



# Concluding Observations on the Combined Fourth to Sixth Periodic Reports of Cambodia by the Committee on the Rights of the Child

## SUMMARY

June 2022

# Overview

## Dates:

22 June 2018

Combined fourth to sixth reports submitted by Cambodia

6 July 2020

Replies to the list of issues submitted by Cambodia

5-6 May 2022

Dialogue with the state conducted by the Committee (90<sup>th</sup> Session)

27 June 2022

Concluding Observations distributed by the Committee

↪ Previous one in 2011

## Structure of the Concluding Observations (COBs)

- 17 pages and 59 paragraphs
- Actionable recommendations spread across 139 paragraphs and sub-paragraphs (with many containing multiple recommendations)

Download the Concluding Observations [here](#)

# Content



Paras. 1-2

## Introduction

Para. 3

## Follow-up measures taken and progress achieved by the State party

Paras. 4-55

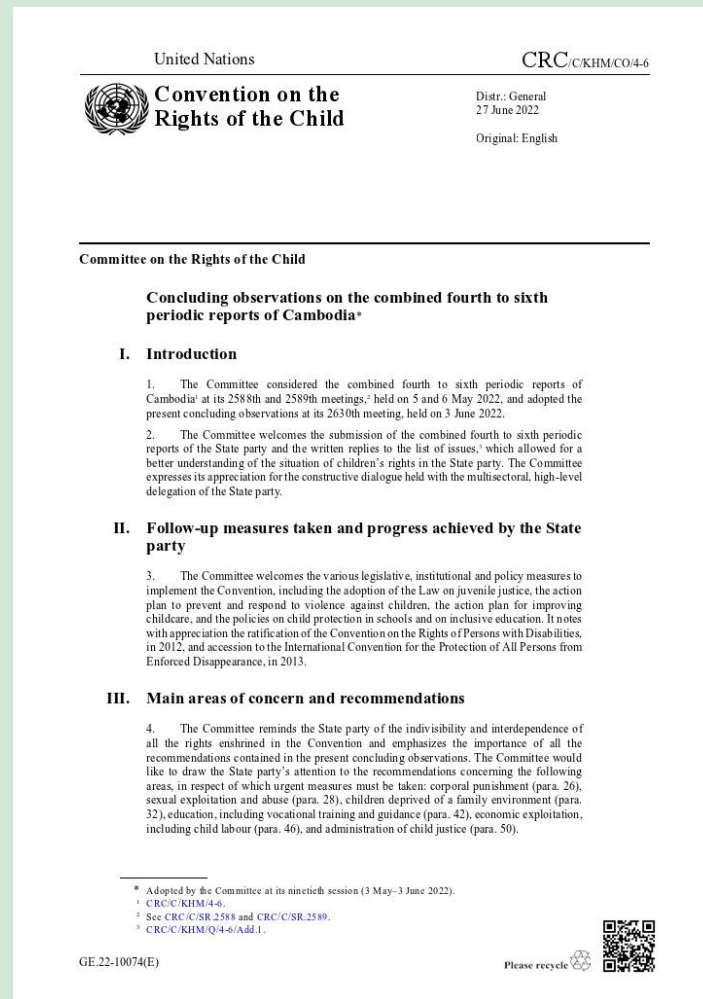
## Main areas of concern and recommendations

↪ Next page

Paras. 56-59

## Implementation and reporting

- Follow-up and dissemination
- National mechanism for reporting and follow-up
- Next report



# Content (main areas of concern and recommendations)

Paras. 4-5

## Introduction

Paras. 6-14

## General measures of implementation

(CRC arts. 4, 42, and 44(6))

- Legislation; comprehensive policy and strategy; coordination; allocation of resources; data collection; independent monitoring; dissemination, awareness-raising, and training; cooperation with civil society; and children's rights and the business sector

Paras. 15-18

## General principles (CRC arts. 2–3, 6, and 12)

- Non-discrimination; best interests of the child; right to life, survival, and development; and respect for the views of the child

