



**NGO COALITION ON THE RIGHTS OF THE CHILD  
(NGOCRC)**



**SUPPORTED BY**



**Save the Children**

**ALTERNATIVE REPORT**

**ON**

**THE IMPLEMENTATION OF THE UNITED NATIONS CONVENTION  
ON THE RIGHTS OF THE CHILD (UNCRC) OPTIONAL  
PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION  
AND CHILD PORNOGRAPHY (OPSC)  
IN THE KINGDOM OF CAMBODIA**

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3. Duty bearers from the Royal Government of Cambodia (RGC) ministries and institutions, United Nations (UN) agencies, international and national Non-Government Organizations (NGOs) for their valuable input to this report through Key Informant Interviews (KIIs) and the sharing of relevant documents;
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## FOREWORD

The Executive Committee, NGO members, Management Team, Staff and Volunteers of the NGOCRC are pleased to submit this Alternative Report on the Implementation of the UNCRC's Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) from 2003 – 2010 to the United Nations Committee on the Rights of the Child (hereinafter the Committee on CRC).

This report is structured in three major parts: Chapter I, Introduction; Chapter II, Substantive Analysis; and Chapter III, Conclusions and Recommendations per instructions from “Reporting on the OPSC and OPAC, A Guide for Non-Governmental Organizations” produced in 2010 by the NGO Group for the Convention on the Rights of the Child. Chapter I provides an overview of the situation in Cambodia in relation to UNCRC, specifically OPSC. Chapter II describes the General Measures, Prevention, Prohibition and Related Matters, Protection of the Rights of Victims and the Accused and International Assistance and Cooperation in the implementation of the UNCRC and OPSC by the RGC, UN agencies, international and national NGOs, Civil Society Organizations (CSOs), community officials and residents especially parents and children. Chapter III outlines the conclusions and recommendations on the legal status and dissemination of the OPSC, and mechanisms for the implementation of the UNCRC and the OPSC.

As in the Alternative Report on OPAC, “*maximum stakeholders’ participation*” was the guiding philosophy in the preparation of this report. NGOCRC, with support from Plan International and Save the Children in Cambodia, in August 2012, NGOCRC has prepared the Alternative Reports on OPAC and OPSC. Since then, a series of data gathering and consultation activities concentrating on child issues relevant to the two optional protocols were conducted in Phnom Penh and in the provinces such as Siem Reap, Preah Sihanouk, Banteay Meanchy, Preah Vihear, and Svay Rieng. FGDs and KIIs were conducted to gather the views and opinions of children, parents, community officials, GOs, and NGOs/CSOs. The perspectives of high-level officials of relevant government ministries were elicited through interviews by the consultant. Data from all these activities including those from various documents reviewed were summarized, analyzed, and factored into the preparation of this report. Among the final steps in preparing this report was the conducting of a consultation workshop to validate the information gathered. Child leaders, NGO members of the NGOCRC, representatives of UN Agencies, and CSOs participated in the forum.

For the NGO Coalition on the Rights of the Child in Cambodia.

**Yim Sokhary**

Chairperson

NGO Coalition on the Rights of the Child

## ACRONYMS

| Acronym | Meaning  |
|---------|--|
| APLE    | Action Pour Les Enfants  |
| CDP     | Cambodian Defenders Project  |
| CHRC    | Cambodian Human Rights Committee   |
| CCWC    | Commune Committee for Women and Children   |
| CMAA    | Cambodia Mine Action and Victim Assistance Authority   |
| CMVIS   | Cambodia Mine/ERW Victim Information System  |
| CNCC    | Cambodia National Council for Children   |
| COSECAM | NGO Coalition to Address (Sexual) Exploitation of Children in Cambodia   |
| UNCRC   | United Nations Convention on the Rights of the Child   |
| ECPAT   | End Child Prostitution, Abuse and Trafficking  |
| ERM     | Explosive Remnants of War  |
| GO      | Government Organisation  |
| ICA     | Inter-Country Adoption   |
| ILO     | International Labour Organization  |
| IPEC    | International Programme on the Elimination of Child Labour   |
| KAPE    | Kampuchean Action for Primary Education  |
| LAC     | Legal Aid of Cambodia  |
| LSHTSE  | Law on Suppression of Human Trafficking and Sexual Exploitation  |
| MoCFA   | Ministry of Culture and Fine Arts  |
| MoH     | Ministry of Health   |
| MoI     | Ministry of Interior   |
| MoJ     | Ministry of Justice  |
| MoLVT   | Ministry of Labor and Vocational Training  |
| MoND    | Ministry of National Defense   |
| MoP     | Ministry of Planning   |
| MoSVY   | Ministry of Social Affairs, Veteran and Youth Rehabilitation   |
| MoT     | Ministry of Tourism  |
| MoWA    | Ministry of Women's Affairs  |
| NC/STSL | National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor Exploitation and Sexual Exploitation of Women and Children |
| NGO     | Non-Government Organization  |
| NGOCRC  | NGO Coalition on the Rights of the Child   |

