



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

Fifty-seventh session

30 May – 17 June 2011

### **Written replies by the Government of Cambodia to the list of issues (CRC/C/KHM/Q/2-3) in connection with the consideration of the combined second and third periodic reports of Cambodia (CRC/C/KHM/2-3) \* \*\***

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\* Annexes can be consulted in the files of the Secretariat.

## **Part I**

### **Reply to the issues raised in paragraph 1 of the list of issues (CRC/C/KHM/Q/2-3)**

1. The Royal Government of Cambodia (RGC) has the Cambodia National Council for Children (CNCC) as to assist in the monitoring of children's right fulfilment. The General Secretariat of CNCC has a technical unit called "Child Protection and Monitoring Unit" whose roles and responsibilities are to monitor, to evaluate and to report on the implementation of the national policies and programmes and international legal instruments related to children, especially the Convention on the Rights of the Child.

2. The Cambodian Human Rights Committee monitors the human rights fulfilment in general, including children's rights fulfilment.

The RGC has agreed in principle to establish an independent Human Rights Committee to monitor the human rights fulfilment in the Kingdom of Cambodia.

3. The RGC issued the Sub-Decree No. 122 dated 7 August 2009 on the Establishment of a National Mechanism to Prevent Torture and Other Cruel, Inhuman Treatment or Punishment to ensure the respect for the basic rights of people deprived of liberty in detention centres. The Ministry of Justice issued the Prakas No. 58/06 dated 9 October 2006 on the Establishment of a Child Justice Working Group with members from 5 ministries, to develop a child-friendly justice system and to draft law and relevant regulations related to child justice.

4. In June 2008, the Council for Legal and Judicial Reform agreed on a project to initiate and develop the conceptual frameworks for the establishment of an Ombudsman in the Kingdom of Cambodia.

### **Reply to the issues raised in paragraph 2 of the list of issues**

5. The RGC always considers the civil society as a main partner among the three partners, i.e. civil society, private sector and development partners. Many national and international NGOs are actively and thoughtfully implementing their roles in their efforts to develop the society and the economy as well as to enhance human rights, especially to implement the Convention. Government entities with NGO participation in the implementation of the Convention, include but not limited to:

- Six Working Groups of the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor Exploitation and Sexual Exploitation in Women and Children;
- Working Group on Reintegration and Follow Up Activities;
- National Multi-Sectoral Orphans and Vulnerable Children Task Force (NOVCTF);
- Child Labor Working Group (CLWG);
- Disability Action Councils; and
- CNCC sub-committees and working groups.

6. In the area of child protection, civil society plays an important role to provide care and protection to vulnerable children and their families. 290 NGOs are listed in a MoSVY's service directory for vulnerable people published in 2010.
7. NGOs are represented and contribute at high cooperation and consultation forums as well as in a number of legal consultations such as:
- The GO-NGO Working Group on Child Justice,
  - The Working Group on the Convention on the Right of the Child Optional Protocols reporting,
  - The Cambodia Development Cooperation Forum (CDCF), and
  - The Consultations on the draft Law on Association and NGOs and the draft Law on Juvenile Justice.
8. The Convention on the Rights of the Child has been effectively implemented with participation of the three partners as well as families and communities. There are many achievements as shown in the combined second and third periodic reports that was submitted and in this reply to the list of issues.
9. According to the draft Law on Association and NGOs that was submitted to the consultation held on 10 January 2011, this law aims at giving opportunities to associations and NGOs (local and international NGOs) to participate with the RGC in the implementation of projects and programmes on the development of Cambodian society as well as on the implementation of the Convention. This law does not limit the participation of local and international NGOs in the implementation of any international conventions that Cambodia has ratified, especially the Convention.

### **Reply to the issues raised in paragraph 3 of the list of issues**

10. The RGC, development partners and civil society have been striving to reduce the disparities that exist between children living in urban and rural areas, and have got proud results. However, there remain economic gaps among them.
11. The National Strategic Development Plan (NSDP), updated 2009-2013 has raised some key policy priorities for children. For details, please see annex 2. Related to the strengthening of the education quality, the RGC has achieved satisfactorily progresses in implementing the National Plan on "Education for All" by ensuring equitable 9-year basic education for all children. Main achievements include increased number of schools construction, of teachers, and of enrolment in all levels of general education, especially in rural areas. There are Lower Secondary Schools in almost all Communes-Sangkats nationwide. Besides this the RGC has increased the national budget allocated to the education sector. The RGC will continue to implement the Strategic Plan for the Education with focus on giving equal opportunity to all children and youth in receiving formal and informal basic education, without any discrimination as to race, colour, sex, language, belief, religion, political tendency, birth or social status.
12. Related to the health sector, the RGC has paid attention to the improvement of general public welfare, especially for the poor, women and children. The implementation of the "Minimum Action Package" has good progresses. The RGC will continue to urge the implementation of the Strategic Plan for Health Sector in view to reduce mother and child mortality and improve other important health indicators through the quality strengthening and the expansion of health services, especially reproductive health, mother health, and new-born and child health. One target in this health improvement is the promotion of mother and child nutrition. The RGC has focused on:

- The implementation of prevention and treatment of contagious diseases, the construction of referral hospitals and health centres nationwide so as to provide basic health services effectively, sustainably, equitably and with increased professional quality;
- The increase of incentives to health staff in rural areas, and increase number of doctors, physicians and nurses;
- Widely conducting education and dissemination of health information on sanitation especially in rural areas;
- The provision of health service to the poor through the establishment of equity funds and health security system.

13. Besides these the RGC has increased a lot the budget to the health sector. The National Council on Nutrition led by the Ministry of Planning, in collaboration with relevant ministries, International Organizations (IOs), NGOs and the private sector, is urging the implementation of the Action Plan on Inclusion of Micronutrients in Nutrition 2011 in the aims of eliminating micronutrient deficiency, and to continue expanding the dissemination of the Sub-Decree related to iodine salt. The RGC issued Sub-decree No. 52 of 28 May 2010 to determine 13 November as National Day for Promotion of Rural Hygiene. All these activities have contributed significantly to the enhancement of women and children nutrition status, especially those in the rural areas.

14. The RGC has been constructing infrastructures, transportation and communication, roads, bridges, small roads in rural areas alleviating the travel of citizens and clean water wells in order to contribute to the reduction of poverty.

15. The RGC adopted the National Policy on the Development of Indigenous Groups in April 2009 in order to:

- Raise living standards of the indigenous groups,
- Ensure that they receive education for at least 9-year and life skills training,
- Improve their health, and
- Protect and maintain their culture.

16. There are a number of initiatives to build child protection systems in Cambodia. Under the leadership of the MoSVY with support from UNICEF, child protection networks were established in 4 provinces. Commune level support has been increased during the process of decentralization and deconcentration as the roles and responsibilities in terms of child care and protection are assigned to that level. For example, Save the Children has supported commune councils for its capacity building. World Vision has also provided support at village level to establish village funds for vulnerable children and their families to be cared and protected. Promotion of community and family based care was advanced by a number of organizations, like Friends International, Mith Samlanh and World Vision. A draft Prakas on Procedures to implement the Policy on Alternative Care is expected to build a child welfare system by defining roles and responsibilities at all levels and providing clear guidance to placement of children based on their best interest. Capacity building of the government social workers as well as NGO social workers was also an area of great support by development partners like UNICEF, Trans-Psychosocial Organization (TPO), Social Service of Cambodia, The Asian Development Bank (ADB) and other NGOs so that they would be equipped with knowledge and skills to handle social and child welfare issues.

17. An establishment of Women and Children Consultative Committee (WCCC) and Commune Committee for Women and Children (CCWC) is a major step for the RGC to enhance child protection systems at provincial, district and commune/Sangkat levels. Since

the MoSVY does not have structure and functions at commune level, the CCWC is particularly important to perform duties as a social worker who could identify, assess, immediate services, monitor the situation of women and children and follow up cases if possible. The draft Prakas on Procedures to implement the Policy on Alternative Care for Children also stipulates the WCCC and CCWC roles and responsibilities in this regard.

18. A National Social Protection Strategy for the Poor and Vulnerable (NSPS) has been issued in order to respond to the need to accelerate progress towards the Cambodian Millennium Development Goals (CMDGs). It prioritizes the development of effective and sustainable social safety nets targeted to the poor and vulnerable, with complementary social welfare services for special vulnerable groups including children. National Plan of Action for the Orphan and Vulnerable Children 2008–2010 was developed in June 2008 by MoSVY to provide a framework for coordinated approach and services for Orphans and Vulnerable Children (OVCs). It has been reviewed for extension till 2015. The National Strategic Plan for a Comprehensive and Multi-sectoral Response to HIV and AIDS 2010 to 2015 (NSP III) was developed entailing strategy for HIV prevention among young people and impact mitigation with OVCs which are aligned to the CMDG.