Paras. 19-23

## Civil rights and freedoms

(CRC arts. 7–8 and 13–17)

- Birth registration and nationality; right to identity; freedom of expression; freedom of association and peaceful assembly; and right to privacy and access to appropriate information

Paras. 24-30

## Violence against children

(CRC arts. 19, 24(3), 28(2), 34, 38(a), and 39)

- Torture and other cruel, inhuman, or degrading treatment or punishment; corporal punishment; sexual exploitation and abuse; harmful practices; and helplines

Paras. 31-34

## Family environment and alternative care

(CRC arts. 5, 9–11, 18(1)–(2), 20–21, 25, and 27(4))

- Children deprived of a family environment; adoption; and children of incarcerated parents

# Content (main areas of concern and recommendations - continued)

Para. 35

**Children with disabilities** (CRC art. 23)

Paras. 36-40

**Basic health and welfare**

(CRC arts. 6, 18(3), 24, 26, 27(1)–(3), and 33)

- Health and health services; mental health; adolescent health; impact of climate change on the rights of the child; and standard of living

Paras. 41-43

**Education, leisure, and cultural activities** (CRC arts. 28–31)

- Education, including vocational training and guidance; and rest, leisure, recreation, and cultural and artistic activities

Paras. 44-50

**Special protection measures**

(CRC arts. 22, 30, 32–33, 35–36, 37(b)–(d), and 38–40)

- Children belonging to minority or indigenous groups; economic exploitation, including child labor; children in street situations; trafficking; and administration of child justice

