



Convention on the Rights of the Child

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Summary record of the 1620th meeting

Held at the Palais Wilson, Geneva, on Friday, 3 June 2011, at 10 a.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (*continued*)

Second and third periodic reports of Cambodia on the implementation of the Convention on the Rights of the Child (CRC/C/KHM/2-3; CRC/KHM/Q/2-3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Cambodia took places at the Committee table.*
2. **Mr. Ith Samheng** (Cambodia) said that his country had ratified the Convention on the Rights of the Child in 1992 and the provisions of the Convention had been incorporated into the Constitution in 1993.
3. The report submitted to the Committee had been drawn up in consultation with all the relevant parties, including children and civil society organizations. Consultations had been carried out by the Cambodian National Council for Children (CNCC), a body that had been established in 1995 to draft guidelines on child development and protection and to coordinate and monitor their implementation; its mandate had recently been strengthened.
4. Despite the difficulties brought about by the global economic recession, Cambodia had consolidated its achievements by pressing on with the implementation of the Rectangular Strategy for Growth, Employment, Equity and Efficiency through the National Strategic Development Plan, which had been updated for 2009–2013. The Plan facilitated the mainstreaming of children’s rights into national development programmes with a view to implementing the Millennium Development Goals. Cambodia had invested in the health sector in order to reduce the infant mortality rate, which had gone down from 95 per 1,000 live births in 2000 to 66 per 1,000 in 2005 and to 45 per 1,000 in 2010. The mortality rate of children under the age of 5 had fallen from 124 per 1,000 in 2000 to 54 per 1,000 in 2010. The nutritional status of children had improved and efforts had been made to develop immunization, water provision and sanitation services. The prevalence of HIV among persons aged 15 to 49 years had declined, going down from 2 per cent in 1998 to 0.7 per cent in 2010. The number of health establishments offering HIV counselling and testing services and implementing measures to prevent the transmission of HIV from mother to child had increased.
5. Cambodia had also made considerable progress in raising the primary school enrolment rate and in reducing gender disparities in the field of education. Reforms had been undertaken to facilitate the access of all children, in particular the poorest, to primary and secondary education. The Education Strategic Plan for 2009–2013 aimed at reducing the dropout and repetition rates at all levels and provided for scholarships to enable pupils from the poorest families to continue to secondary school level. Teachers’ capacities had been improved. Currently, 58 per cent of primary schools and 36 per cent of lower secondary schools had been designated “child-friendly schools”. In 2010, a national policy on early childhood care and development had been adopted. A sub-decree on the ethics of the teaching profession had been promulgated in 2008, which had led to an improvement in the conduct of teachers.
6. Cambodia continued to work on harmonizing its national laws with the Convention, with the two Optional Protocols and with other international instruments. Laws had been adopted on intercountry adoption, action against human trafficking and sexual exploitation, the prevention of domestic violence, persons with disabilities, and education. The Government was currently drafting and finalizing other laws — on juvenile justice, prison management and tobacco control — that were also relevant to children. CNCC was working on a comprehensive law on child protection, which would provide for implementation and monitoring mechanisms.

7. The Cambodian Government attached great importance to improving the collection of data on the situation of children. Under a sub-decree of 2010 on official statistics, ministries and institutions were required to gather, analyse and distribute data on children. Five major data collection systems had been established, namely CAMInfo, a database on the repatriation of women and child victims, a database on sexual offences, human trafficking and domestic violence, a database on child justice and a monitoring and evaluation system on the situation of vulnerable people, including children. Furthermore, a national inquiry into violence against children would be conducted with the support of the United Nations Children's Fund (UNICEF) in 2011.

8. Cambodia had taken numerous practical measures to raise public awareness of the rights of the child. Information campaigns had been conducted with media assistance and measures had been adopted to train police officers, local authority representatives, prosecutors and judges in that regard. The Government considered civil society to be one of its main partners. Numerous national and international non-governmental organizations (NGOs) implemented programmes that contributed to the development of the country and strengthened the rights of children. NGOs were represented in many public child protection bodies.