### **Reply to the issues raised in paragraph 4 of the list of issues**

19. The Kingdom of Cambodia does not incorporate “Chbab Srey” in school curricula.
20. Measures taken to eliminate traditional and stereotypical attitudes which may contribute to the discrimination of girls and gender-based violence include:
- (a) The establishment of working groups/network from national to village levels to educate and disseminate as below:
    - (i) Parents and Family Education Program: to urge parents to take care and to educate their children, and to send the latter to school regardless they are boys or girls. This programme has been implemented since 2007 in six targeted provinces i.e. Prey Veng, Svay Rieng, Kompong Thom, Kompong Speu, Stung Treng and Oddar Meanchey.
    - (ii) The programme on women’s socio-economic status transformation: this programme has been implemented since 2006 in 6 targeted province i.e. Banteay Menchey, Preah Vihear, Mondulhiri, Kompong Thom, Kompong Chhnang and Takeo. In 2009 this programme has been replicated in five other targeted Capital and provinces, i.e. Battambang, Kompong Cham, Prey Veng, Svay Rieng and Phnom Penh Capital.
  - (b) Measures taken to eliminate traditional and stereotypical attitudes which may contribute to the gender-based violence include:
    - (i) Streamlining the principle of gender equity in all gargets including citizens, ministries, institutions, Capital/provincial departments, Commune and Sangkat councils, and NGOs by streamlining gender in local policies and development programmes through the increase of women membership in decision and policy making positions;
    - (ii) Dissemination of non-violence culture and elimination of discrimination against women through, among other things, forums, radios and TV;
    - (iii) Adoption of the Law on the Prevention of Domestic Violence and Protection of Victims;
    - (iv) Provision of services such as legal, health and psycho-social services to victims.

### Reply to the issues raised in paragraph 5 of the list of issues

21. Since 2002 until 2010, the number of people having registered their birth and birth certifying documents is as follows:

<i>Year</i>	<i>Number</i>	<i>Birth Certificates</i>	<i>Birth Certifying documents</i>	<i>Remarks</i>
2002	342,753	33,340	309,413	
2003	183,390	11,414	171,976	
Jan – Sep 2004	8,067,033	347,653	7,719,380	
Oct 2004–Aug 2005	2,714,248	248,768	2,465,480	
Sep 2005–Aug 2006	326,098	65,114	260,988	
Jan – Dec 2007	148,261	59,077	89,184	Birth certificate is issued one month after birth registration.
Jan – Dec 2008	805,123	52,958	712,165	
Jan – Dec 2009	294,633	98,722	195,911	Birth certifying document is issued one month after registration.
Jan – Oct 2010	231,781	71,534	160,247	
<b>Total</b>	<b>13,113,320</b>	<b>1,028,580</b>	<b>12,084,740</b>	

22. For children belonging to minorities, the birth registration is made at birth like all other Cambodian children nationwide.

23. Cambodia does not have yet a special law regulating the birth registration of non-Cambodian children. Based on practices, documents related to the identity of those children's parents are issued by medical doctors of the place where children were born.

24. The provision of article 985 of the Civil Code on Obligation to register the birth does not set out the limits and conditions on nationality of parents for registration of the birth of their children.

25. The socio-economic and living conditions of children of Vietnamese origin as well as their access to health, education and social services are not different from Cambodian children in general. However, children belonging to minority groups are still affected by the economic disparities, despite the general situation of women and children in the Kingdom of Cambodia has been much improved these recent past years.

26. To strengthen the civil registration, the Ministry of Interior issued the Instruction No 029 dated 17 November 2010 advising the Boards of Governors of the Capital and Province, Districts and Khans, and chiefs of Commune and Sangkat who are registrars and persons in charge of civil registration at all levels to monitor and pay more attention to the improvement of civil registration.

### Reply to the issues raised in paragraph 6 of the list of issues

27. The RGC has issued the Sub-Decree No. 49 dated 25 March 2005 on the International Family Day of 15th May. The Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) issued a Prakas No. 379 on the Establishment of a National Committee on Family Counseling Policy.

28. Besides the issuance of message by the head of the Government each year, MoSVY organizes regularly the International Family Day of 15th May, with participation from

relevant ministries, institutions, NGOs, family representatives, workers, businessmen, civil servants and retirees. Experiences of representatives of family have been shared in this event on children's education, the living conditions, the solidarity and the *savoir vivre*. The event is also organized every year by Capital and provincial Departments of Social Affairs, Veterans and Youth Rehabilitation (DSVY) nationwide.

29 The MoSVY has been making efforts to strengthen the Child Welfare System through, *inter alia*, the development and testing of draft Prakas on Procedures to Implement the Policy on Alternative Care for Children, which includes interventions for family preservation and family reunification. Presently MoSVY is focusing especially on family-based care through the programme on services provision to poor families.

### **Reply to the issues raised in paragraph 7 of the list of issues**

30. The care of orphans in institutions and residential care facilities has been established and run by the state or by NGOs. NGOs that provide residential care services for orphans are non-for-profit legal entities established with:

(a) Approvals from the Ministry of Interior for local NGOs, and from the Ministry of Foreign Affairs and International Cooperation for International NGOs, and

(b) Approvals from the MoSVY to operate alternative care for children.

31. MoSVY bears responsibility in the name of the guardian of children in term of placement. The NGOs can contribute to children care as caretakers only. The monitoring, management and inspection of all of those facilities are the competency of MoSVY.

32. The number of centres and children in residential care facilities and in communities are as follows:

<i>Year &amp; Centres</i>	<i>Care in centres in 24 Capital/Provinces</i>			<i>Care in communities in 19 Capital/Provinces</i>		
	Total	Boys	Girls	Total	Boys	Girls
2008						
257 centres	11,118	6,704	4,314	0	0	0
2009						
257 centres	11,949	7,123	4,826	6,918	3,524	3,394
2010						
269 centres	11,945	6,643	5,302	5004	2,517	2,355

33. In 2010, only 212 out of all the 269 centres have a MOU with MoSVY. However MoSVY monitors all centres every quarter, semester or every month when needed.

### **Reply to the issues raised in paragraph 8 of the list of issues**

34. The Civil Code has been promulgated by the Royal Decree No. 1207/030 dated 8 December 2007.

35. Chapter 4, Part 2, Section 7 of this Code stipulates the provisions on adoption, that consists of two categories: full adoption and simple adoption. Provisions of the former Law on Marriage and Family will be replaced by related provisions of the Civil Code following the promulgation of the Code.

36. The Law on Inter-Country Adoption (ICA) was promulgated by the Royal Decree No. 1209/024 dated 3 December 2009. MoSVY is cooperating with the Permanent Bureau

of the Hague Conference and UNICEF prepare Prakas to implement this law, with transparency and accountability:

<i>No</i>	<i>Normative Rules</i>	<i>Remarks</i>
1	Prakas on the rectification of the Roles, Responsibilities, Structure and Composition of the Central Authority for ICA of the Kingdom Cambodian	Under discussion with Permanent Bureau of the Hague Conference
2	Prakas on the Composition of the Committee of the Central Authority for ICA	Under discussion with Permanent Bureau of the Hague Conference
3	Prakas on the Establishment and Functioning of the ICA Administration	Under discussion with Permanent Bureau of the Hague Conference
4	Prakas on Division of Responsibilities among Officials of the ICA Administration	Under discussion with Permanent Bureau of the Hague Conference
5	Notification on the Development of Bilateral Agreement on the Determination of the number of ICA Agencies	Under discussion with Permanent Bureau of the Hague Conference
6	Prakas on the Procedures for Accreditation of ICA Agencies	Draft
7	Prakas on the Authorization and Accreditation of ICA Agencies	Draft
8	Undertaking of Agencies	Draft
9	License of Agencies	Draft
10	Inter-ministerial Prakas on the Management of Incomes, Expenditure, Fees and Contribution to support alternative care of children, and support to state orphanages all over the country, and other necessary fees related to ICA	Draft
11	Prakas on Management of Children Subject to ICA	Draft
12	Prakas on the Implementation of Policy on Alternative Care for Children	Draft
13	Agreement on the Determination of Number of ICA Agencies authorized to provide services in the Kingdom of Cambodia (State parties to the Hague Convention)	Draft

### **Reply to the issues raised in paragraph 9 of the list of issues**

37. Concrete measures to implement the Law on the Prevention of Domestic Violence and Protection of Victims include:

- Conducted training on the Law on the Prevention of Domestic Violence and Protection of Victims to Commune and Sangkat councils nationwide, police officials, soldiers, court clerks, judges, prosecutors and local authorities;



– Extracted the essence of the law and inserted them in training curricula of the Royal Police Academy and the Royal Academy for Judicial Profession;

– Conducted wide dissemination and public awareness raising on problems and resolutions of violence against women through printing of documents, shooting of educational video spots, campaigns, information dissemination, provision of services to victims and public forums in Capital, provinces and some districts, as well as continuous dissemination sessions for civil servants in the Capital, and provinces.

38. The Prakas that enables commune/Sangkat authorities and village officials to act and to protect victims of domestic violence has not been finalized yet. The Ministry of Women's Affairs and the Ministry of Interior are working on this.