Paras. 51-52

**Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention**

Para. 53

**Ratification of the Optional Protocol on a communications procedure**

Para. 54

**Ratification of international human rights instruments**

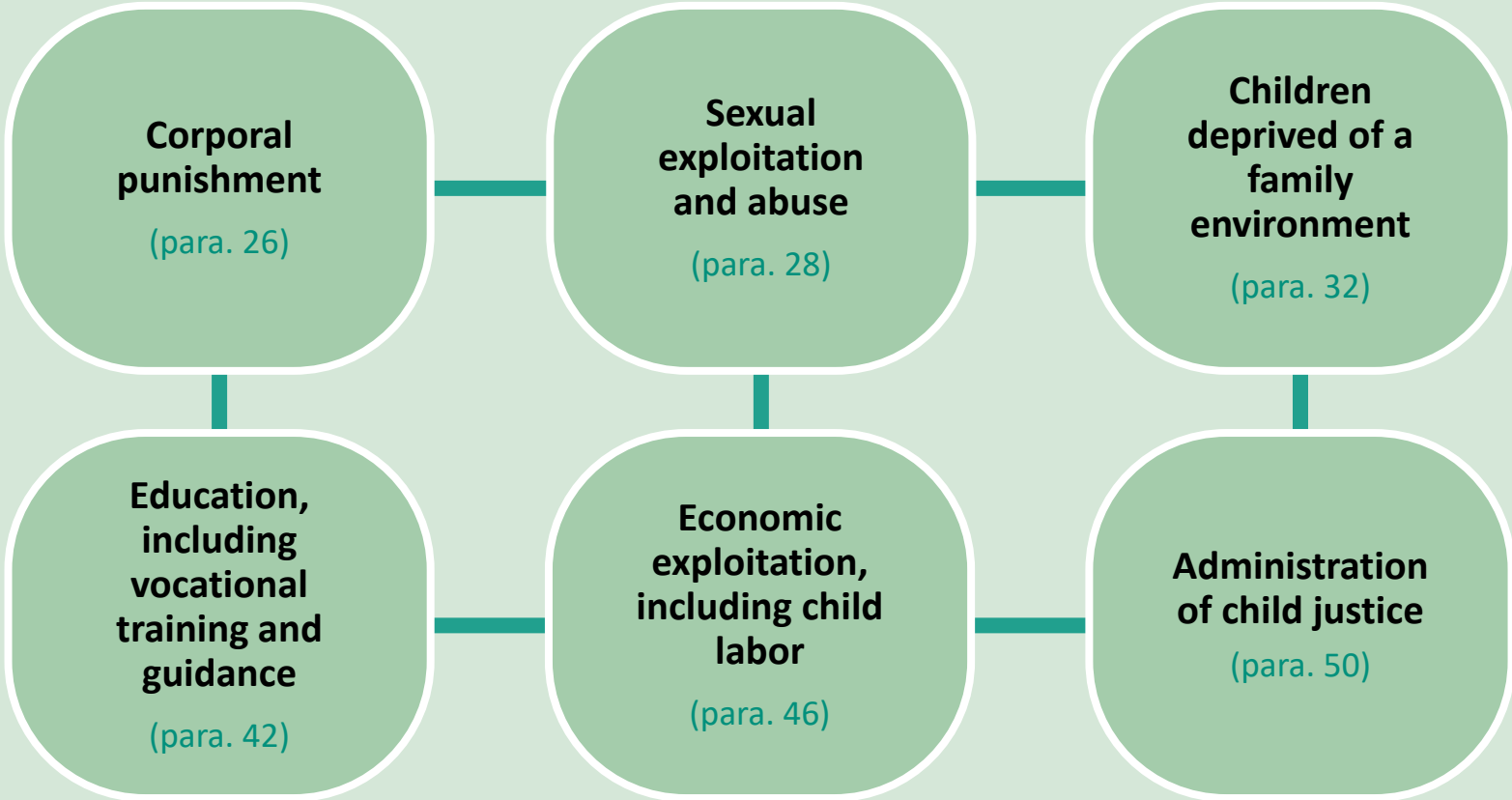
Para. 55

**Cooperation with regional bodies**

# Priority Areas for Urgent Action

## Para. 4

...The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which **urgent measures must be taken**:



# Main Recommendations

The following pages provide a non-exhaustive summary of recommendations raised by the Committee. They have been categorized by function and reworded for ease of reference. This summary does **not** comprehensively cover all recommendations, so please refer to the COBs for more information.

## Laws, regulations, and policies

### Enact/adopt:

- Child Protection Law, along with legal framework for the referral and delivery of child protection services (para. 6(a))
- Sub-decree on the implementation of the Juvenile Justice Law (para. 50(a))
- Legal provisions regarding surrogacy (para. 20), to establish the minimum age for alcohol consumption (para. 38(c)), and to ensure that primary education is compulsory and that free education is provided for all children for at least nine years (para. 42(a))
- Legal provisions to prohibit informal fees for issuing birth certificates (para. 19(b)), corporal punishment in all settings (para. 26(b)), sale of tobacco and drugs to children (para. 38(c)), and employment of children in harmful or hazardous work with a list of prohibited work for children (para. 46(a))
- Legal provisions to criminalize grooming, incest, and non-physical sexual abuse with clear definitions (para. 28(a)); possession of or knowing access to child sexual abuse material with a definition that includes suggestive representations of children (para. 51(b)); and recruitment and use in hostilities of children under 18 years old (para. 52(a))
- Regulations governing establishment of child-led associations (para. 22(a)); for businesses to comply with international and national human rights, labor, and environmental standards (para. 14(a)); and for the protection of the rights, privacy, and safety of children in the digital environment (para. 23(a))
- Child-sensitive social protection policies for families in vulnerable situations, including children without parental supervision (para. 32(c))

# Main Recommendations (continued)

## Laws, regulations, and policies (continued)

### Amend:

- Law on associations and NGOs (paras. 13(a) and 22(a))
- Legal provisions that can be interpreted to justify corporal punishment, including arts. 1045 and 1079 of the Civil Code and art. 8 of the law on domestic violence (para. 26(a))
- Law on trafficking to criminalize all forms of sale of children and to repeal the requirement of the element of force or coercion in art. 12 (para. 51(a))
- Sentencing policy to consider the best interests of the child when sentencing parents with babies/ young children (para. 34)
- Sanctions for violations relating to child labor to be higher (para. 46(b))