## EXECUTIVE SUMMARY

### INTRODUCTION

The Supreme National Council of Cambodia signed the Convention on the Rights of the Child on 22 September 1992 after the conclusion of the Paris Peace Agreement on 23 October 1991. On 15 October 1992, the Convention was ratified by Cambodia. Cambodia's commitment to the UNCRC was reinforced in its 1993 Constitution recognizing the rights of the child in Articles 31 and 48.

The Kingdom of Cambodia ratified without reservation the UNCRC's OPSC on 21 February 2002. The Protocol is now supported by a number of national laws and regulations and other international instruments that the Kingdom of Cambodia ratified and adopted. Since then, the RGC has prepared and submitted the 1<sup>st</sup> and 2<sup>nd</sup> National Report on the Implementation of the OPSC to the Committee on CRC.

This Alternative Report is submitted to the Committee on CRC in reference to the OPSC report of the RGC. It was prepared by an alliance of 50 national and international child rights NGOs in the Kingdom of Cambodia called the NGO Coalition on the Rights of the Child (NGOCRC). Similar to the NGO's Alternative Report on OPAC, the process for preparing this report included a review of relevant domestic laws and regulations, policies, standards, guidelines, national strategies and plans of actions and data from various reports. Consultations with rights holders (children) and duty bearers (primary and secondary) through FDGs and interviews were conducted in six representative provinces out of the 24 capital provinces of the Kingdom of Cambodia.

## **SUBSTANTIVE ANALYSIS**

### **GENERAL MEASURES OF IMPLEMENTATION OF THE UNCRC AND THE OPTIONAL PROTOCOL**

The RGC approach to the implementation of the OPSC and OPAC is the same. However, since the OPSC has wider sphere in terms of the specific areas of child rights covered, almost all ministries and institutions are directly and actively involved.

The mechanisms for the implementation of child protection are charged to the responsibility of the CNCC, the inter-ministries institution that is mainly responsible for monitoring and reporting the implementation of the UNCRC as a whole and of the OPSC and OPAC in particular. Operating all over Cambodia through its national and provincial offices, the CNCC has instituted ministerial and inter-ministerial working groups on child protection from the national to the sub-national levels.

The CNCC works in close coordination with the ministries that are directly involved in the provision of basic and protection services to the children and their families. The inter-ministerial Working Groups are organized to meet, deliberate and submit recommendations on child issues to the CNCC or to the appropriate Ministries. Depending on the issues at hand, select national and international NGOs, including relevant UN agencies are also invited to participate in particular working groups/sub-committees

The RGC has been progressively enacting legislations in support of the rights of the child. Ministerial regulations, policies, plans and programs have been designed and implemented to ensure the survival, protection, development and participation of children. Specific regulations in the forms of sub-decrees, circulars, guidelines, instructions, and principles pertaining to the making, broadcasting and distribution of films and videos containing pornography, violence, robbery or murder, cruelty, drug trafficking, rape, sexual exploitation, child trafficking and kidnapping had been enacted and are being implemented.

### **MEASURES AGAINST POVERTY AS MAIN CAUSE OF SUSCEPTIBILITY TO CHILD LABOUR AND TRAFFICKING**

While the country has had some significant economic gains in recent years, poverty is still widespread especially in the countryside. Poverty has been singled out as the prime reason why children and families become victims of trafficking for sex and labour, child prostitution, child pornography, and child labour. To support the prevention and regulation of child labour, the RGC has signed and ratified several international conventions, enacted laws and regulations, and formulated relevant policies and guidelines. Many of the initially identified loopholes in the Labour Law were address by the introduction of a number of regulations that provide guidance on the implementation the Labour Law and support the safeguarding of child labour conditions and limitations. In addition to the international and national laws adopted and promulgated, RGC developed the 2008-2012 National Plan of Action on the Elimination of the Worst Forms of Child Labour.