### **Reply to the issues raised in paragraph 10 of the list of issues**

39. MoSVY, development partners and NGOs have achieved the followings:

(a) Provision of home-based rehabilitation through the training of children on the use of artificial tools and prosthesis, the kinesitherapy, and the use of simple tools found in the community to facilitate the walk and displacement of disabled children, the outreach to monitor the use of artificial tools and prosthesis, the repair of used artificial tools and prosthesis in community (Outreach programme) etc;

(b) Dissemination and awareness raising about disability in community so as to raise the knowledge on disability issues, the prevention, the rights and needs of disabled people and children, to motivate the participation of the community, families, guardians and parents in caring the disabled;

(c). Provision of counselling to families, guardians, parents and disabled children so as to raise disabled people and children's self-esteem;

(d) Provision of home-based education and enrolment of disabled children in public and private as well as NGOs' schools;

(e) Provision of school materials and transportation arrangement for disabled children to study in the community;

(f) Creation of special schools for the education of disabled children and creation of integrated classes for disabled and non-disabled children in some selected capital, provinces and cities;

(g) Facilitation of displacement of disabled children in some selected schools and public places such as construction of ramps and hand-support in toilets etc.

(h) Provision of timely intervention for disabled people and children, and referral to health services in health centres and referral hospitals etc;

(i) enhancement of living conditions of families, guardians, parents and disabled children through vocational training, small business initiatives and life skills training in community, and establishment of self-help groups etc.

(j) provision of emergency services to families, guardians, parents and disabled children according to actual situations they are facing in the community, such as house repair, food supply, nutrition, and rescue services for victims of mine etc.

40. Regarding the budget for those community-based services, it is generally depending on the project budget of relevant partner organizations implementing the relevant projects in the community. As for MoSVY budget, it depends on actual allocated budget of each DSVY.

41. The number of victims of mine and UXO has decreased from 4,320 cases in 1996 to only 271 cases in 2008. As of the end of 2007 the victims of mine and UXO has decreased by 60 per cent compared to 2005. 70 per cent of the victims of mine and UXO who need assistance have been supported, rehabilitated and reintegrated.

42. Mental health services provided by MoSVY, especially the Disability Action Council (DAC), and through NGOs such as Trans-Psychosocial Organization (TPO) and Center for Child and Adolescent Mental Health (CCAMH), etc.

43. The RGC have issued the following legal texts regarding the disabled:

(a) Sub-Decree No. 118 dated 13 September 2010 on the Establishment and Functioning of a Disabled Foundation;

(b) Sub-Decree No. 108 dated 30 August 2010 on the Determination of the Rate and Procedures for Recruitment of Disabled People;

(c) Prakas No. 056 dated 28 January 2010 on the Establishment of Administration for the Rights of the Disabled.

44. The ratification of the United Nations Convention on the Rights of Persons with Disabilities is in its process to get the RGC, National Assemble and Senate approval.

### **Reply to the issues raised in paragraph 11 of the list of issues**

45. The RGC, especially the Ministry of Health itself, and the development partners committed and invested in the health sector to reach the Millennium Development Goals 4, 5, and 6 (to reduce the child mortality and the maternal mortality and HIV/AIDS-Malaria and other communicable diseases respectively).

46. The under-five mortality declined from 124 per 1,000 live births in 2000 to 83 per 1,000 live births in 2005 and to 54 in 2010. The infant mortality rate has decreased from 95 in 2000 to 66 in 2005 and 45 in 2010 respectively.

47. The nutritional status of the children has been improved – % of stunted has fallen from 43 per cent in 2005 to only 40 per cent in 2010; however that of wasted has increased from 8 per cent in 2005 to 11 per cent in 2010.

48. To better coordinate in planning, reporting, monitoring, and evaluation of the MCH activities, the Task Force 1 for Maternal and Child Health was established. Around two-thirds of the MCH priority indicators showed an increased trend in 2010 compared to 2009.

### **Reproductive and new-born health**

49. To better coordinate, the Program set up a Sub Technical Working Group for Maternal and Child Health embedded in the NMCH Centre and has partnership with 13 United Nations Agencies, International Aid agencies and NGOs. The programme covers key activities including the antenatal care (ANC), delivery, and post-partum care (PNC) and care for the new born. The staff from sub-national level was trained in the essential skills. The programme is linked with from national level down to the grassroots level, i.e. the health centres. The programme also reaches the community as well.

50. It is also responsible for developing the policy and the national strategies, the principles and guidelines, training of trainers (ToT), planning and estimation of the resources needed for the programme, support the sub-national level, monitoring and evaluation, and supervision.

51. In 2010, this programme supervised 20 provinces and 69 health centres to strengthen the activities related to reproductive health and newborn care. Almost 400 health staff were

trained in training of trainers (ToT) covering the aspects of the birth spacing (implant & IDU), PNC, Emergency Obstetric and Newborn Care (EmONC), manual of Vaccum Extractor and CBD. Other activities included the review and update the training materials and publication and distribution of the materials.

### **Child health**

52. The National and Provincial Child Survival Management Committee (NCSMC) was established with its clear terms of reference to overall coordinate the maternal and child health related activities. The Child Survival Strategy was developed to guide the activities.

53. The Ministry of Health has adopted the Integrated Management of Childhood Illness Strategy (IMCI) that is adapted into the Cambodia context. The strategy covers three components: (a) Improving the skills of the health workers, (b) Improving the health system support, and (c) Improve the community and family practices. It has been so far scaled up to almost all the health centres with at least two staff trained in the clinical trainings. In 2010, the proportion of children under one year old receiving DPT-Hep3 and measles is over 90 per cent. The quality of care for the children at the hospitals was also prioritized. The health staff working at the outpatient department, and the paediatric ward were trained the paediatric nursing care and essential paediatric care to better manage the sick admitted children.

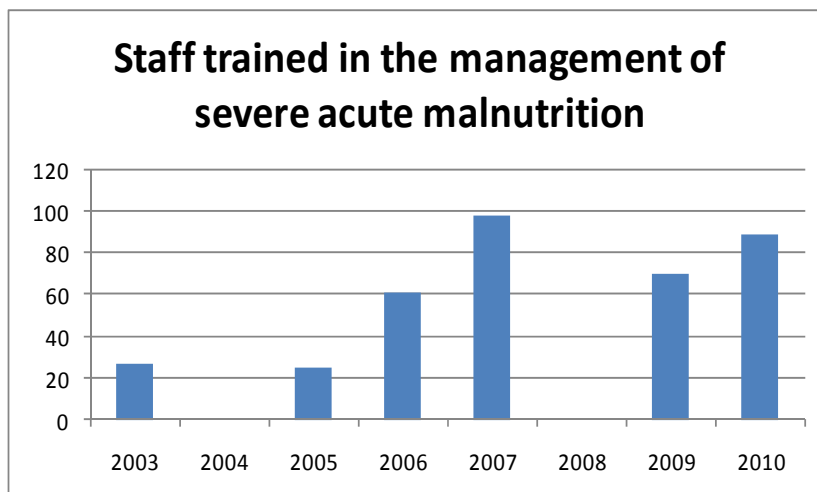
### **Malnutrition**

54. The National Nutrition Program (NNP) is embedded at the National Centre for Maternal and Child Health (MNCHC). A great number of partners support the NNP in their annual operational plan (AOP) in which around two million dollars is awarded to the programme to run the activities in 2011 at both national and sub-national levels. The acute malnutrition is one of the key activities of the NP for 2010. The NNP achieved in carrying out the following tasks:

- Development of the National Interim Guidelines and Training Materials for the Management of Acute Malnutrition and two provinces are piloting the guidelines;
- Assessment of the quality of care, and monitoring and supervision activities on inpatient management of severe malnutrition and finalization of the inpatient;
- In 2010, staffs from nine hospitals were trained on the management of severe malnutrition, and staffs from five hospitals received refresher trainings; and
- In 2010, 1271 children were admitted to 21 hospitals in which 877 were discharged and sent back home, 162 dropped out, and 30 cases were referred.

55. The NNP also implements other activities including the anaemia prevention and control, Vitamin A deficiency prevention and control, iodine and iodine deficiency disorders (IDD) prevention and control.

56. The number of staff trained in the management of the severe acute malnutrition, 2003-2010 is as follows:



### **HIV/AIDS control**

57. At the Ministry of Health, the National Centre for HIV/AIDS, Dermatology, and Sexually Transmitted Diseases (NCHADS) is the main coordinator of the HIV/AIDS prevention and control activities. It works with the National Centre for Tuberculosis and Leprosies Control to deal with the HIV/AIDS and Tuberculosis, and with the National Centre for Maternal and Child Health (NMCH) on the link response (prevention from mother to child transmission “PMTCT” and voluntary counselling and confidential testing “VCCT”). There are actually no separated piece of work focusing on the HIV/AIDS prevention and control in children.

58. The national centre has its own vertical network from the national to provincial, district, health centres and community to implement the HIV/AIDS prevention and control in collaboration with development partners. The national strategic plan for HIV/AIDS prevention and control was developed for 2008-2015 with its two main goals – (a) to reduce the HIV prevalence from 0.9 per cent to 0.6 per cent and (b) the survival of the HIV/AIDS patients of more than 85 per cent.