### Enforce:

- Existing legislation (para. 6(b))
- Laws for children with disabilities (para. 35(b))
- Regulations for private education providers (para. 42(i))

### Review:

- Draft laws on access to information and cybercrime (para. 23(b))
- Draft law on persons with disabilities and draft public order law (paras. 35(a) and 42(d))
- Policies, practices, and services concerning children to ensure the best interests of the child (para. 16(b))
- Policy on alternative care for children and minimum standards on residential care (para. 32(g))
- Policies and practices on the development and governance of land (para. 40(a)) and concerning the standard of living for children (para. 40(b))

### Ratify/accede to:

- CRC Optional Protocol on a communications procedure (para. 53)
- International Convention on Migrant Workers and Second Optional Protocol to ICCPR (para. 54)
- Conventions relating to statelessness (para. 19(e))
- ILO Domestic Workers Convention No. 189 (para.46(d))



# Main Recommendations (continued)

## Frameworks, procedures, plans, and guidance

### Frameworks and procedures:

- Specialized courts for children and child-friendly court procedures and facilities (para. 50(b))
- Procedures and criteria for assessing, determining, and giving due weight to the best interests of the child (para. 16(a)) and for determining statelessness (para. 19(d))
- Effective case management processes for the referral of children deprived of a family environment (para. 32(b))
- Procedures to ensure internet service providers control, block, and promptly remove online child sexual abuse material (para. 51(d))
- Child protection framework and accountability mechanism for businesses in Cambodia (para. 14(b))

### Strategies and action plans:

- Plans to succeed the national action plan on child development that ended in 2018 (para. 7) and the Juvenile Justice Law strategic and operational plan that ended in 2020 (para. 50(a))

- Long-term strategy for effective operation of the Child Protection Information Management System (para. 10(a))
- Provincial action plans on child and forced marriage similar to the one in Ratanakiri (para. 29(a))
- National strategy to address issues of suicide among children (para. 37(b))
- Follow-up strategy that addresses shortcomings of the national action plans on trafficking (para. 48(a))
- National action plan to combat all offences under the OPSC, including sexual exploitation of children in travel and tourism and children exploited in prostitution (para. 51(c))

### Guidance:

- Code of conduct in the tourism industry to prevent and eliminate exploitation of children online and in travel and tourism (para. 51(d))
- Toolkit for consulting children on national policy issues (para. 18(b))

# Main Recommendations (continued)

## Programs, interventions, and services

- Address disparities in access to all public services by children of various groups (para. 15(a))
- Expand electronic birth registration systems and introduce mobile registration units in rural areas (para. 19(a))
- Harmonize existing helplines into a single toll-free 24-hour helpline known to all children (para. 30(a))
- Ensure the registration of alternative care facilities, used only on a temporary basis (para. 32(d))
- Conduct a study on mental health disorders among children (para. 37(b)), and develop a mental health program in school, home, and facilities (para. 37(a))
- Institute a system for detection, intervention, and support for children with disabilities (para. 35(c)), as well as access to inclusive education (para. 42(b))
- Develop accessible and child-friendly drug dependence treatment and harm reduction services for adolescents (para. 38(d))
- Develop programs for family reunification of and support for children in street situations (para. 47(b))
- Include environmental education in the school curriculum (para. 39(b)), and expand multilingual and mobile kindergarten programs (para. 42(b))
- Ensure adequate living conditions and services for children in prison with their mothers (para. 34)
- Provide services for children in detention (para. 50(g)); those leaving detention (para. 50(h)); for child victims of recruitment, mines, and explosive remnants of war (para. 52(c)); for girls on family planning, contraceptives, and abortion (para. 38(b)); and for adoptive parents (para. 33(d))
- Ensure proper investigation and accountability for corruption (para. 9(e)), intimidation of human rights defenders (para. 13(b)), torture and other CIDT (para. 24(a)), sexual exploitation and abuse of children (para. 28(b)), illegal adoption and sale of children (para. 33(a)), and child labor (para. 46(b))

For recommendations regarding the child justice system and access to justice, refer to the [Child Justice Summary Sheet](#) produced by the Child Justice Network.