9. Measures had been taken to prevent and punish all forms of violence and exploitation of which children were victims. Programmes had been implemented to promote birth registration, prevent the separation of children and parents, and avoid the use of detention. A national action plan against the trafficking of persons, including women and children, had been adopted and its implementation would be coordinated and monitored by an inter-ministerial committee. It provided for measures to prevent violence and exploitation and to reintegrate victims. As far as children deprived of parental protection were concerned, the Government, in partnership with civil society, put the emphasis on deinstitutionalization and on placing children in community care or with foster families. The national action plan for orphans and vulnerable children had been extended until 2015.

10. The age of criminal responsibility had been set at 14 years. Cambodia had carried out a thorough reform of juvenile justice. A law on juvenile justice that provided for procedures adapted to children had been drafted in accordance with international standards and guidelines had been adopted on the protection of children within the legal system, whether they were victims, offenders or witnesses.

11. Following its ratification of the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182), Cambodia had undertaken to reduce the percentage of working children from 16.5 per cent in 1999 to 8 per cent by 2015. The Government had approved a national strategy on the protection of poor and vulnerable persons, which would contribute to the implementation of the Millennium Development Goals and tackle the root causes of child labour. Children were increasingly involved in the development of policies and programmes. They had participated in drawing up the national plan of action on the elimination of child labour.

12. Cambodia's budget had increased significantly over the period covered by the report and the Government had allocated considerable resources to education, development, nutrition and social protection. Nevertheless, much remained to be done in order to comply with Cambodia's international obligations. In particular, the Government had to overcome obstacles imposed by traditions and social norms. He was grateful for the assistance and cooperation extended by the international community and civil society.

13. **Mr. Kotrane** (Country Rapporteur) noted with satisfaction that the second and third periodic reports of Cambodia were in line with the Committee's guidelines but expressed regret about their late submission. He encouraged the State party to go even further in its efforts to bring its legislation into conformity with the provisions of the Convention. Noting

that the delegation had mentioned the preparation of a comprehensive draft law on child protection, he asked whether the draft law on juvenile justice could be incorporated into it.

14. The State party's ratification of the two Optional Protocols to the Convention, in 2002 and 2004, was an excellent development and the Committee hoped that their provisions would soon be implemented, like those of ILO Convention No. 182. The various national action plans on individual topics could be usefully replaced by a single comprehensive plan.

15. The principle of the direct applicability of international instruments in domestic courts had been incorporated into the Cambodian Constitution and confirmed by the Constitutional Council, but there was no evidence that the courts observed it. The delegation should give examples of cases in which the Convention on the Rights of the Child had been directly applied by the courts. It should also give details of measures taken to ensure that judges and administrative authorities working with and for children were familiar with the provisions of the Convention.

16. Taking note of the fact that cultural traditions appeared to perpetuate discrimination against girls, children from ethnic minority groups and children with disabilities, he asked whether any measures had been taken to review *Chbab Srey*, the traditional code of conduct for women, and whether the Government envisaged conducting a public awareness campaign to put an end to discrimination.

17. The delegation should comment on claims that children, in particular child drug addicts, were abused in police stations and rehabilitation centres, and the fact that even the newest laws, such as the Act on the Prevention of Domestic Violence and the Protection of Victims, implicitly tolerated the corporal punishment of children.

18. **Mr. Koompraphant** (Country Rapporteur) said that many modern parents had themselves been deprived of a parental model because they had been orphaned at a very early age and he asked whether the National Action Plan for Children took that fact into account. He wished to know how much of the budget was allocated to children and families and how many children were placed in the care of a guardian. He asked whether a mechanism had been established to ensure the continued implementation of the 2005 Act on the Prevention of Domestic Violence and the Protection of Victims and wondered what proportion of the budget had been allocated to that end. He wished to know how child victims of domestic violence were identified and what sanctions were imposed on the parents. Lastly, he asked whether children could lodge complaints with CNCC.

19. **Ms. Lee** asked why only 1.9 per cent of the country's gross domestic product (GDP) was allocated to education.

20. **Ms. Al-Shehail** asked what measures had been taken to establish an independent human rights institution or a mediator, in conformity with the Paris Principles. She wished to know more about the functioning of the Cambodian Human Rights Committee and the Complaints Committee.