59. The hard work and investment in HIV/AIDS prevention and control resulted in tremendous achievements. One of which is the reduction of the HIV prevalence in the population. The HIV prevalence among the people aged from 15 up to 49 years olds has declined gradually from 2 per cent in 1998 to 0.9 per cent in 2006 and then 0.7 per cent in 2010.

60. The health facilities with VCCT increased from 12 in 2000 to 239 in 2010 (quarter 3). Up to quarter 3 of the year 2010, 387,575 people came to receive the services. VCCT, TB patients, pregnant women and her partners shared 68 per cent, 4 per cent, 29 per cent, and 6 per cent, respectively.

61. CENAT and NCHADS developed the national framework for TB/HIV. In 2010, 25 operational districts in 12 provinces implemented the management of TB-HIV co-infection.

62. The treatment of the HIV/AIDS patients for the opportunistic infections (OIs) and with anti-retrovirals (ARVs) is one of the priority activities of the NCHADS. In 2010, 51 operational districts and 21 provinces are able to manage the HIV/AIDS patients with OIs and provide ARVs respectively. 32 operational districts out of those operational districts are

upgraded to provide HIV/AIDS care in children. Up to quarter 3 of the year 2011, 41,669 patients received ARVs in which around 10 per cent are children.

63. In 21 provinces, there are 262,421 patients for VCCT, 15,052 TB patients, 41,669 patients for treatment for HIV/AIDS with the ARVs of which 4,003 are children. There are more than 100 physicians trained in a 6-months programme called diploma in clinical management training course on HIV/AIDS for children and other short, modified courses.

64. As of December 2010, 921 health facilities including three National Hospitals, 74 Referral Hospitals, 84 health centres, and 17 non-government health facilities implement the PMTCT services. Health facilities that run the PMTCT services have at least two health care providers from health centres and at least one physician trained on pre-and post-counselling for HIV. Managers from HCs, RHs, ODs, and Provincial management levels were trained on PMTCT management.

### Indicators for maternal and child health

<i>Indicators</i>	<i>Achievements</i>		<i>Target</i>
	2009	2010	
<b>Reproductive Health</b>			
Contraceptive prevalence using modern contraceptive method	28%	30%	40%
Number of health facilities providing Adolescents Youth Friendly Services (AYFS)	110	226	135
<b>Maternal and New born</b>			
% pregnant women received ANC2 by health personnel consultation	83%	72%	85%
% births delivery by trained health personnel at health facilities	44%	52.31%	50%
% births delivery by trained health personnel	63%	62.21%	70%
% of deliveries by C-section	1.4%	2%	2.5%
% of HIV+ pregnant women receiving ART for PMTCT	32.3%	57.3%	50%
% of pregnant women who attend ANC receiving HIV testing and result	70.9%	81.1%	80%
<b>Nutrition</b>			
% of pregnant women receiving 90 tablets of iron/folate supplementation	83%	80%	83%
% of postpartum women receiving 42 tablets of iron/folate supplementation	68%	73%	75%
% of postpartum women within 6 weeks of delivery receiving one dose of vitamin A capsule	71%	73%	75%
% of children 6-59 months receiving vitamin A two doses during the last 6 months	R1: 98% R2: 100	R1:95% R2:96%	R1:98% R2:98%
% of child 12-59 months receiving mebendazole every 6 months	86%	92%	88%
Number of Referral hospitals functioning as CEmONC	25	25	26
Number of referral hospitals and health centers functioning as BEmONC	19	19	34

<i>Indicators</i>	<i>Achievements</i>		<i>Target</i>
<b>Child Health</b>			
% of children under one year immunized with DPT3-HepB	95%	92%	96%
% of children under one year immunized against measles	91%	93%	95%
No. of contact ( new cases consultations ) per child under 5 years per year	1.0	1.51	1.3
% of HCs implemented IMCI [IMCI-CS]	78%*	100 %*	80%

### **Adolescents addicted to drugs and alcohol**

65. The Ministry of Education, Youth and Sports (MoEYS) has developed the “Cambodian National Policy on Youth Development” aiming at developing youth in their physic, intellectual, moral, value and life skills so as they become good citizens. This policy is now submitted to the Office of the Council of Ministers for approval.

66. The RGC has been drafting the Law on Drug Control. A new draft Law on drug control has included provisions related to treatment and rehabilitation. The draft Law on Tobacco Control is also under revision.

67. The RGC has issued the Sub-Decree No. 162 dated 22 December 2010 on the Establishment of National Treatment and Rehabilitation Center for addicted people. This Center is under the management of MoSVY.

68. With support from CCJAP and UNODC, the Ministry of Interior and the National Authority to Combat Drugs implement the following programmes:

- Crime Prevention and Community Safety Programmes, and
- Initiative on Voluntary Community-based Drugs Dependency Treatment, Rehabilitation and Alternative Services.

### **Reply to the issues raised in paragraph 12 of the list of issues**

69. Poverty reduction is the main objective of the RGC as this is an inter-sectoral issue that no one institution is solely responsible. All organizations, governmental institutions as well as NGOs and the civil society contribute to alleviate the poverty according to their respective roles. The Ministry of Planning is the headquarter of the RGC has important roles in monitoring of poverty levels throughout the country. In response to this role, the Ministry of Planning has cooperated with different IOs in the conduct of big scale socio-economic surveys every 3-4 years. The analysis of the results of those surveys has shown that the percentage of Cambodian people living under the poverty line has dropped successively from 36 per cent in 1999 to 34.7 per cent in 2004, to 30 per cent in 2007 (data of the Ministry of Planning) and then to 25.8 per cent in 2010 (National Strategy for Social Support for Poor and Vulnerable People, 2011). Besides this the Ministry of Planning has implemented a programme on poor identification to find out the real poor families in rural areas and to give accurate data on poor families to developmental agencies, donors and services providers as well as governmental institutions and NGOs, especially programmes on social safety nets so as they direct their assistances and services to real poor, helping them to get out of poverty and protect them from different crisis like severe illnesses and bad crop, etc. that make them poorer. These data can also be used to calculate the comparative percentage of poverty level in different provinces, districts/Khan,

communes/Sangkat and villages, and then to identify prioritized areas to be developed and assisted that really benefits the poor. The programme on poor identification is now expanding to cover all levels nationwide in 2010-2011. Data on poor family are welcomed and used by different institutions in the Government as well as in NGOs and developmental agencies in the orientation of assistance and services for the poor. The leading institutions in the RGC has used the poverty list of the poor identification programme is the equity fund of the Ministry of Health that is in a leading position to use the data to provide treatment services free-of-charge or at reduced rate in areas covered by the poor identification programme. Other ministries, institutions and organizations in other sectors like social works, education, agriculture, rural development, Red-cross are also using this data in activities such as the provision of scholarship to poor students, the provision of fertilizers, seeds, material and agricultural techniques, water filters, toilets, bicycles for poor students, rice for work, health services and other private institutions. The data on poor families is an important tool for the social safety nets.

#### **Establishment of social safety nets:**

70. In the Second Forum on Development Cooperation for Cambodia on 3-4 December 2008, the RGC and development partners have agreed to review the extent of the social safety nets to block the risk of food price instability and economic unrest that affect the living conditions of the poor and vulnerable people. One first step of this work was to do a general analysis on the extent of the existing social safety nets (programmes under the social safety nets), and to determine objectives and strategic choices to establish an integrated and systematic social safety nets that is well adapted to the socio-economic context of Cambodia. This strategy was developed by the Council for the Rehabilitation and Development of Agriculture and Rural Areas of the Council of Ministers, in collaboration with relevant ministries and institutions as well as with IOs. The strategy has collected and pointed out some prioritized activities in the current existing programmes that are characterized as assisting the social safety nets for the assessment of needed budget for 2010-2013, including the importance of poor family identification and the assessment of budget needed to support the poor and vulnerable people. This strategy has been adopted on 18 March 2011.

71. The Strategy on social support to the poor and vulnerable people has 5 major objectives:

- (a) The poor and vulnerable people receive support in food, sanitation, clean water and shelter etc. to meet their needs in case of emergency and at risk;
- (b) The poor and children and mothers at risk benefit from the social safety nets in order to reduce poverty and food insecurity and strengthen human resources development through increased nutrition quality, mothers and children welfare, education enhancement and child labour elimination, especially the worst forms of child labour;
- (c) The poor and vulnerable adults benefit from employment opportunity to ensure that they get an income, food and job as well as can participate in the development of physical resources and sustainable social infrastructure;
- (d) The poor and vulnerable people receive quality and accessible health care as well as the financial support in case they are sick;
- (e) Vulnerable people, especially orphans, elderly, women head of family, disabled, HIV/AIDS affected or TB patients etc. receive assistance in cash, material and psychosocial support as well as other social care.

72. MoSVY has issued the Circular No. 006 on aid programme to people who run out of food, are very poor or victims of natural disaster and hazardous catastrophe. This circular

has been changed into a Sub-Decree on “Policy on the Regime for the Disabled, the Poor and Vulnerable People in community”, that is now submitted to the Council of Ministers for approval.

