Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Cambodia - 6th Session – 2009
1st December 2009, 3pm to 6pm

National Report
31. In the context of international obligations, the Kingdom of Cambodia is a State Party to most of major international human rights and humanitarian instruments globally as well as at regional settings. This year, the country has fulfilled its obligation by submitting its national reports to a number of international treaty bodies, namely the Committee on Economic, Social and Cultural Rights (CESCR), the Committee on the Rights of the Child (CRC), the Committee on Racial Discrimination. The draft of the next Report on the Convention of Elimination of Discrimination against Women is now being prepared.

37. Efforts have been made in reducing the proportion of child labour for dangerous jobs through the carrying out of various projects and programs. In addition, a five year Plan from 2006-2012 on the elimination of the severest form of child labour, have been partly implemented and other regulations pertaining to child labour and labour related issues are being drafted for that purpose. The implementation of the above strategic Plan is based on the following principles and purposes: a) Job creation; b) Guarantee of good work conditions for workers; b) Preparation and implementation of the law on the Social Security for workers; d) Development of Human Resources;

53. As a result, child mortality rate drops from 95 in 2000 to 66 per 1,000 in 2005. The under-five year mortality rate also declines during the same period. Maternal mortality rate also declines from 472 to 437 out of 100,000 births. Health care and rural sanitation services as well as the supply of clean water in rural areas are below the targets set in the Millennium Development Goals (MDGs). It was notably reported that HIV prevalence at only 0.9 per cent is less than half of 1.9 per cent assumed earlier for 2005.

58. In undertaking this strategy, the Royal Government has made significant progress in ensuring equity in the 9-year basic education for all children. The number of schools has increased by 30 per cent from 6,963 in 2003-2004 to 9,108 in 2006-2007 academic years. Enrolment rate also climbs in all levels of schooling. The number of scholarships provided to poor students at secondary level rises to 45,754, of which female students account for 63.2 per cent. The number of teaching staff has increased from 73,642 in 2003-2004 to 78,606 in 2006-2007 academic years. (Further statistic data is attached in Annex II).

89. The Kingdom of Cambodia shows its commitment to protecting the interest and the rights of the children as stated in article 47 and 48 of the Constitution. The country is a state party to the Convention on the Rights of the Child. In this context, Cambodia had already submitted its Report to the Committee on the Rights of the Child in February 2009. As a practical measure, the Government has incorporated the relevant concepts of the Convention into a number of Laws it has adopted for implementation, namely Labour Law, Criminal Law in Transitional Period, Crime Procedure Code, Civil Code, Law on the Crackdown of Human Trafficking and Sex Exploitation etc).

90. The efforts have been made in enforcing the laws and other regulations as regard to child protection with the four basic rights of child: rights to life, rights to the protection, rights to the participation, and rights to development which are consistent with the international instruments, including the UN Conventions on the Rights of the Child, to which Cambodia is a State Party.

91. The Department of Anti-Human Trafficking and Juvenile Protection of the Ministry of Interior has worked cooperatively with the coordination committee of UNICEF, World Vision, Save the Children _Norway, and UNOICHR to implement the Program called the implementation of law against sex abuse, sex trade, women and child trafficking (LEASETC). Those partnership include, for example, a series of courses for training that have been conducted to enhance the capacity for provincial/municipal police sub-commissioners and
police experts (in total of 600), 1,500 of justice police, and 294 special police. The aim of trainings was to upgrade the skill of investigation, seeking evidences, providing assistance, interview procedure, and filing a case being sent to the Court.22

92. Children were invited to attend some national and international forums and consultative discussions organized by the National Council for Children, NGOs, and a number of other international organizations. The seminars and meetings conducted were related to the promotion of activities against child sex abuse and child trafficking, under the framework of Sub-Great Mekong Regional Child Forum, Consultative workshop on violence on children, as well as at other regional level of governments forums such as the 5th Ministerial consultative meeting on Children in Eastern Asian region held in Beijing, China.

93. Infants and children under five-years-old mortality rate have remarkably decreased from 2000 to 2005.23 These disabled children are those who are portfolio, blind, deaf and their intellectual abnormality. There are 13, 598 disabled children living in communities in 11 provinces. From the statistics provided by nine NGOs, it was indicated that there are 194 disabled children living in the NGOs operated Centres. Those disabled children having portfolio, blind, CP, deaf from birth, abnormal physical body, and brain problem.

94. Beside those state owned centres, there are many other centres supported by NGOs which operate as partners with the Ministry of Social Affairs, Veterans, and Youth Rehabilitation to provide assistance to poor children, street children, and abandoned children. There are 179 centres being under the management of NGOs. Those centres provide temporary shelters, education service, child care service, with program of training on general knowledge and vocational skills. They have been integrated back into the community.24

95. Despite progress in educational field, there are still many challenges to overcome: the lack of school buildings in some areas (in remote areas and other areas faced with hardship condition); the process of educational reform is still slow; the lack of teachers (remote areas and other areas faced with hardship condition); some teachers are not teaching the subjects they major in and some others do not have pedagogical skills; there are no dormitory for newly appointed teachers who are required to work in the remote areas and other areas faced with hardship condition.

