



Additional Submission

**from CSOs in Cambodia in response to the list of issues in relation to
the state's combined fourth, fifth, and sixth periodic reports to the
UN Committee on the Rights of the Child**

Prepared by:
Child Rights Coalition Cambodia (CRC-Cambodia)

8A, Street 138, Veal Vong, 7 Makara,
Phnom Penh, Kingdom of Cambodia
Tel: +855 78 787 123
E-mail: ed@crc-cambodia.org
Website: www.crc-cambodia.org

August 2020

I. Introduction

The Child Rights Coalition Cambodia (CRC-Cambodia), formerly known as the NGO Coalition on the Rights of the Child (NGOCRC) established in 1994, is an alliance of 58 local and international NGOs. The CRC-Cambodia, in cooperation with its members and partner organizations, has been monitoring the implementation of the Convention on the Rights of the Child in Cambodia to ensure that the rights of children are respected, protected, and fulfilled by the state according to the CRC. It submitted the Alternative Report on the implementation of the CRC on July 01, 2019.

This additional submission provides information in response to the list of issues in relation to Cambodia's combined fourth, fifth, and sixth to the UN Committee on the Rights of the Child. It synthesizes inputs from the coalition members, child rights-focused organizations, and Child and Youth-Led Networks (CYLNs) in Cambodia on four main issues. The CRC-Cambodia conducted meetings and consultative workshops with all members and CYLNs to review the list of issues from the Committee, the coalition's Alternative Report, the Children's Report, and the State Report in order to identify the gaps in information and suggest recommendations for the priority issues.

II. Additional Information in Response to the List of Issues

1. DISCRIMINATION AGAINST LGBTIQ CHILDREN

There are various challenges faced by children with diverse SOGIESC to exercise their rights in Cambodia,¹ as there is a lack of legal protection against discrimination and violence against LGBTIQ people. The following key issues have been identified:

Family environment: Children with diverse SOGIESC often fear rejection by their families. Prevailing traditional gender norms in the Cambodian society and a lack of knowledge on SOGIESC negatively influence families' acceptance of children with diverse SOGIESC. They face increased vulnerability to violence within the family, including emotional and physical violence, which are often due to parents' attempts to "fix" their children's SOGIESC to conform to social norms. When children live with fear of rejection, and actually experience rejection and violence within their family because of their SOGIESC, their home is no longer a safe space, which has a significant impact on their psychosocial wellbeing and mental health. Children who become homeless as a result of their SOGIESC face particular vulnerabilities. However, there is insufficient attention paid to the specific experiences of these children, especially given the lack of capacity of relevant stakeholders to engage in sensitive prevention and response efforts.

Community environment: Children with diverse SOGIESC are repeatedly rejected not only by their family members, but also their friends and communities. They have experienced discriminated often when their gender identities are identified. Their friends or peers may make a joke or mocking them inappropriately that creates unfriendly environment and uncomfortable situation. At the sometimes, communities normally play an important role in child development processes, however, when it turns to a negative and unsupportive environment for children with diverse SOGIESC, this lead to an oppressive situation where children cannot confront and end up to migrate or self-isolation.

Education: In schools, children with diverse SOGIESC are frequently subject to bullying and exclusion. This has a significant impact on their `psychosocial well-being`, and discourages them

¹ Save the Children, Situation Analysis of Children with Diverse Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (SOGIESC) in Cambodia, 2019.

from attending school or focusing on their education. The Ministry of Education, Youth, and Sport (MoEYS) is in the process of revising the comprehensive sexuality education (CSE) and sexual and reproductive health and rights (SRHR) school curricula, which will include the principle of non-discrimination based on SOGIESC appropriately contextualized for each grade. Teachers have never been trained on SOGIESC concepts and rights, and had very limited knowledge of SOGIESC. Furthermore, while some teachers were supportive of children with diverse SOGIESC, others held negative attitudes towards children with diverse SOGIESC, and also expressed reluctance towards teaching the inclusion of diverse SOGIESC. This often came from misunderstandings around SOGIESC.

Support services, including mental and physical health services: The psychosocial wellbeing and mental health of children with diverse SOGIESC are negatively affected by discrimination and rejection they experience in various spheres. However, specialized counseling services to support these children are limited in availability and accessibility. Child protection mechanisms are not sensitive to SOGIESC due to the lack of awareness of service providers and social workers. In addition, there is a lack of access to inclusive health services for children with diverse SOGIESC, including mental health services, as health professionals generally have a limited understanding of SOGIESC. The available SRHR information is not tailored to those with diverse SOGIESC, which is particularly problematic for children with diverse SOGIESC.

Media: Traditional media, such as television and radio, include content that portrays LGBTIQ individuals in a negative or stereotypical way, for instance, by making fun of their SOGIESC. This perpetuates negative societal stigma towards children with diverse SOGIESC. Of note, social media is described as a platform for expanding the visibility of the LGBTIQ community and a means to form support networks, but it also features negative comments towards diverse SOGIESC.