73. For other achievements concerning the reduction of poverty, please see annex 2

### **Reply to the issues raised in paragraph 13 of the list of issues**

74. The rights on property is guaranteed by the Constitution. The ownership regime related to the immovable property are guaranteed and protected by the Land Law that was promulgated by the Royal Decree No. 0801/14 dated 30 August 2001. Article 5 of the Law stipulates that “No one can be deprived of her/his properties, if this is not for the public interest. However, the deprivation shall respect the formalities and procedures set out in the laws and regulations, after paying reasonable and fair indemnity”.

75. The Law on Expropriation has been promulgated by the Royal Decree No. 0210/003 dated 26 February 2010. In addition to the guarantees by the Constitution and the Land Law, the Law on Land Expropriation determines the principles, mechanism and procedures of confiscation and appropriate judicious indemnity in case of property confiscation for the development of public physical infrastructure. Besides above mentioned laws, there are many other regulations covering land property that are adopted to manage, use and distribute lands as well as to establish mechanisms and procedures to regulate the disputes and monitor property abuses.

76. The policy of the RGC is to ensure that all the lands are managed, used and distributed with equity, transparency, effectiveness and sustainability. On all the total territory of around 18.1M hectares, only about 14.5M hectares are under the state management; 3.6M others (around 20 per cent) are private properties. The RGC has given high priority to land tenure safety strengthening for state properties as well as for private properties and that of minority groups through systematic registration and by groups, so as to give land certificates to the general public, institutions and minority group communities who have the rights to possess.

77. As of 2010, 1,664,297 land certificates have been given to the citizens, of which three quarters are in rural areas and one-fourth are in cities and agglomerations. 1,070,665 certificates are registered systematically, 593,645 others are by groups, meaning that 23-24 per cent of private lands are registered.

78. As for the registration of community lands of minority groups in three pilot communities, land identification and limitation have been finished after consultation with relevant persons. Next step is to continue implementing the Sub-Decree No. 83 on “Procedures to register Community Lands of Minority Groups” for communities that are already recognized formally in the nationwide framework, especially the minority groups communities in Mondulkiri and Ratanakiri provinces.

79. The Cadastral Committee has mission to solve the disputes on immovable properties that are not yet registered. Disputes on registered immovable properties shall be solved by the Court. The number of disputes referred to the Cadastral Committee has decreased from year to year by about 20 per cent, and the solutions have increased by almost 56 per cent. By using the procedures of mobile solutions, the disputes that were pending for years were totally solved. As of 2010, on 5,193 cases, the Cadastral Committee at all levels has achieved as follows:

– 1,810 disputes concerning 8,560 families and 3,057.2 hectares were completely solved,



- 272 cases have been withdrawn,
- 1,369 disputes were rejected due to the fact that they are not under its jurisdiction, and
- 1,742 cases are pending.

80. To strengthen the land management, the establishment of policy framework and related legal texts like the Policy on Land Management, the National Policy on Habitation, Circular on the Procedures to solve Temporary Construction in Cities and Agglomerations as well as the Law on Land Management, Urbanization and Construction are under development by an inter-ministerial working group.

81. The RGC has been implementing a policy on land distribution to the poor and families of soldiers who are defending the country on the West and North-West borders, who have no or lack land through a social land concession programme initiated by the national and sub-national levels. The National Development Strategy and the Development Strategy by Sector 2006-2010 have identified 10,000 landless poor families under this programme. The RGC has issued a Circular on the Plan for Distribution of Social Land Concession by requiring that each Capital or province has to find out lands to be distributed to at least 416 families each year. 12 provinces have yet identified 36,917 hectares of lands and 14,791 landless poor families. The provinces that have already distributed the lands are:

- Kompong Cham: 863.65 hectares of land, distributed to 246 poor families;
- Kratie: 3,906 hectares, distributed to 246 families, and is considering distributing to 350 more families;
- Oddar Meanchey: distributed lands that already cleared mine, 129 hectares to 95 poor families;
- Kampot: 10,119 hectares to 317 families of the poor and disabled former soldiers;
- Kampong Cham: 155 hectares, to 100 poor families; and
- Preah Vihear: more than 18,000 hectares, to the families of armed forces and population around the Preah Vihear Temple, on the Western and North-Western borders totalling to 1,802 families through the establishment of new developed villages.

82. The RGC has issued the circular No. 03 dated 31 May 2010 to instruct the local authorities at all levels and relevant institutions on the procedures to solve temporary construction on state lands that were illegally trespassed in the Capital, cities and agglomerations. This circular provides for specific measures for new resettlements such as:

- (a) Exacting data collection of temporary constructions,
- (b) Identification, mapping and classification of locations of the land of the temporary constructions;
- (c) Population census in the temporary constructions;
- (d) Search for solution;
- (e) Coordination discussion to determine the policy;
- (f) Basic infrastructure and public services to support the living, and
- (g) Participation of involved parties.

83. As yet, as the budget is limited there is not yet an assessment on the impact of land tenure insecurity on the family's capacity to care for their children.

## **Reply to the issues raised in paragraph 14 of the list of issues**

### **Measures taken to reduce school dropout**

84. Within the Strategic Plan for Education 2009-2013 there is a strategy on the reduction of grade repetition and drop-out at all levels, and the increase of scholarship to very intelligent students from poor families, especially girls to ensure they can pass to secondary level. To address this strategy MoEYS has been implementing the creation of lower secondary schools in each commune / Sangkat, and higher secondary schools in each district/Khan as needed. In the school year 2010-2011 there are 1,472 communes/Sangkats, which is equal to 90.8 per cent of all the total 1,621 communes/Sangkats, that have a lower secondary school, and 182 districts/Khan (94.3 per cent of the total 193 cities/districts/Khans) that have a higher secondary school. MoEYS is implementing a scholarship programme based on the identification of very intelligent poor students, especially girl students. In this 2010-2011 school year, 46,192 secondary students receive a scholarship, in which 27,265 are girl students. To effectively implement this programme, a policy on scholarship granting is drafted by the Ministry.

85. MoEYS has a school feeding programme (provision of breakfast) to 490,563 students (240,223 girl students) in 1,300 primary schools.

### **Improvement of quality of education and the pedagogic capacity of teachers:**

86. MoEYS has reformed the curricula policy during the period 2005-2009 to 2010-2014 by making compulsory life skills teaching, teaching of foreign languages, namely English and French since grade 4 in primary schools, the option for sciences or social sciences classes for students at grade 11 and 12, and the determination of national standard for grade 3, grade 6, grade 9 and grade 12 to evaluate the capacity and knowledge of the students. In primary schools and lower secondary schools i.e. grade 1 to grade 9, to comply with the article 65 of the Constitution that stipulates that all citizens shall receive at least 9-year compulsory study, the RGC has established and is implementing the policy on child-friendly school focusing on 6 main components: (a) all children are enrolled, (b) education with effectiveness, (c) health safety and child protection, (d) gender responsiveness, (e) participation of students' families and communities, and (f) support from the education system. There are 6,767 primary schools in 2010-2011, in which 3,891 (58 per cent) are child-friendly schools. Compared to 2010, the child-friendly schools are increased by 1 per cent. The child-friendly school is implemented in 424 lower secondary schools, equalling to 36 per cent of the total of 1,172 lower secondary schools. Besides these, MoEYS has organized each year the "very intelligent students" contest nationwide on Khmer literature, mathematics, and physics for grades 9 and 12 and select 10 intelligent students for each major and each grade. MoEYS has also sent students to international contests such as the 11th Olympiad on Physics, the 51st Olympiad on mathematics, the 6th Star Olympiad and the 4th Olympiad on geography. Students were laureates and got prizes and medals in each contest.

### **Teachers' capacity strengthening**

87. MoEYS has developed the standards of teaching profession that comprise 4 components i.e. professional knowledge, professional practices, professional learning and professional morale, and has developed a core plan on teacher development for 2010-2014. To become a teacher everyone shall have to succeed a recruitment process so as to be able

to receive training, then to go to the field on practicum. There is a final examination at the end of the training, and then the candidates choose a place of work that they need to fulfil their missions.

88. The capacity of the managers of pre-schools, primary schools and secondary schools are also strengthened. The training curricula of primary and pre-school teachers have been reformed by increasing teaching hours in mathematics, Khmer literature and art education for teachers of pre-schools, and including environment, integrated education and education by researches to the primary school teachers.

### **Kindergartens**

89. MoEYS has developed the National Policy on the Support and Early Childhood Development that was adopted by the RGC in 2010. This policy helped in the strengthening of collaboration among different ministries, institutions and development partners in the improvement of early child education. In the past there was early child education only in state preschools. Following the existence of the policy(strategy) widening the participation of private sector and community at all educational levels, especially the commune/Sangkat councils, early child education has made a good progress these last years. In 2010-2011 there are 2,092 state preschools, 1,766 community preschools, and 256 private preschools. There are in total 4,114 preschools nationwide and 234,429 children aged 0-6 years old are enrolled (117,993 girls).