21. **Ms. Maurás Pérez** asked the delegation to clarify how the strategic action plan for children fitted into overall development planning and to explain whether the different national plans and strategies were implemented in a decentralized manner. She noted that child labour was prohibited in the formal sector, in the textile and other industries and wondered whether that prohibition could be extended to the informal sector, in particular to dangerous jobs. Poverty could not justify child labour, because the application of the right to education was essential to a country's development. She wished to know whether the Government envisaged adopting a plan to ensure that children would work only in the framework provided for under the ILO conventions and that the right to education would be guaranteed.

22. **Mr. Pollar** asked what measures had been taken to protect vulnerable persons who risked being stripped of their Cambodian nationality. In addition, he wished to know how the children of irregular migrants were guaranteed the right to identity and whether it was still envisaged to reintroduce birth registration fees.

23. **Ms. Al-Asmar** wished to know what entity was responsible for assembling the data collected by the ministries and the National Institute of Statistics and whether there were plans to do away with article 1145 of the Civil Code, which authorized parents to inflict corporal punishment on their children. She commended the successful cooperation with NGOs but asked whether such cooperation was extended equally to service organizations and to human rights organizations.

24. **Ms. Sandberg** asked whether the rights and obligations of citizens set out in chapter 3 of the Constitution in reality applied only to the Khmers.

25. **Ms. Nores de García** said that there were discrepancies in some of the figures given, in particular those relating to the percentage of children attending school (95 per cent of girls and 98 per cent of boys) and the percentage of working children (16.8 per cent), and requested clarification. The proportion of the budget allocated to education was surely insufficient, as greater resources were required in order to combat illiteracy and to integrate young people into the education system.

26. **Mr. Gurán** wished to know what use was made of opinions expressed by children.

27. **Ms. Aidoo** wished to know what means were used to ensure that the funds allocated to the social sectors really reached their intended beneficiaries and to ensure respect for the Anti-Corruption Act of March 2010.

28. **Ms. Wijemanne** requested clarification on the rate of registered births. She asked what the school dropout rate was and what measures had been taken to provide informal education to children who worked and were unable to participate in the formal education system.

29. **The Chairperson**, after welcoming the progress achieved on facilitating the participation of children, asked whether legal and administrative procedures were in line with article 12 of the Convention and whether the law formally recognized the right of children to express their opinions freely on any questions relevant to them. He asked how the principle of the best interests of the child was taken into consideration in the new laws, including the comprehensive draft law on child protection, and what training in children's rights professionals were given. Pointing out that the two main causes of child disability were road accidents and mining accidents, he asked what measures were taken to counteract such unfortunate events. He wished to know more about coordination between the national, provincial and municipal authorities in that regard.

The meeting was suspended at 11.15 a.m. and resumed at 11.40 a.m.

30. **Ms. Khiev** (Cambodia) said that the Millennium Development Goals were taken into account in all the action plans on children. A draft law on children with disabilities was being drawn up in partnership with UNICEF and a centre for the deaf had been opened.

31. **The Chairperson** wished to know about the connection between sectoral plans and the National Action Plan for Children and between sectoral plans and the national development strategy.

32. **Ms. Maurás Pérez** asked whether any budget lines were expressly assigned to the National Action Plan for Children.

33. **Mr. Ith Samheng** (Cambodia) said that the strategic action plan for children introduced by CNCC was linked to other sectoral plans and to the relevant Government

activities, which made it possible to evaluate progress and identify gaps in the implementation of children's rights.

34. The Government did not plan to allocate budget funds specifically to children but gave priority to social sectors of particular importance to children and vulnerable groups, such as health, education, food security and sanitation. Since Cambodia was a stable country, not involved in any conflict, the credits formerly allocated to defence had been redistributed among different budget lines, which had been beneficial for the social sector and, in particular, for the fight against poverty.

35. Following its accession to ILO Convention No. 182, the Kingdom of Cambodia had adopted a national action plan on child labour, which was being implemented in cooperation with the ILO International Programme on the Elimination of Child Labour (IPEC). In addition, there were various projects on monitoring working conditions in the private sector, such as the "Better Factories Cambodia" project, implemented in cooperation with ILO, under which labour inspectors who visited factories could take action if they found that children were working there in poor conditions. That project should soon be extended to other sectors, in particular to the salt and rubber industries, to agriculture and to the construction sector.

