between the ages of one month and 5 years. She wished to know the causes of malnutrition in children in Cambodia – was it due to the lack of food, the poor quality of food or poor hygiene?

43. **Ms. Al-Asmar** asked whether mobile health units for children were available in remote areas of Cambodia.
44. **The Chairperson** asked what health-care services, including assistance from midwives, were provided at birth to promote maternal health.
45. **Ms. Aidoo** asked whether the Cambodian Government had instituted a comprehensive health policy for adolescents that covered mental health problems such as alcoholism, drug abuse and suicide. It was worrying that suicide had been the leading cause of death among adolescents in Cambodia in 2009–2010. She also asked whether the Government had carried out any studies to ascertain the needs of adolescents so as to develop a targeted, effective health-care policy for them.
46. **Mr. Sann** said that infant mortality was related to the mother's health. The death of newborns under the age of one month was related to the mother's nutrition and overall health during pregnancy or to problems arising during labour. Diarrhoea and respiratory infections, the main causes of child mortality, were often the sources of other infections. Weather conditions in Cambodia were conducive to infections as well. Although the quality or lack of nutrition and hygiene contributed to child mortality, the lack of maternal health education was also a factor. In an effort to reduce child mortality, 50 per cent of deliveries were assisted by trained birth attendants, 70 per cent of the mothers went to health centres for post-delivery check-ups and a government allowance of \$15 per birth attendant helped to promote safe deliveries. Mobile health units were operational in Cambodia and provided outreach services to villages, such as immunization services and pregnancy check-ups.
47. **Ms. Wijemanne** said that pregnancy was not an illness, but rather a physiological condition. She urged the Cambodian Government to promote women's right to safe obstetric care and delivery.
48. **Mr. Sann** (Cambodia) said that steps had been taken to train staff in emergency medical care. As a result, it was a policy to have at least one midwife — and in some cases, two — in health centres throughout the country. A working group had been created to establish health centres for young people, with a focus on reproductive health. As a result, some 200 centres had been set up in 2010. Many successful mental health activities related to the use of drugs and alcohol at the national and provincial level had been conducted. It was necessary, however, to work harder to lower adolescent suicide rates.
49. **The Chairperson** asked whether the Ministry of Health had set up prevention and awareness programmes to reduce the number of accidents caused by vehicles and landmines.
50. **Ms. Sivann** (Cambodia) said that the Ministry of Women's Affairs worked closely with other ministries and civil society to implement the 2005 Act on the Prevention of Domestic Violence and the Protection of Victims. The Act had been widely disseminated to the public by means of publications and public forums, and to police officers, court clerks and local authorities by means of specialized training courses. It was necessary to ensure monitoring to identify the victims and to promote non-violence. Women had been taught how to lodge a domestic violence complaint. In her view, domestic violence was any violence that affected persons in the same household. There was less violence in urban centres than in rural areas, owing to the higher levels of education among the urban population. The Ministry of Women's Affairs also collaborated with the Government to combat discrimination against women.
51. **The Chairperson** asked whether many perpetrators of acts of violence had been brought to trial since the Act had been passed and what strategy had been adopted to deal with the corporal punishment of children.

52. **Ms. Sivann** (Cambodia) said that legal assistance and other support were provided by the Ministry of Women's Affairs to victims of domestic violence. There had been many successful prosecutions of perpetrators of acts of domestic violence. Corporal punishment was not a tradition and the law did not tolerate physical violence against children. Parents needed to nurture a culture of non-violence in the upbringing of their children.

53. **The Chairperson** suggested that other coercive measures, such as physical or psychological punishment, might be applied at home that could pose a problem to children.

54. **Ms. Al-Asmar** said that the degree of punishment — mild or severe — was irrelevant. A child should be raised in dignity. Parents should serve as good role models for their children so that they would grow up to deal with others in the same manner. Corporal punishment should be prohibited.