# Main Recommendations (continued)

## Resource allocation

### Appropriate human, technical, and financial resources:

- For implementing the Child Protection Law (para. 6(a)) and all laws, policies, plans, and programs for children (para. 9(a)); national action plan on child development (para. 7); national and sub-national development plans (paras. 8(b) and 9(a)); action plan to prevent and respond to violence against children (para. 28(c)); national action plan on rural water supply, sanitation, and hygiene (para. 40(c)); multilingual national education action plan (para. 42(h)); and Juvenile Justice Law strategic and operational plan (para. 50(a))
- For community-based child protection mechanisms and services (para. 28(d)); the Cambodia National Council for Children (para. 8(a)); the Women and Children Consultative Committees and Commune Committees for Women and Children (para. 8(b)); and the national mechanisms to report, follow up on, and monitor treaty obligations and recommendations (para. 57)
- For the Child Protection Information Management System (para. 10(a))

- For child participation (para. 18(b))
- To ensure sustainability of supporting children deprived of a family environment (para. 32(f)), and to conduct labor inspections to implement laws on child labor (para. 46(b))

### Other resource allocation:

- Invest in the public education system (para. 42(i)), and equip schools with adequate educational infrastructure, technology, and sanitation (para. 42(c))
- Increase number of social workers in all provinces (para. 32(e)) and resources for social workers and child protection professionals (para. 9(a))
- Increase availability of lawyers and provide free legal aid (para. 50(e))
- Institute a system for tracking budgetary allocations for children's rights (para. 9(b)), and ensure transparent and inclusive budgeting with child and civil society participation (para. 9(d))
- Reduce reliance on donor resources (para. 28(c))

# Main Recommendations (continued)

## Monitoring and evaluation

### Mechanisms:

- Strengthen the authority and resources of the Cambodia National Council for Children for effective monitoring and coordination (para. 8(a))
- Establish an independent national mechanism for monitoring children's rights in compliance with the Paris Principles (para. 11)
- Strengthen national mechanisms to report and follow up on treaty obligations and recommendations (para. 57)

### Data:

- Collect data disaggregated by age, sex, disability, nationality, geographic location, ethnic origin, and socioeconomic background, in order to analyze the situation of all children (para. 10(b))
- Establish a national database of children eligible for adoption and families declared suitable for adoption (para. 33(d)) and of children with disabilities (para. 35(e)), maintain databases on children deprived of a family environment (para. 32(f)), and integrate child rights indicators into the

National Information System by the National Institute for Statistics (para. 10(a))

- Effectively operate the Child Protection Information Management System, establish a regular reporting and monitoring framework (para. 10(a)), and share the data and child rights indicators with relevant ministries (para. 10(c))

### Assessments:

- Regularly assess the distributional impact of government investments in sectors supporting children's rights (para. 9(c))
- Establish child protection framework for businesses to conduct child rights impact assessments and reporting (para. 14(b))
- Conduct monitoring or assessment of all alternative care facilities (paras. 32(d) and (f)), children placed in alternative care (para. 32(b)), children with disabilities (para. 35(b)), pre-trial detention (para. 50(d)) and deprivation of liberty (para. 50(f)), action plans on trafficking (para. 48(a)), and to combat discrimination (para. 15(c))