36. **Mr. Kotrane** (Country Rapporteur) enquired whether factory inspection mechanisms were efficient, in view of the corruption from which the country suffered and which had led it to adopt the Anti-Corruption Act in 2010. He wished to know what practical effect the Act had had on the work of judges, lawyers and labour inspectors. The delegation should also provide additional information on the efforts made by the State party to render assistance to the 100 or so families evicted from their makeshift dwellings in the city of Boeung Kak.

37. **Mr. Ith Samheng** (Cambodia) said that the Anti-Corruption Act, which had just come into effect, required officials to declare on a regular basis the value of their assets; the anti-corruption unit had already had to take action against Government officials, who had been brought to justice and, in some cases, subsequently convicted. The new mechanism was intended to introduce greater transparency into the system.

38. **Mr. Prum Sokha** (Cambodia) said that the city of Boeung Kak had been the focus of a land redevelopment and urbanization plan since 2001. It went without saying that the Royal Government, which ensured that citizens' property rights were respected, never evicted anyone who occupied land legally. The former residents of the district in question had been resettled close to schools, in temporary housing in communities equipped with sanitation and health services, so that the children of the families concerned would not suffer from the change but would actually benefit from it. Funding from the State and from local and international NGOs, private sector enterprises, the United Nations Human Settlements Programme (UN-Habitat) and other development partners had provided assistance to 90 per cent of the relevant people. The Government believed that the resettled families would encounter temporary difficulties but would benefit in the long term, given that their living conditions would improve in their new communities and that the future of their children would be better assured.

39. The Government had launched a public administration reform and decentralization process to improve the services offered to the public, in particular by transferring a certain number of responsibilities to local administrations. Councils had been set up at every level of Government in the country to deal with issues related to women and children. At the community level, the competent authorities registered children of school age, identifying who attended school and who did not, in the interests of providing them with better assistance. UNICEF was making a significant contribution to facilitating birth registration and childcare for children from vulnerable groups, such as children of migrants.

40. **The Chairperson** asked whether the funds allocated for such services came from the central, provincial, municipal or local authorities, or from NGOs or bodies involved in international cooperation.

41. **Mr. Ith Samheng** (Cambodia) said that the funds came from the State budget, from various levels of the Government, but also from development partners and the private sector. The decentralization process had just commenced and the provincial budget was distributed among the various districts and municipalities.

42. **Mr. Ith Rady** (Cambodia) said that courts based their judgements both on the provisions of domestic law and on those of international human rights instruments, including the Convention.

43. A working group made up of members of the Government and NGOs had been set up to prepare a preliminary draft of the text on the establishment of a national human rights commission in conformity with the Paris Principles. That project had already made significant progress and the Government was currently waiting for the NGOs concerned to complete their internal consultations and submit their conclusions. The Government had, in any case, agreed in principle to the establishment of such an institution.

44. In the field of human rights, two committees had been set up: one, under the Government, was mandated to consider any legal issues related to human rights and, in particular, the rights of women and children, while the other, which answered to the Parliament, was responsible for hearing complaints from citizens who believed that their fundamental rights had been infringed and transmitting those complaints to the relevant bodies.

45. The draft juvenile justice act, which should soon replace laws that discriminated against children, stipulated that any penal measures taken against children had to consider the best interests of the child. It also required judges to ensure that juveniles would be subject to detention only as a last resort and that the best interests of the child would be respected throughout judicial proceedings.

46. The Royal Academy trained police officers, judges, prosecutors and lawyers in the issues covered by the Convention.

47. **The Chairperson** asked whether social workers and members of the many NGOs active in the country had also received training in the provisions of the Convention.

48. **Mr. Ith Rady** (Cambodia) said that, like police officers and members of the judiciary, social workers had received training in the provisions of the Convention in the form of workshops and training seminars.

49. **Mr. Kotrane** (Country Rapporteur) said that he was pleased to note that the State party had adopted a law on intercountry adoption but expressed regret that there were still numerous cases of illegal adoption and he asked whether they were duly punished. In addition, he reminded the delegation that Cambodia had not yet submitted its report under the Optional Protocol on the sale of children, child prostitution and child pornography.