### **Rights to education of children who do not speak Khmer**

90. The education policy has determined Khmer language as the vehicle language in education in schools. To assist students from minority groups MoEYS has organized bilingual education in preschools as well as in primary education with support from different organizations. This programme is implemented in Stung Treng, Ratanakiri and Mondulakiri provinces, in 27 schools having 2,359 students (1,054 girls) in total. This bilingual education is applied only to grades 1 to 3; from grade 4 onward the education shall be in national language like the other students, as after three years those minority students can read and write perfectly Khmer.

91. Besides the direct capacity building to teachers and the promulgation of the Education Law in 2007, the RGC issued the Sub-Decree on Ethics of the Teaching Profession in 2008. As a result it was noted that teachers' behaviour has been changed and the learning has been improved.

### **Reply to the issues raised in paragraph 15 of the list of issues**

92. Cambodian laws do not consider youth rehabilitation centres as human detention centres. For example, paragraph 5, article 6 of the Prakas No. 470 dated 25 August 2006 on the Conditions and Procedures for Admission, Management and Rehabilitation of Children and the Youth in Youth Rehabilitation Choam Chao requires consent of the child and parents to stay in the centre. The data on children in youth rehabilitation centres under MoSVY in 2009 and 2010 is as follows:

<i>Center's name</i>	<i>2009</i>	<i>2010</i>	<i>Treatment and Rehabilitation</i>	<i>After care</i>	<i>Total</i>
Chaom Chao	46	07	53	53	53
Kompong Kantuot (Kandal)	17	0	17	0	17
Smach Meanchey	25	31	56	47	56

<i>Center's name</i>	<i>2009</i>	<i>2010</i>	<i>Treatment and Rehabilitation</i>	<i>After care</i>	<i>Total</i>
(Koh Kong)					
Phnom Bak (Banteay Meanchey)	58	103	161	36	161
Total	146	141	287	136	287

### **Legal basis, and authorities responsible to monitor these centres**

93. The management of the above-mentioned youth rehabilitation centres is based on the following legal basis:

- (a) Law on the Establishment of MoSVY,
- (b) MoSY Prakas No. 304 dated 15 November, 2000 on the Establishment of the Chaom Chao Youth Rehabilitation Center,
- (c) MoSVY Prakas No. 470 dated 25 August 2006 on Conditions and Procedures on the Admission, Management and Rehabilitation of Children of the Chaom Chao Youth Rehabilitation Center,
- (d) MoSVY Prakas No. 341 dated 8 August 2007 on the Establishment of the Kompong Kantuot Youth Rehabilitation Center,
- (e) MoSVY Prakas No. 108 dated 28 February 2007 on the Establishment of the New Life Center Smach Meanchey.

94. The authority responsible in monitoring these centres is MoSVY. The above Prakas and the youth rehabilitation centres' policies are being reviewed by MoSVY for consistency with new laws as well as the draft Law on Drug Control and draft Juvenile Justice Law.

### **Living conditions of children in youth rehabilitation centres**

95. While making effort in the reform of a comprehensive child justice system, the RGC has paid much attention on the provision of services to the emerging problems of children in conflict with the law in need of rehabilitation. Their conditions in the centres have been improved if compared to the past. There are activities concerning sanitation, livelihood, hygiene, vocational training and sports. Civil servants working in the centres were trained successively, and their capacity in working with children in conflict with the law has been strengthened.

96. MoSVY welcomed and received the first discreet visit and observation of the Subcommittee on the Prevention of Torture (SPT) in the Kingdom of Cambodia to the youth rehabilitation centre from 2 to 11 December 2009. MoSVY has appointed a Working Group to investigate and respond to the allegations that many street children and homeless children are frequently detained in those centres. Then in September 2010 MoSVY has collaborated with UNICEF and the United Nations Office of the High Commissioner for Human Rights in Cambodia to recruit a consultant to evaluate the policy implementation, management and provision of services to vulnerable children in those youth rehabilitation centres so as to reform the policy and the implementation according to the needs of those children in an effective manner.

97. Beating, torture and ill-treatment are prohibited. Those who committed those acts shall be personally responsible for their acts.

**Drug abuse**

98. The RGC issued the Sub-Decree No. 162 dated 22 December, 2010 on the Establishment of a National Treatment and Rehabilitation Center for Drugs Addicted-Persons. MoSVY issued the Prakas No. 634 dated 24 March, 2011 on the Organization and the Functioning of the Office under the National Treatment and Rehabilitation Center for Drugs Addicted-Persons. MoSVY will continue developing more procedures and regulations related to the treatment and rehabilitation of drugs addicted-persons in this centre, as well as on the rehabilitation of drugs addicted-persons in general. As of the end of 2010, NACD has been piloting a an Operational Plan for Combating Drugs consisting of four components including community- based treatment in Bantey Meanchey province. The activity report is not available during this reporting period.

**Reply to the issues raised in paragraph 16 of the list of issues****The Implementation of the National Plan of Action (NPA) against Trafficking and Sexual Exploitation**

99. The First NPA (2000-2004) was completely implemented as mentioned in the combined second and third periodic reports of Cambodia on the implementation of the Convention from points 204 to 242. The CNCC made an evaluation on this implementation in 2005. For other achievements, please see annex 1.

100. The 2nd NPA 2011-2014: so far, there is no new national plan to replace the former yet. The 2nd NPA is already finalized and is waiting for the approval from the RGC.

101. While waiting for this approval, there are plenty of achievements made by the Kingdom of Cambodia, mainly:

**The development of laws, regulations and policy:**

- Royal Kram No. 0110/001 dated 26 January 2010 on the Approval of the ASEAN Convention on Mutual Legal Assistance in Criminal sector;
- Law on the Suppression of Human Trafficking and Sexual Exploitation promulgated by the Royal Kram No. 0208/005 dated 15 February 2008;
- Criminal Procedures Code promulgated by the Royal Kram No. 0807/024 dated 10 August 2007;
- Criminal Code promulgated by the Royal Kram No. 1109/022 dated 30 November, 2009;
- Law on Tourism promulgated by the Royal Kram No. 0609/007 dated 10 June 2009;
- Law on Inter-Country Adoption promulgated by the Royal Kram No. 1209/024 dated 3 December, 2009.

102. The RGC has issued the following:

- (a) Guidelines No. 001 dated 28 October, 2008 on the Implementation of the Law on the Suppression of Human Trafficking and Sexual Exploitation;
- (b) Decision No. 57 dated 4 September 2009 on the Establishment of a Mixed Working Group to oversee Actions Taken on Criminal Cases within various Law Enforcement Entities;

(c) Sub-Decree No. 183 dated 3 November 2008 on the Forms and Procedures of Marriage between Cambodian citizens with Foreigners and the Instruction No. 01 dated 12 January 2009 on the implementation of this Sub-Decree.

103. The Ministry of Interior issued the Decision No. 2729 dated 19 September 2009 on the Establishment of One-Exit-Mixed Working Group to oversee and register marriage of Khmer Citizens with foreigners.

104. The Ministry of Justice issued the following:

(a) Instruction No. 01 dated 23 February, 2009 on the Implementation of Article 42 on sexual intercourse with minor less than 15 years old and article 43 on obscene acts against minor under 15 years old of the Law on the Suppression of Human Trafficking and Sexual Exploitation

(b) Prakas No. 62 dated 6 October 2008 on Use of Court Screen and TV-Linked Testimony from Child/Vulnerable Victims or Witnesses;

(c) Letter No. 1191/01 dated 15 July 2010 instructing the courts of 1st instance and the prosecution departments in the Capital and provinces to collect data on cases of rape and domestic violence to be entered in the ministry database.

(d) Decision No. 12/10 dated 11 August 2010 on the Establishment of Working Group to Manage and Analyze human trafficking and sexual exploitation cases.

105. The Ministry of Tourism issued the following:

(a) Prakas No. 076 dated 13 June 2008 on the Issuance of Tourist License to Restaurants and Food stalls;

(b) Instruction Circulation No. 003 dated 13 June 2008 on the Management of Restaurants and Food stalls;

(c) Prakas No. 075 dated 13 June 2008 on the Issuance of Tourist License to Massage and Spa Businesses;

(d) Instruction Circulation No. 004 dated 13 June 2008 on the Management of Massage and Spa Businesses;

(e) Prakas No. 074 dated n 13 June 2008 on the Issuance of Tourist License to Karaoke Businesses;

(f) Instruction Circulation No. 002 dated 13 June 2008 on the Management of Karaoke Businesses; and

(g) Instruction Circulation No. 001 dated 1 March 2010 on the Management of Entertainment and Tourism Locations, Businesses and Services.

106. All above Prakas and instructions contain provisions on the prohibition of all activities concerning drug trafficking, sexual exploitation of children, prostitution of all kinds, and opening of gambling behind business activities, and prohibition of minors to enjoy entertainment in those business premises.

107. The Ministry of Labor and Vocational Training established the National Plan of Action on the Elimination of Worst Forms of Child Labor 2008-2012.

108. The General Commissariat of the National Police issued a Decision No. 005 dated 11 March 2010 on the Suppression of Drugs Abuse in entertainment places, Human Trafficking and Gambling without the authorization, and the Instruction No. 009 dated 11 August 2010 on the Operations to Rescue Victims of Human Trafficking and Sexual Exploitation.