55. **Mr. Ith Rady** (Cambodia), in reply to queries concerning the Cambodian juvenile justice system, said that the age of criminal responsibility was 18 years. Under certain conditions, the court could lower it to 14 years. In general, children should not be subject to detention, but it could be considered under certain circumstances. Custodial sentences depended on the nature of the offence and the age of the offender. The maximum punishment for a crime was generally reduced by half for children. Depending on the circumstances, a sentence of 10 years' imprisonment would be reduced to less than 1 year for children. Alternatives to incarceration, which were covered by the Criminal Code, included community service and other forms of punishment.

56. If detention could not be avoided, however, children had to be detained separately from adults. A recent proposal for juvenile justice legislation called for the establishment by the State of rehabilitation centres as an alternative to detention centres for children. The proposed legislation would provide for juvenile justice courts, and social workers would receive specialized training in the Convention.

57. **Mr. Cardona Llorens** asked for further clarification concerning the age of criminal responsibility. He wished to know the circumstances under which the age could be lowered to 14. He also wished to know whether the detention of children for up to one year was considered to be preventive detention or whether it constituted a sanction.

58. **The Chairperson** said he would like to know what authority had criminal jurisdiction over children between the ages of 14 and 18.

59. **Mr. Ith Rady** (Cambodia) said that the detention of children was a measure to be applied in the event of cruel and intentional acts. Children aged 14 to 18 years who were accused of a misdemeanour or a crime were under the jurisdiction of a general court such as the Court of First Instance, the Court of Appeals or the Supreme Court. Other special cases were covered by the Criminal Code. Under the law, parents, physicians and attorneys should be provided with information relating to a child's arrest. Within 24 hours of an arrest, a child was entitled to the services of an attorney; if the child could not afford legal representation, the court would assign an attorney.

60. Under the draft juvenile justice legislation currently under discussion by the Council of Ministers, juveniles would be tried in a juvenile court. A pilot project was being prepared in one province with a view to establishing a juvenile justice court there with the cooperation of an NGO and the support of a judge seconded by the Government of Australia.

61. Perpetrators of crimes against children would be punished under the law to control child pornography, human trafficking and sexual exploitation. Procurement of child prostitution within Cambodia and cross-border sexual exploitation of children would also be punishable, with penalties ranging from 6 months to 5 years for sexual intercourse involving children.

62. **The Chairperson**, referring to the large number of foreign children in Cambodia, asked whether refoulement measures were in line with standards set by the Office of the United Nations High Commissioner for Refugees.

63. **Mr. Prum** (Cambodia) said that the Government had signed the Convention on the Rights of the Child to protect and promote children's rights. In addition, the Government cooperated with United Nations agencies, civil society and human rights organizations and complied with international standards on the treatment of refugees.

64. **Ms. Lee** asked whether any children had been involved in the recent Uighur repatriation.

65. **Mr. Prum** (Cambodia) said that he could not answer that question, but the Cambodian Government always cooperated with United Nations agencies in cases involving refugees, repatriation and irregular migration.

66. **Mr. Koompraphant** (Country Rapporteur) said that the Cambodian Government had introduced a series of laws and action plans to protect children and to promote their welfare, and had made commitments to improve children's rights despite its limited financial and human resources. To achieve the goals set out in the action plans, however, the State party should work more closely with civil society, especially NGOs. To make laws effective, the Government would need to provide the resources needed to implement legislation at the national, provincial and municipal levels, as well as define the responsibilities of the relevant agencies.

67. **Mr. Ith Samheng** (Cambodia) said that the Cambodian Government had acted on the Committee's previous concluding observations by, for example, expanding social services. It now needed to strengthen partnerships and cooperation with stakeholders, civil society and families to meet the many remaining challenges. It was also necessary to build strong safety nets to protect children. On behalf of his Government, he expressed his appreciation to United Nations agencies, in particular UNICEF Cambodia, for their help and support. He hoped that the outcome of the meeting would help enhance the lives of children in Cambodia.

68. **The Chairperson** thanked the delegation of Cambodia for its cooperation and said that the Committee had taken note of the mechanisms put in place by the Government to implement the Convention and to protect children's rights.

The meeting rose at 6 p.m.