# Main Recommendations (continued)

## Capacity-building

- Judiciary, prosecutors, police, lawyers, civil servants, labor inspectors, and other professionals (paras. 6(c), 12(c), 46(c), 50(b), and 50(c))
- Social workers, teachers, health professionals, social assistance sector, and other professionals working with and for children at the national and local levels (paras. 12(c), 23(c), 32(e), 40(d), and 42(c))
- Community-based child protection mechanisms and services (para. 28(d)), Women and Children Consultative Committees and Commune Committees for Women and Children (para. 8(b)), and inter-ministerial steering committee on implementing the action plan to prevent and respond to violence against children (para. 28(c))
- Helpline personnel (para. 30(b)), professionals that identify and respond to cases of child sexual exploitation and abuse (para. 28(f)), personnel involved in alternative care (paras. 32(d) and (f)), professionals involved in adoption procedures (para. 33(e)), and officials involved in the use and management of electronic systems for universal birth registration (para. 19(a))
- National Institute of Statistics and relevant professionals that collect data (para. 10(d))
- National mechanisms for reporting and following up on treaty obligations and recommendations (para. 57)
- Institutional capacity to detect and investigate cases of corruption and prosecute those responsible (para. 9(e))

# Main Recommendations (continued)

## Awareness-raising

- Strengthen awareness-raising through greater media and social media engagement (para. 12(a))
- Raise awareness of children on digital literacy and skills (para. 23(c)); on sexual and reproductive health information and services and sexual education to prevent early pregnancy, sexually transmitted infections, and HIV/AIDS (para. 38(a)); on preventing substance abuse (para. 38(d)); on climate change and environmental degradation (para. 39(b)); and on the dangers of trafficking (para. 48(d))
- Raise awareness of parents on corporal punishment and positive discipline (para. 26(c)), on digital literacy and skills (para. 23(c)), and on the dangers of trafficking (para. 48(d))
- Raise awareness of the tourism industry to prevent exploitation of children (para. 51(d))
- Raise awareness of the public on:
  - Eliminating gender stereotypes and discrimination against girls (para. 15(b))
  - Importance of birth registration (para. 19(a))
  - Child sexual exploitation and abuse and combatting stigmatization (para. 28(g))
  - Harmful effects of child and forced marriage (para. 29(b))
  - Combating stigmatization and discrimination against children with disabilities (para. 35(d))
  - Child malnutrition, underweightness, stunting, and anemia (para. 36(c))
  - Promotion of domestic adoption (para. 33(c))
  - Traffic awareness, including road safety and accident prevention (para. 17(b))

# Main Recommendations (continued)

## Civil society participation

### Consultations:

- Ensure that the national mechanism for reporting and following up on treaty obligations and recommendations has the capacity to systematically consult with civil society (para. 57)
- Allow civil society and the public to participate in all stages of the budgetary process (para. 9(d))

### Awareness-raising:

- Cooperate with CSOs to raise awareness of children, parents, and the public on the CRC (para. 12(a))

### Activities:

- Ensure CSOs can promote children's rights and exercise freedom of expression without harassment or disproportionate pandemic-related restrictions (para. 13(a))

### Specific inputs:

- Ensure civil society participation to develop the next national action plan on child development (para. 7)
- Cooperate with the civil society to develop a national strategy to address the issue of suicide (para. 37(b))

# Main Recommendations (continued)

## Child participation

### Consultations:

- Guarantee the right of children to be heard in any decision affecting them (para. 18(a)), and promote meaningful and empowered child participation in various settings (para. 18(b)), including in designing and implementing policies and programs aimed at achieving the SDGs (para. 5)
- Allow child participation in all stages of the budgetary process (para. 9(d))
- Take into account children's views in developing policies and programs and in decision-making concerning climate change and disaster risk management (para. 39(a)), in developing the next national action plan on child development (para. 7), and in developing a national strategy to address the issue of suicide (para. 37(b))

### Awareness-raising:

- Actively involve children in public outreach activities (para. 12(b))

### Activities:

- Adopt regulations governing the establishment of child-led associations (para. 22(a)), and provide support and encouragement (para. 22(b))
- Ensure child human rights defenders can promote children's rights and exercise freedom of expression (para. 13(a))
- Promote positive, non-violent, and participatory forms of child-rearing (para. 26(c))
- Empower children to combat bullying (para. 42(e))

### Complaint mechanisms:

- Establish an independent child-friendly mechanism to receive, investigate, and address complaints by children (para. 11), including in detention facilities, prisons, drug rehabilitation and youth centers, or police custody (paras. 24(b) and 50(g))
- Provide accessible channels for reporting and responding to maltreatment of children in alternative care facilities (para. 32(d))