109. The Ministry of Interior issued the Guidelines on Village-Commune Safety which reads as below:

- No activities concerning theft and robbery of any kinds;
- No production, distribution and use of drugs of any kinds;
- No debauchery, trafficking in women and children and domestic violence of any kinds;
- No youngster gangs; and
- No gambling, illegal use of weapon and offences of any kinds.

110. The implementation of this policy has been playing key role in prevention and suppression of offences in villages and communes nationwide, creating then a safety nets and an effective law enforcement network.

111. There is no big survey to affirm that one third of prostitutes in Cambodia are children. But in Cambodia, child prostitution is strictly prohibited by law.

### **Reply to the issues raised in paragraph 17 of the list of issues**

112. The draft Law on Juvenile Justice has been revised at last with the considerations of UNICEF recommendations. This draft law has been developed in accordance to international norms, the Criminal Code and the Criminal Procedures Code with inputs from development partners, UNICEF and the civil society. In parallel with the development of this draft law, regulations, forms, checklists and other tools to be used by the police, the lawyers, the prosecutors, the investigating judges, the trial judges, the social workers, the prison officers and other rehabilitation officers are also under preparation. The draft guidelines on dealing with child victims and witnesses in the justice system are being reviewed. The MoSVY and CNCC are conducting research and contemplating the possibility of creating a Law on Child Protection or a Law on Child Welfare. The Ministry of Justice has piloted case registry for minors in one court in the Kingdom of Cambodia, and produced instructional videos for child victims, child witnesses and children in conflict with the law regarding the role of different criminal justice actors.

### **Reasons of the rise of the number of children placed in detention**

113. An Assessment on the Situation of Children in Conflict with the Law in the Kingdom of Cambodia has been just started in March 2011.

114. Concrete measures are taken to ensure that children's rights are respected in all stages on investigation, arrest and detention and that children are not detained together with adults through:

- (a) The adoption of the Criminal Code and the Criminal Procedures Code;
- (b) The development of the draft Law on Juvenile Justice and the Law on Prison Management;
- (c) The use of piloted case registry for minors in one court;
- (d) The development of child friendly procedures and courts;(e) Institutions and law enforcers strengthening: since 2006, basic training on Children's Rights, Laws and Justice has been integrated into the training curriculum of the Centre for Lawyer Training and the Royal Academy for Judicial Profession for incumbent judges and prosecutors. The Royal Academy for Judicial Profession has produced two training videos for court officials for interviewing child victims and children in conflict with the law. As of 2009, 54 per cent

of state social workers at the national, capital and provincial levels and 83 per cent of district social workers have completed basic and professional social services training. Lessons on the Roles of Social Workers in the Child Justice System were incorporated into the basic and professional social services training of MoSVY. In 2009, social workers, prison officers and NGO workers from seven capital and provinces received refresher training on case management of and reintegration planning for children in conflict with the law. The Ministry of Justice organized a Multi-sectoral Training Workshop on Child Justice for 35 focal point trainers comprised of court officials, social workers and NGO workers as well as annual multi-sectoral workshops on juvenile justice since 2006.

(f) Provision of Legal Aid: legal aid is provided by the Bar Association and legal aid NGOs.

(g) The monitoring of prisons by the prosecutors: prosecutors have obligations to go and monitor capital and provincial prisons twice a month.

## **Reply to the issues raised in part II of the list of issues**

### **New bills or laws, and their respective regulations**

115. New laws and regulations include, but not limited to, the following:

– Law on the Organization and Functioning of National Assembly and Senate Congress that was promulgated by the Royal Kram No. 0211/005 dated 19 February 2011 aiming at examining key issues of the nation that the Congress Committee considered as important;

– Law on the Protection and Enhancement of the Rights of Persons with Disabilities that was promulgated by the Royal Kram No. 0709/010 dated 3 July 2009;

– The RGC has issued the Sub-Decree No. 27 dated 14 February, 2011 to adopt 21 February of each year as the National Day of Mother and Child Health to enhance child health;

– The RGC has issued the Sub-Decree No. 70 dated 19 July, 2011 on Formal Statistics by requiring state ministries and institutions such as the National Institution of Statistics and other statistical units within the Council of Ministers, the Ministry of Interior, MoEYS, MoSVY, the Ministry of Justice and the Ministry of Health to collect, collate, analyze and disseminate statistics related to:

- Civil registration each year
- Criminal offenses and suppression each year, criminal offenses at the Courts of 1-st Instance and crimes against minors
- Development partners and NGOs signing MOU related to social works, veterans and youth rehabilitation each year etc.

– The RGC issued the Sub-Decree No. 01 dated 8 February 2011 on the Enhancement of Quality and Effectiveness of Technical and Professional Training through the strengthening of the principle of equitable trainings by paying attention to people having lost or less opportunity in the society, and drop-out students.

– The Ministry of Justice issued Decision No. 01 dated 11 January 2011 on the Establishment of one Central Authority that plays the role as facilitator in mutual assistance for criminal law enforcement, including extradition.

- MoSVY is developing and reviewing a draft law on Social Security.



- A draft Sub-Decree on the Policy for Poor Persons with Disabilities in community is under the consideration for approval by the Council of Ministers.
- CNCC is currently conducting a gap analysis research of the country's legal framework on child protection vis a vis the CRC and other international standards, with the objective of developing a priority legislative agenda on child protection and possibly, a Child Protection law.

#### **New institutions and their mandates or institutional reforms**

116. The King of the Kingdom of Cambodia issued a Royal Kram No. NS/RKM/1209/1201 of 21 December, 2009 on the Establishment of the CNCC by creating capital and provincial CNCC structures and requiring the each ministry and institution to create a Children Working Group .

- The RGC issued a Sub-Decree No. 02 dated 5 January 2010 to reform the General Secretariat of the CNCC.
- MoSVY issued the Prakas No. 710 dated 3 June,2010 to establish a National School for Social Works. This school will provide trainings on social work skills, including the implementation of the Inter-Country Adoption Law, the Law on Juvenile Justice and other laws related to the social works.

#### **Policies, programmes and action plans:**

117. The updated National Strategic Development Plan 2009-2013 was adopted to achieve two main objectives of the RGC, i.e.:

- Objective 1: to streamline the mandate of this plan with the mandate of the Royal Government to ensure that the planned activities of all ministries and institutions are prepared to implement the prioritized policies of the Royal Government; and
- Objective 2: to ensure that proposed activities of each related ministry and institution for the implementation of the prioritized policies of the Royal Government take into consideration the impacts of the world economic downturn.

118. The 2nd National Plan of Action against Human Trafficking and Sexual Exploitation 2011-2014 is finalized and waiting for approval by the Royal Government.

#### **Recent ratifications of human rights instruments:**

119. Since the Kingdom of Cambodia sent the combined second and third periodic reports on the Implementation of the Convention on the Rights of the Child (2000-2007) until the first quarter 2011, Cambodia has not ratified any new human rights instruments.

#### **Reply to the issues raised in part III, paragraph 1 of the list of issues**

120. There is no statistical data disaggregated by origin, age and sex, on stateless children and children who have been denied access to identity document.

**Reply to the issues raised in part III, paragraph 2 of the list of issues**

121. Please refer to reply to the issues raised in paragraph 7 of the list of issues

**Reply to the issues raised in part III, paragraph 3 of the list of issues**

122. Please refer to reply to the issues raised in paragraph 11 of the list of issues.

**Reply to the issues raised in part III, paragraph 4 of the list of issues**

123. The Ministry of Labor and Vocational Training (MoLVT) enhances children's rights through the implementation of:

- Government policy, Plan of Action of MoLVT and the National Plan of Action on the Elimination of the Worst Forms of Child labor, 2008-2012;
- The Convention on the Rights of the Child;
- Labor Law and related Prakas related to child labour issued by MoLVT;
- ILO Convention No. 138 concerning Minimum Age for Admission to Employment;
- ILO Convention No. 182 concerning the Prohibition and Immediate Actions for Elimination of the Worst Forms of Child Labour,
- ILO Convention No. 29 concerning Forced or Compulsory Labour.

**Number of employers prosecuted for violations of laws related to child labour:**

<i>Year</i>	<i>employers prosecuted</i>	<i>Remark</i>
2008	01	
2009	01	The minimum age for employment is 15 years old.
2010	none	

**Reply to the issues raised in part III, paragraph 5 (a) and (b) of the list of issues**

124. The number of victims rescued and assisted by the Department of Human Trafficking and Juvenile Protection in 2008 and 2009 are as follows:

	<i>2008</i>	<i>2009</i>
1- Number of rescued:		
- under 15 years old	155	198
- 15 – 17 years old	119	126
- over 18 years old	673	467
Total	947	791
2- Assistance given to:		
- referred to MoSVY	317	74
- referred to NGOs	88	57
- sent to families	543	669

	2008	2009
Total	948	800

Source: Department of Anti-Human Trafficking and Juvenile Protection.