Compilation of UN information

4. CRC also recommended a legal definition of the child, minimum ages of criminal responsibility and sexual consent, and enforcement of the law on minimum age for marriage.20

19. CRC recommended that children born in Cambodia of non-Khmer citizens, regardless of their legal status be registered at birth.57 It also recommended reviewing the Law on Nationality to eliminate discrimination and prevent child statelessness.58 In 1999, the Human Rights Committee expressed concern that under article 31 of the Constitution, equality rights applied to “Khmer citizens”, and recommended that rights be enjoyed without distinction.59

27. The Special Rapporteur on the sale of children in 2007 stated that Cambodia was said to be a key trafficking, transit and destination country for both sexual exploitation and forced labour. He noted that trafficking also occurred from rural Cambodia to Phnom Penh, and other cities.82 CEDAW noted with concern the high prevalence of sexual exploitation of women and girls and their vulnerability to sexually transmitted diseases and HIV/AIDS.83 CESCR,84 CEDAW85 and CAT recommended intensifying the fight against trafficking.86 CEDAW called for root causes to be addressed, including gender-sensitive poverty reduction strategies and that victims of trafficking not be prosecuted for illegal migration.87 Similarly, the UNCT suggested prioritizing victims’ rights in all anti-trafficking interventions.88 The ILO Committee of Experts recommended strengthening the role of the police and courts in combating child trafficking.89

28. The Special Rapporteur on the sale of children90 raised concerns about alleged sexual exploitation of children as young as 7. Laws reportedly neither addressed nor penalized the existence, distribution, sale and display of child pornography, and prosecution was rare.91

29. CRC recommended measures against the further recruitment of child soldiers,92 and multidisciplinary programmes and care and rehabilitation measures to prevent and combat ill-treatment of children within the family, at school and other institutions, and in society at large.93

61. CESC noted with concern that primary education is not compulsory, although the net enrolment ratio had increased and was expanded to cover most of the country,184 as highlighted by the 2009 UN report, which also noted the persistently high drop-out rate.185 A 2009 UNCT report suggested focusing resources to increase the participation of the poor, girls and persons with disabilities.186

62. The Special Representative of the Secretary-General for Human Rights in Cambodia noted that only 37 percent of adults were functionally literate.187 CEDAW called for priority reduction of illiteracy among women, particularly rural, ethnic minority or disabled women. It urged Cambodia to address the obstacles preventing girls from continuing their education, such as early and forced marriages.188

63. CESC noted with concern that a majority of teachers have to engage in other economic activities to supplement their income, causing frequent absences, and that the low salary is considered a reason for the collection of unofficial fees.189

Summary of Stakeholder compilation

20. The Global Initiative to End All Corporal Punishment of Children cited research demonstrating a high prevalence of corporal punishment of children, which it noted was lawful in the home although prohibited in schools and in the penal system. There was also no explicit prohibition in alternative care settings,34 it noted, recommending the introduction of legislation prohibiting corporal punishment in all settings, including the home.35
21. According to F-I, accused children (often as young as 14) and youths are not segregated from convicted adults in detention facilities across the country, making them particularly vulnerable to abuse. F-I further noted that conditions of detention in facilities hosting juveniles did not fulfill the Standard Minimum Rules for the Administration of Juvenile Justice: sleeping quarters lack the most basic necessities and hygiene standards are close to inexist - youths sleep directly on concrete flooring in cramped dormitories and receive only two light meals a day, without the minimum necessary daily nutrients.

33. Intensify its fight to eliminate forced labour and the severest forms of child labour (Congo);

35. According to CESR, although primary school enrolment rates had increased, Government expenditure per student had fallen, with potentially negative implications for the quality of education. According to JS5, fewer girls than boys were enrolled in elementary schools and girls accounted for more drop-outs. CESR noted that gender disparities increased at secondary and tertiary levels, with much lower rates of participation for girls.

54. JS5 also made reference to the evident reluctance of some families to provide their scarce funds for the education of a disabled child, particularly a girl child, notably, in remote and very poor areas.

55. CESR noted that many adults had no education at all, and there were wide rural-urban and gender disparities in access to education.

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13. The Government has incorporated relevant concepts of the Convention on the Rights of the Child into a number of laws, and the Department of Anti-Human Trafficking and Juvenile Protection of the Ministry of Interior has cooperated with UNICEF, World Vision, Save the Children Norway and OHCHR on a programme to implement the law against sex abuse, sex trade and trafficking in women and children. Cambodia recognized the importance of education as a major tool for national development of human resources, citing relevant national strategies and progress in that regard.