50. He was concerned at the discrepancy between the minimum working age, which was fixed at 14 years, and the compulsory school leaving age, which was fixed at 15 years, and asked whether it was true that primary school was not compulsory in the State party. Given that some 250,000 Cambodian children were subjected to the worst forms of child labour, he enquired about measures taken by the authorities to deploy labour inspectors and to punish guilty employers, and asked whether the State party intended to ratify the ILO Labour Inspection Convention, 1947 (No. 81) in the near future. In view of the fact that many children were employed as domestic workers, which amounted to forced labour, he asked whether the State party had implemented an effective prevention and punishment

policy to deal with the problem. In addition, it appeared that street children were abused in rehabilitation centres. What measures had been taken by the authorities to put an end to such intolerable practices?

51. He welcomed the fact that the Criminal Code prohibited the preventive detention of children under the age of 14 but asked for specific information on the age of criminal responsibility for juveniles. Lastly, he asked whether Cambodia had a genuine system of justice for minors, which included children's judges and lawyers trained to work with children.

52. **Mr. Koompraphant** (Country Rapporteur) asked for additional information on parenting skills programmes and family advisory services and how many people had been involved. The delegation should also clarify whether orphans living on the street could receive alternative care, whether social services provided child victims of exploitation or trade with appropriate care and what measures were taken in order to tackle the root causes of the problem.

53. **Ms. Lee** expressed surprise at the lack of precise figures for the number of persons with disabilities in the country or an official definition of disability. The State should provide minimum assistance services to persons with disabilities, but such services were currently ensured by NGOs. She also asked whether a policy for early diagnosis of disability had been adopted. Citing figures taken from a United Nations Educational, Scientific and Cultural Organization (UNESCO) report, which showed very high school dropout rates and very low school attendance levels — an average of 3.4 years for the poorest populations — she expressed her concern that teachers were underpaid and that pupils were forced to pay them money in exchange for good results. She took note with satisfaction of the State party's Education Strategic Plan (2006–2010) but wished to know what vocational training was offered to children and whether children from ethnic minorities received bilingual education. Lastly, she asked whether the State party respected the principle of non-refoulement and drew the delegation's attention to the recent case of 20 Uigur asylum-seekers, including 2 children, of whom no news had been received.

54. **Ms. Sandberg** welcomed the new Act on the Prevention of Domestic Violence and the Protection of Victims and asked precisely what implementation measures would be put in place to enforce it.

55. **Mr. Cardona Llorens** asked what proportion of the budget had been allocated to programmes on the return of children with disabilities to their families and wished to know whether the integrated classes and special schools mentioned in the replies to the list of issues were initiatives aimed at sending children with disabilities to mainstream schools, as recommended by the Convention.

56. He also asked what the maximum length of pretrial detention to which a child of less than 14 years of age could be subjected was and whether the draft juvenile justice legislation provided for alternatives to detention and for the separation of minors from adults. Lastly, he asked what specific measures had been taken to guarantee access to health care and education for children in detention.

57. **Ms. Nores de García** asked what percentage of the State budget was allocated to social programmes focusing on education, such as the preschool education programmes or programmes to combat illiteracy. She also wished to know more about programmes to combat malnutrition and anaemia and the budgets allocated to such programmes.

58. **Ms. Aidoo** asked whether the national policy on childcare and education in early childhood had specific objectives and took into account the needs of residents of remote areas. She wondered whether its budget was sufficient to incorporate all aspects of early-

childhood development in the framework of multidisciplinary assistance, including such factors as nutritional needs, early identification of learning difficulties and health care.

59. **Mr. Pollar** asked whether the State party intended to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. He also wished to know whether the Government had set up a helpline for child victims of abuse and whether professionals working with children were legally obliged to report any cases of abuse.

60. **Mr. Gastaud** enquired about the number of scholarships granted, how much they had been worth and how they had been distributed. He asked whether the State party intended to introduce free school transport, to provide more free school supplies and to open schools in remote areas. He also wished to know whether there existed learning centres in parallel to mainstream schools. Lastly, he asked whether teachers, school staff and doctors were trained in the provisions of the Convention, whether the draft juvenile justice legislation would contain special provisions on sanctions applicable to young offenders and what reintegration measures were envisaged for juveniles during and after detention.

The meeting rose at 1 p.m.