125. Until December 2010, as far as offences related to sexually related offences against children under the Law on Suppression of Trafficking and Sexual Exploitation and rape are concerned at the courts, there are in total 338 cases filed to the courts and 359 accused persons:

No	Type of offence	Number	Number of victims		Number of accused		
			Minor	Adult	under pre-trial detention	Not under pre-trial detention	On bail
1	Art. 26- procurement of prostitution	24	2	29	27	19	6
2	Art. 27- aggravated procurement of prostitution	6	2	4	5	1	4
3	Art.28- procurement with regard to child prostitution	2	2	0	3	0	0
4	Art. 32- provision of premise for prostitution	10	1	10	19	3	2
5	Art. 33- offences with regard to child prostitution	0	0	0	0	0	0
6	Art. 34- purchase of child prostitution	11	26	0	18	2	3
7	Art. 35- soliciting for child prostitution	2	5	0	9	1	2
8	Art. 36- conditional money loan in connection with child prostitution	0	0	0	0	0	0
9	Art. 37- contract of child prostitution	0	0	0	0	0	0
10	Art. 39- pornography	5	2	5	7	1	1
11	Art. 41- child pornography	2	1	0	2	0	0
12	Art. 42- sexual intercourse with minor under 15 years old	37	40	2	28	5	8
13	Art. 43- indecent acts against minor under 15 years old	6	7	0	6	1	0
14	Rape – successful	185	92	85	68	38	22
15	Rape – not successful/ attempted rape	45	16	29	20	15	10
16	acts of immodest	3	2	1	1	1	1

No	Type of offence	Number	Number of victims		Number of accused		
			Minor	Adult	under pre-trial detention	Not under pre-trial detention	On bail
	Total	338	198	165	213	87	59

Source: Ministry of Justice.

126. 351 victims were referred to Capital/provincial Department of Social Affairs, Veterans and Youth Rehabilitation, 13 NGOs, and 404 were referred to families or guardians.

127. There is no figure on child sex tourism as the Criminal Code as well as the Law on Suppression of Trafficking and Sexual Exploitation do not define sexual crimes based on status as tourist.

**Reply to the issues raised in part III, paragraph 5(c) of the list of issues**

128. The number of children victims of sexual abuse including incest is within the number of offences related to sexual intercourse with minors under 15 years old, rape and sexual intercourse with minor by ancestors, etc.

**Reply to the issues raised in part III, paragraph 5(d) of the list of issues**

129. For the number of children who were provided access to recovery and social reintegration services, please refer to the reply to the issues raised in part II, paragraph 5(a) of the list of issues above.

**Reply to the issues raised in part III, paragraph 6 (a) of the list of issues**

130. Please refer to the reply to the list of issues raised in paragraph 17 of the list of issues.

131.– The Kingdom of Cambodia is striving to make a comprehensive reform of the child justice system. Thus there is still no special law and court to deal with and try children in conflict with the law yet. The procedures used for adults are applied to children, except there are special provisions stipulated by the laws. A differentiated treatment for children in conflict with the law is provided under the new Penal Code, especially articles 39 (Measures to Apply against Minors), 40 (Types of Measures) and 160 (Principal Penalties Applicable to Minors aged more than 14 Years Old).

**Reply to the issues raised in part III, paragraph 6 (b) of the list of issues**

132. There is not yet a special law to stipulate about prison and rehabilitation center for children in conflict with the law. The procedures used for adults are applied to children, except there are special provisions stipulated by the laws. CC2 Prey Sar is a separate correction centre for children. In the other prisons, children are staying in separate buildings, wings or cells from adults, except only in a small number of prisons where there is prison overcrowding. As of 2008-2010, numbers of children in the prison are as follow:

Year	Total Minors	Females
2008	465	24

<i>Year</i>	<i>Total Minors</i>	<i>Females</i>
2009	840	27
2010	730	26

*Source: General Department of Prison of MoI dated 6 May 2011*

### **Reply to the issues raised in part III, paragraph 6 (c) of the list of issues**

133. The Kingdom of Cambodia is striving to establish a database on child justice that can produce data on children victims of sexual offences and children in conflict with the law at the investigation stage and the trial stage. As yet this database is not able to produce official data on children in conflict with the law who received alternative punishment yet.

134. Since 2008, community-based prevention and rehabilitation services for children accused of petty crimes were implemented by two NGOs in four provinces of the Kingdom of Cambodia. This programme collaborate with the commune councils and other local authorities in the training on child rights, life skills, vocational training and the conflict management to more than 1000 children at risk, and facilitate and monitor the diversion and alternative options for more than 100 children in conflict with the law as of end 2010.

### **Reply to the issues raised in part III, paragraph 6(d) of the list of issues**

135. Please refer to the reply to the list of issues raised in paragraph 15 of the list of issues above.

136. There is no complaint reported as receiving abuse or ill-treatment during the arrest or detention of children in conflict with the law as well as during the follow-up of those cases.

### **Reply to the issues raised in part III, paragraph 7 of the list of issues**

137. Please refer to the following:

- (a) National Strategic Development Plan updated, 2009-2013 (see annex 2);
- (b) Mid-Term Review Report of the programme, 2006-2010, and
- (c) Cambodian Report on the Implementation of Decision No. 2009/26 of the United Nations Economic and Social Council on Support to the National and International Effort to Reform the Juvenile Justice System (see annex 3).

### **Reply to the issues raised in part III, paragraph 8 of the list of issues**

138. The areas that affect children that is considered to be of priority with regards to the implementation of the Convention is the implementation of article 34 of the Constitution that stipulates that State party shall ensure that children are out of all forms of sexual exploitation and sexual abuse. In this view, the Kingdom of Cambodia has taken appropriate measures at the national as well as bilateral and multi-lateral frameworks to suppress and prevent:

- (a) The enticement or force of children into sexual acts;
- (b) The use of children in prostitution or illegal sexual practices; and

- (c) The use of children to perform indecent acts and to produce pornography.

## References

National Strategic Development Plan update 2009-2013;

Mid-Term Review Report, 2006-2010;

Report of the Kingdom of Cambodia on the Implementation of Resolution No. 2009/26 of the Economic and Social Council on Supporting National and International Efforts for Child Justice Reform;

Cambodia Child Survival Strategy, 2006;

The Cambodia Demographic Health Survey 2000 and 2005;

The annual preliminary progress report of the Reproductive Health and Newborn Care Program 2010;

The annual progress report of the National Centre for HIV/AIDS, Dermatology and Sexually Transmitted Diseases (NCHADS) 2010;

The annual progress report of the Prevention from Mother to Child Transmission Program (PMTCT) 2010;

The annual progress report of the National Nutrition Program (NNP) 2010;

The annual progress report of the Department of Communicable Disease Control (CDC) 2010; and

Other documents such as reports from relevant ministries and institutions and legal journals, etc.

## Acronyms

ANC	: Antenatal care
AOP	: Annual operational plan
ARV	: Anti-retrovirus
AYFS	: Adolescents Youth Friendly Services
CCAMH	: Centre for Child and Adolescent Mental Health
CCJAP	: Cambodia Criminal Justice Assistance Project
CCWC	: Commune Committee for Women and Children
CDC	: Communicable Disease Control
CDCF	: Cambodia Development Cooperation Forum
CENAT	: National Centre for Tuberculosis and Leprosy Control
CLWG	: Child Labor Working Group
CMDGs	: Cambodian Millennium Development Goals
CNCC	: Cambodian National Council for Children
CRC	: Convention on the Rights of the Child
DAC	: Disability Action Council
DPT	: Diphtheria, Pertussis, Tetanus
DSVY	: Departments of Social Affairs, Veterans and Youth Rehabilitation

EmONC	: Emergency Obstetric and Newborn Care
GO	: Governmental organization
HIV	: Human Immunodeficiency Virus
IDD	: Iodine deficiency disorders
IDU	: Injecting Drug Use
IMCI	: Integrated Management of Childhood Illness
IOs	: International Organizations
MCH	: Maternal and Child Health
NCHADS	: National Centre for HIV/AIDS, Dermatology & Sexually Transmitted Diseases
NCSMC	: National and Provincial Child Survival Management Committee
NGOs	: Non-governmental organizations
NMCH	: National Centre for Maternal and Child Health
NNP	: National Nutrition Program
MNCHC	: National Centre for Maternal and Child Health
MoEYS	: Ministry of Education, Youth and Sports
MoL&VT	: Ministry of Labor and Vocational Training
MoSVY	: Ministry of Social Affairs, Veterans and Youth Rehabilitation
NSDP	: National Strategic Development Plan
NSP	: National Strategic Plan
NSPS	: National Social Protection Strategy for the Poor and Vulnerable
OIs	: Opportunistic infections
OVCs	: Orphan and Vulnerable Children
PMTCT	: Prevention from Mother to Child Transmission
PNC	: Post-partum care
RGC	: Royal Government of Cambodia
TOT	: Training of trainers
TPO	: Trans-Psychosocial Organization
UNICEF	: United Nations Children's Fund
UNODC	: United Nations Office on Drugs and Crime
UXO	: Unexploded Ordnance
VCCT	: Voluntary counselling and confidential testing
WCCC	: Women and Children Consultative Committee.