Recommendations for Royal Government of Cambodia:

1. Ensure that Cambodian educational institutions are fully inclusive of all children, without discrimination of any kind, including discrimination based on SOGIESC, and increase access to information on CSE/SRHR by supporting the MoEYS.
2. Ensure that children with diverse SOGIESC have access to information about SRHR that is tailored to diverse SOGIESC and their own rights, and create safe spaces where children with diverse SOGIESC can obtain information and freely express their thoughts and voices without discrimination from others.
3. Ensure that the new curriculum is comprehensive and appropriate, to be combined with thorough training of educators, changing of norms within the school environment, and smooth integration into the current curriculum around the country.
4. Work with all stakeholders, including the Ministry of Health (MoH) and the Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MoSVY), to improve access to inclusive healthcare services, counseling, and child protection mechanisms for children with diverse SOGIESC.
5. Ensure that social workers, counselors, and other professionals involved in child protection mechanisms are trained on SOGIESC rights and concepts, especially professionals who intervene in relation to instances of violence against children.
6. Enhance the implementation of the National Positive Parenting Policy to reach all parents and guardians across the country to raise awareness of child rights, and engage in dialogue with all stakeholders to consider revising the Positive Parenting Strategy to include a focus on gender equality and acceptance of all children, encompassing children with diverse SOGIESC.

7. Strengthen media regulations so that negative or stereotypical portrayals of LGBTIQ individuals and content that humiliates and discriminates against LGBTIQ people are not being broadcast.
8. Increase budget allocation for both national and sub-national institutions to improving child responsive services that will benefit to all children including children with diverse SOGIESC and children with disabilities.

2. BIRTH REGISTRATION

The Royal Government of Cambodia (RGC) adopted the National Strategic Plan on Identification 2017-2026 on 9 June 2016. Civil registration is the responsibility of the General Department of Identification within the Ministry of Interior (MoI). Cambodia's birth registration procedure has been mainstreamed in the sub-national (commune level) and public health facilities. The MoI has piloted the use of civil registration via Information and Communication Technology (ICT), but the registration system is still largely paper-based, and commune (sangkat) offices act as the registration focal points, with commune chiefs serving as local registrars for vital events.

There is generally a high rate of registration of new-borns and infants, especially in urban areas, but there remain issues for poor and remote households where children are not delivered using health centre services and who delay registration with the commune council. Birth registration and the issuance of birth certificates are officially free of charge, but an unofficial fee usually needs to be paid to the officials prior to the issuance of registry certificates. Without this fee, the issuance of the certificate takes a long time and requires multiple visits to the commune office, which is not feasible especially for those living far away, unable to make time, or have difficulty moving around. In addition, commune councils mostly lack the capacity to utilize potential advancements in ICT, especially in ensuring that the systems are managed and well-organized.

There are many ethnic minority children who encounter a number of problems that caused by limitation to access birth certificate registration. They are unable to request a school admission or enrolment, and then when they grow up as an adult they are also unable to make an Identify Card. Previously, Vietnamese ethnic minority children who have parents are Vietnamese that migrated from Vietnam and live in Cambodia for long-times, were not allowed to register a birth certificate; however, the recent announcement by MoI last year, had approved to allow all ethnic minority children who born in Cambodia to make a request of birth registration by declaring their parent's nationality. Nevertheless, this information is not widely spread enough to ethnic minority communities. This challenge remains become the most obstacle for most of ethnic minority children to have a legal document and remain become the statelessness children in Cambodia.

Recommendations for Royal Government of Cambodia:

1. Strengthen collaboration with health facilities to make it easier to register babies.
2. Ensure that commune councils have the capacity and resources to use the ICT birth registration tool, and expand the use of this technology to other provinces around Cambodia.
3. Enforce the implementation of free birth registration/certificates for all children, including through improved monitoring of local governments and registration of household members, as well as sustained awareness raising among households.
4. Continue outreach activities in remote areas in collaboration between the Department of Identification, its affiliated entities, and Civil Society Organizations, especially in northeast

Cambodia, where community people usually have limited information on the importance of having birth certificates for their newly born and grown-up children.

5. Increase attention to ethnic minority children including ethnic minority disability children, indigenous children, street children, and other vulnerable children groups to have access to legal birth certificate by providing effective and timely social support and ensuring that all children who live in slum or remote areas accessible to birth registration.

3. VIOLENCE AGAINST CHILDREN

Since the adoption of the Joint Action Plan to Prevent and Respond to Violence Against Children 2017-2021 by MoSVY and the Ministry of Women's Affairs (MoWA), the RGC joined a global movement to end violence against children (VAC) and demonstrated commitments to achieve the relevant UN Sustainable Development Goals by 2030 to that end. However, the prevalence of VAC is high, including physical violence, emotional violence, sexual abuse, and bullying.