# Main Recommendations (continued)

## Specific groups of children

The COBs make specific reference to the following groups of children, among others:

- Girls
- Children with disabilities
- Children belonging to minority or indigenous groups
- Migrant, refugee, asylum-seeking, and stateless children, including children of Vietnamese origin, Khmer Krom children, and children of parents who have migrated
- Children in rural areas
- Children living in poverty
- Children in street situations
- Early school-leavers, including children who drop out of school
- LGBTI children
- Adolescents
- Children without parents
- Children in alternative care, including in facilities
- Children born through surrogacy
- Children deprived of liberty
- Children in conflict with the law
- Children in prison with their parents
- Child victims in various areas, such as sexual exploitation and abuse, torture, labor, trafficking, land eviction, and recruitment
- Children with HIV/AIDS
- Children in disadvantaged situations and of families in vulnerable situations
- Child human rights defenders

# Next Steps for State Party

## Para. 56

- Ensure recommendations in the COBs are fully **implemented**
- Produce and disseminate **child-friendly version** of the COBs
- **Translate** and disseminate the COBs and state report in the languages of the country

## Para. 58

- Submit the combined **seventh and eighth periodic reports by 13 November 2027** (including information on the follow-up to the COBs)

## Para. 59

- Submit an updated **core document**

Also include assessment of the results achieved in combatting discrimination (para. 15(c))

# Resources

The COBs make reference to the following documents:

## Treaties

- CRC and its Optional Protocols
- Convention on the Rights of Persons with Disabilities

## CRC General Comments

- No. 9 on disabilities
- No. 14 on best interests of the child
- No. 16 on business sector
- No. 17 on rest and play
- No. 18 on harmful practices
- No. 19 on public budgeting
- No. 20 on adolescence
- No. 21 on street situations
- No. 24 on child justice system
- No. 25 on digital environment

## Guidance

- Previous COBs for Cambodia (for the CRC and its Optional Protocols)
- Sustainable Development Goals
- UN Guidelines for the Alternative Care of Children
- UN Global Study on Children Deprived of Liberty
- Paris Principles Relating to the Status of National Human Rights Institutions
- Guidelines regarding the implementation of the CRC OPSC



## អង្គការសម្ព័ន្ធសិទ្ធិកុមារកម្ពុជា CHILD RIGHTS COALITION CAMBODIA

The Child Rights Coalition Cambodia (CRC-Cambodia), founded in 1994, is an alliance of national and international NGOs working in Cambodia to promote and protect children’s rights, including advocating and ensuring support for the Convention on the Rights of the Child (CRC) through awareness-raising, monitoring its implementation, cooperating with member organizations, and networking with relevant agencies. Its mission is to realize the rights of children through upholding the accountability of duty-bearers to implement policy commitments and increase investments to respect, protect, and fulfill the rights of children.

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**Website:** <https://www.crc-cambodia.org>



## Child Justice Network បណ្តាញអង្គការ យុត្តិធម៌អនីតិជន

The Child Justice Network (CJN) is a partnership between civil society organizations and UN agencies in Cambodia actively working to build and enhance the child justice system, develop and operationalize child-friendly procedures, ensure access to justice for children, and promote the rights of children in the justice system. The main purposes of the CJN include coordination among organizations working on child justice, reinforcement of the evidence base in child justice, collective collaboration with the government, engagement with development partners and regional and international mechanisms, and information exchange and capacity-building.

**E-mail:** [CJNcoordinators@googlegroups.com](mailto:CJNcoordinators@googlegroups.com)

## DISCLAIMER

This summary document was drafted by Ha Ryong Jung (Michael), Technical Advisor to the CRC-Cambodia and Co-coordinator of the CJN, based on his review, interpretation, and synthesis of the Concluding Observations. It does not necessarily reflect the views or official positions of each of the coalition’s or network’s members.

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