34. Brazil noted the activities of the Extraordinary Chambers, democratization efforts, judiciary strengthening, poverty reduction, pursuit of sustainable development and abolition of the death penalty. It asked about the fulfilment of children’s rights, women’s rights and measures against discrimination, as well as economic, social and cultural rights, with attention to the rich-poor gap, urban-rural inequality and land use. It made recommendations.

39. Spain noted Cambodia’s commitment to combat child prostitution and trafficking. Spain welcomed the abolition of the death penalty. It supported the reform and strengthening of Cambodia’s judiciary and highlighted efforts for protection of minors. It made recommendations.

42. Egypt noted progress in poverty reduction, ensuring the right to education and health, and upholding the rule of law through the reform of the judicial system, with a focus on guarding against impunity for past crimes. Egypt noted efforts to ensure gender equality and protect the rights of women and children, and sought more information on policies and strategies to attain social cohesion and the Rectangular Strategy. Egypt also put forward recommendations.

66. While citing progress made in rebuilding Cambodia’s judiciary and eliminate judicial corruption, the United States of America noted allegations of corruption. It noted that, once passed, the anti-corruption law should be effectively and consistently implemented. It called for further efforts to eliminate the worst forms of child labour and to protect workers’ rights. It noted also that freedom of association is limited, anti-union discrimination and violence against trade union leaders goes unpunished. The United States made recommendations.

69. Slovenia commended Cambodia’s Neary Rattanak plan. It asked about including in law a definition of discrimination against women, adequate sanctions, effective remedies and special measures to accelerate de facto equality. It noted that sexual violence against women was still a major problem, despite the adoption of the 2007 law against domestic violence. It noted that children’s and girls’ right to education remained problematic and asked about obstacles preventing girls from continuing their education, such as early and forced marriages. It made recommendations.

**Conclusion and Recommendations**

16. Further strengthen its advocacy efforts to enhance public awareness of human rights in general and the human rights of vulnerable groups, including women, children, the disabled, the elderly and indigenous people, in particular (Republic of Korea);

20. Approve the request for a visit by the Special Rapporteur on the sale of children, child prostitution and child pornography (Norway); respond positively to the requests for a visit by the Special Rapporteur on the sale of children (Spain);

32. (a) Intensify its effort to improve human rights for women and to combat key problems such as human trafficking, sexual violence, domestic violence and exploitation of women and children (Norway); (b) continue to fight discrimination and sexual exploitation of women and girls, especially through enhancing efforts to combat trafficking in persons (Philippines); (c) strengthen and amend when necessary its Second National Plan on Human Trafficking and Sex Trafficking, 2006-2010, as well as the law on anti-trafficking passed in 2008, and ensure their due implementation (Slovakia); (d) fully implement the Second National Plan on Human Trafficking and Sex Trafficking, with particular emphasis on measures to support victims, such as legal, medical and psychological support and provision of shelters (Italy); (e) intensify its efforts to combat trafficking in persons and eliminate violence against persons (Belarus); (f) intensify its fight against trafficking, including by addressing the root causes of the problem such as gender-based poverty (Malaysia); (g) strengthen the role of its police and other enforcement authorities in dealing with trafficking in women and children (Malaysia); (h) deepen its actions in fighting against child prostitution and trafficking of minors (Spain); (i) continue to take the necessary measures for effectively fighting human trafficking and child labour (Germany);

33. Intensify its fight to eliminate forced labour and the severest forms of child labour (Congo);
79. As recommended by the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights, intensify efforts to achieve better promotion and protection of the rights of the child (Algeria);

80. Continue the development of specific legislation to promote and protect the rights of the child, including civil society participation, preventive measures in education and reinsertion into society of minors in difficult situations (Spain);

81. Incorporate a legal definition of the child, a minimum age for criminal responsibility and sexual consent, and enforce the law on the minimum age of marriage, as recommended by the Committee on the Rights of the Child, and develop and implement national legislation which criminalizes and penalizes the distribution, sale and display of child pornography (Israel);

82. Continue to seek technical assistance in drafting legislation in the field of children’s rights (Slovenia);

83. Strengthen its policy for the full guarantee of the rights of the child with attention to the implementation of the Guidelines for the Alternative Care of Children, in accordance with Council resolution 11/7 and General Assembly draft resolution A/C.3/64/L.50 (Brazil);

84. Ensure registration at birth of all children, including non-Khmer citizens born in Cambodia (Czech Republic);

85. Make primary education compulsory, and integrate the fight against illiteracy into the “Educational Strategic Plan” of the Government (Turkey);

86. Give more emphasis to the education sector to gradually transform to a quality and advanced education system since education is a vital tool for national development (Myanmar);

88. Take additional measures to support access to education of minority children to help them to maintain and develop their own traditions and languages (Morocco);