The legal system does not fully protect victims/survivors, nor is it equipped with child-friendly legal procedures. Very limited safe spaces are available for both boys and girls, and service provision for children to recover from suffering is scattered and fragmented.

Despite prohibitions on corporal punishment in schools, it still occurs, and there remains a widespread normalization of violence as a disciplinary measure in both public and private spheres. Physical punishment is frequently viewed as a culturally acceptable form of discipline by parents and teachers and is widely practiced in Cambodia. Some parents, caregivers, teachers, and policy makers still believe that beating/punishment is the best way to educate their children. According to the RGC's VAC survey in 2013, more than 75% of children experience at least one form of violence before they turn 18. Moreover, childhood sexual abuse is a concern: 4.4% of females and 5.6% of males aged 18 to 24 experienced some form of sexual abuse prior to age 18. More than 6% of females and 5% of males aged 13 to 17 reported at least one experience of childhood sexual abuse.

These results have significant implications for the design and implementation of prevention and response programs. If its underlying causes are identified and addressed, VAC is preventable. VAC is estimated to cost Cambodia up to US\$161 million per year on health-related consequences alone (1.01% of the country's GDP).²

As Cambodia became a pathfinding country to end VAC in September 2019, it is expected to accelerate actions to this end. However, Cambodia has no national indicator to report on significant progress made on ending violence. Support mechanisms were established through Technical Working Groups, but they are ineffective in terms of functionality and implementation due to limited resource allocation. Data collection is insufficient in areas such as children with disabilities, child migration, child labour, and child trafficking, with data collection mechanisms remaining fragmented. Furthermore, there is insufficient coordination among relevant ministries to ensure the establishment of a systematic and comprehensive disaggregated database covering all the areas of the CRC.

In sub-national level, Commune Council of Women and Children (CCWC) have worked overload to respond domestic violence and violence against women and children in communities. Most of the cases are reported to and responded by CCWC while their capacity is still limited to handle all a such case. Furthermore, in sub-national budget allocation in communes are mostly spent on infrastructures, where is just around 3% of local total budget went to social service provision.

² Xiangming Fang, The Economic Burden of Health Consequences of Violence Against Children in Cambodia, 2014.

Therefore, CCWC has a mere budget allocation to support any cases arise in their communities and this leads to an ineffective prevention and protection.

Recommendations for Royal Government of Cambodia:

1. Ensure effective implementation of the Action Plan on VAC and other policies through sufficient budget allocation in all relevant ministries and improved accountability of government stakeholders in order to protect children from all forms of violence and abuse.
2. Amend Articles 1045 and 1079 of the Civil Code and Article 8 of the Law on the Prevention of Domestic Violence and the Protection of Victims 2005, to make corporal and humiliating punishments of children in all settings illegal.
3. Ensure systematic monitoring and reporting of evidence-based prevention and response to VAC, and share significant achievements, progress, and data of the Technical Working Groups on VAC (as raised in the written reply from Cambodia in February 2020).
4. Ensure the enforcement of the National Policy on Child Protection System 2019-2029, and utilize child-friendly procedures in all preventive and responsive efforts.
5. Strengthen community-based child protection mechanisms and services in order to timely and effectively prevent and respond to VAC, including capacity-building, coordination, and provision of resources.
6. Promote and technically support to CCWC and increase local budget and resources allocation in each commune in order to strengthen the CCWC technical capacity and increase both human and financial resources for them to better function and able to provide quality services for victims and families in communities.

4. IMPLEMENTATION OF THE JUVENILE JUSTICE LAW

The RGC enacted the Juvenile Justice Law (JL) in 2016, a comprehensive legislation concerning children in need of care and protection and children in conflict with the law. The Police Academy of Cambodia integrated the Child-Friendly Police Procedures (CFPP) into their curriculum at all police regional schools across the country, and training has been provided to local authorities.

However, the justice system in Cambodia is not yet fully equipped to respond to the needs of children in contact with the law – whether as victims, witnesses, or alleged suspects. Furthermore, children are frequently detained for longer than is legally permitted and are often victims of violence within the system. Parents are not informed, and legal assistance is not efficiently and competently provided. Necessary child-friendly procedures and facilities for dealing with minors in the criminal justice system are lacking. Children are routinely processed through the system and prosecuted as adults, and diversion is not widely used. Around 1,700 children are currently detained in facilities with adults, with a vast majority of them in pre-trial detention. A separate rehabilitation centre for children in conflict with the law is currently being built in one province, with plans to complete construction by the end of this year, but there remain questions regarding the effective operation of the facility and challenges to family visits and communication for those from other provinces. Additionally, there is still no independent mechanism to receive and address complaints from children concerning the violations of their rights. Limited budgets, incompetent and insufficient human resources, and a lack of monitoring and evaluation mechanisms exacerbate the problems faced by children in contact with the law.

Recommendations for Royal Government of Cambodia:

1. Integrate the JIL into the curriculum of the bachelor law degrees, Lawyers Training Centre, and the Royal Academy of Judicial Professions for judges, lawyers, prosecutors, clerks, and other justice officials, and ensure continuous training.
2. Speed up the implementation of the JIL and national and ministerial action plans at all levels by providing sufficient resources and establishing child-friendly procedures and facilities, with an emphasis on diversion and effective reintegration.
3. Nurture child justice experts, and dispatch at least one expert child-friendly police officer in each police station around the country, along with routine training and established procedures to ensure compliance with the CFPP.
4. Demonstrate how many JIL trained officers have applied their knowledge in the field, and further develop and promote monitoring and evaluation tools to monitor the progress of the JIL implementation (as raised in the written reply from Cambodia in February 2020).
5. Share the financial report and the efficiency of using 900 million riels (around US\$225,000) per year by the Bar Association of the Kingdom of Cambodia to provide legal services to children (as raised in the written reply from Cambodia in February 2020).
6. Complete the establishment of the rehabilitation centre for children in conflict with the law under the control of MoSVY, and ensure that the facilities and procedures are child-friendly and independently validated, with strict procedures and accountability mechanisms to prohibit abuse by officers.

ANNEX 1. LIST OF CRC-CAMBODIA MEMBERS

N°	Full name	Acronyms
1	Aide Et Action	AEA
2	Buddhist for Social Development Action	BSDA
3	Cambodia Children Against Starvation and Violence Organization	CCASVA
4	Community Council for Development Organization	CCDO
5	Center for Children to Happiness	CCH
6	Cambodian Organization for Living and Temporary-Care	COLT
7	Cambodia Centre for the Protection of Children's Rights	CCPCR
8	Child Helpline Cambodia	CHC
9	Italian Association for Aid to Children	CIAI
10	Cham Khmer Islam Minority Human Rights Development Association	CKIMHRDA
11	Children and Life Association	CLA
12	Cambodian Organization for Children and Development	COCD
13	Children and Poor Communities Development Organization	CPCDO
14	Child Rights Foundation	CRF
15	Community Training Organization for Development	CTOD
16	Cambodia Volunteers for Community Development	CVCD
17	Cambodian Women's Development Association	CWDA
18	ERIKS Development Partner	ERIKS
19	Good Neighbours Cambodia	GNC
20	Hagar International Foundation	Hagar
21	Happy Tree Social Services	Happy Tree
22	Homeland (Meatho Phum Ko'Mah)	Homeland
23	Improving Cambodia's Society through Skillful Parenting	ICS-SP
24	Khemara	KHEMARA
25	Khmer Kampuchea Krom for Human Rights and Development Association	KKKHRDA
26	KnK Cambodia	KNK
27	Krousar Thmey	KT
28	Khmer Youth Association	KYA
29	Khmer Youth Camp for Culture	KYCC
30	Legal Aid of Cambodia	LAC
31	Mith Samlanh	Mith Samlanh
32	Operations Enfants Du Cambodge	OEC
33	Planete Enfants and Developpement	PE & D
34	Protection of Juvenile Justice	PJJ
35	Plan International Cambodia	Plan
36	Phnum Srey Organization for Development	PSOD
37	Rural Aid Organization	RAO
38	Rehabilitate the Children and Youth for Cambodia Development	RCYCD
39	Save the Children International	SCI
40	Street Children Assistance and Development Program	SCADP
41	Sacrifice Families and Orphan Development Association	SFODA
42	Sovann Komar	Sovan Komar
43	Santi Sena Organization	SSO
44	SOS Children's Villages Cambodia	SOS

45	Save Vulnerable Cambodian	SVC
46	Terre des Hommes Germany	TdH-G
47	Terre des Hommes Netherlands	TdH-NL
48	This Life Cambodia	TLC
49	Vulnerable Children Assistance Organization	VCAO
50	World Vision Cambodia	WVI
51	Wathnakpheap	WP
52	Women Organisation for Modern Economy and Nursing	WOMEN
53	Non-Timber Forest Product	NTFP
54	Komar Ney Kdey Sangkheum	KNKS
55	Women's Media Center of Cambodia	WMC
56	Banteay Srei	BTS
57	Mlup Russey	MR
58	Phare Ponleu Selpak	PPS

ANNEX 2. LIST OF CHILD AND YOUTH-LED NETWORKS (CYLNs)

N°	Full name	Acronyms
1	Child Advocate Network	CAN
2	Adolescent and Youth Reference Group	AYRG
3	Cambodia Children and Young People Movement for Child Rights	CCYMCR