### **INTERNATIONAL ASSISTANCE AND COOPERATION**

Collaboration and cooperation among the various international and domestic stakeholders in the implementation of the UNCRC and OPSC in the Kingdom of Cambodia are very evident. From the RGC, almost all the branches of government have mandates that address the implementation of the UNCRC and OPSC. Most

importantly, the government created an official special body to oversee and coordinate all efforts in the implementation of the UNCRC, the CNCC. The UN agencies provide technical and financial support to various programs and projects organized by government agencies and institutions. International NGOs and other national and international organizations have several packages of programs and projects responding to the priority issues and concerns of children in relation to UNCRC and to OPSC. Inherent in their assistance is the capacity building of the rights holders and duty bearers on the UNCRC. Most of these international NGOs have programs and projects that are highly relevant to OPSC.

## IDENTIFIED GAPS

All the national legal instruments enacted and being implemented by the RGC are in the right direction as far as UNCRC is concerned. However, NGOCRC's observations and studies of situations on the ground as well as review of relevant literature show that despite the high number of international and national laws for the prevention of violations of the child rights in Cambodia, there are still a number of systemic and structural gaps in the UNCRC implementation, particularly with regards to OPSC that need government attention and action.

An encompassing structural gap is the lack of clear and specific provisions for children's access to complaint structures, procedures and facilities. Currently, there is no independent mechanism to receive and address complaints from children concerning violations of their rights under the Convention.

### ***Gaps on Prevention***

The RGC has instituted several measures designed and implemented to prevent violations of the child rights especially the ones covered by the OPSC. Among the significant milestones accomplished are: 1) Adoption and enforcement of national laws and regulations and several international instruments, 2) Establishment of institutions and mechanisms for implementing policies and national action plans such as Child Safe Tourism Committee, 3) Provision of training to the various stakeholders including on child rights and other topics, 4) Organization of community-based child protection network in pilot capitals and provinces by MoSVY, and others.

Despite the preventive measures that the RGC has established and implemented through its various ministries and institutions at all levels of governance, there have been persistent cases of child rights abuse in various forms that continued to surface via independent reports. The figures could be higher than reported since offenders—and often, victims, as well—try every possible way to conceal the abuse.

There have been various avenues taken by the RGC and the NGOs in disseminating the UNCRC, and building the capacities of duty bearers from the national to the grassroots levels on the implementation of the UNCRC. However, there were no documented assessments or reports on the effectiveness of the various capacity building activities carried out for various stakeholder groups. Also, the observations of the NGOCRC Data Gathering Teams with several groups of children and parents in Phnom Penh, Banteay Meanchey, Siem Reap, Preah Vihear, Preah Sihanouk and Svay Rieng, relevant GOs and NGOs and select members of the community from November 2 to 10, 2012 revealed that they were familiar with the UNCRC but not with OPSC.

### ***Gaps on Prohibition and Related Matters***

The RGC's commitments to uphold child rights are manifested in the various pieces of legislation designed to prevent child rights violations and abuses of children in Cambodia. However, gaps in legislation were identified and specific recommendations provided.

Prosecutorial efforts are producing considerable results. For example, 1 71 cases of sexual trafficking in 2011 were reported to the police and victims were rescued by the police or jointly by the police and an NGO. At the end of the reporting period, very limited number of recruiters went to trial and only 14 were convicted. Data compiled by APLE - CAMBODIA PROTECT- The Project Against Child Sexual Abuse and Human Trafficking indicated that arrests of offenders/perpetrators from 2001 to 2012 totalled to 243. Of this number, 164 (67.4%) were convicted, 14 (5.7%) were tried but found not guilty, 37 (15.2%) were released, 25 (10.2%) pending and 3 (1.2%) died.

On the prosecution process, a number of problem areas had been identified. Among them are: 1) need for legal assistance to poor child-victims, 2) need for strengthening the understanding of the court officials on child rights-related international and national laws, 3) need to do something about the big volume of cases that courts handle, 4) need to review the variety of cases handled by a specialised judge, and 5) need for more courts to be dedicated to juvenile cases.

### ***Protection of the Rights of Victims and the Accused***

Mechanisms for protecting the rights of the child and for ensuring that the best interest of the child is highly considered are comprehensive and generally well in place. However, accountability and sustainability of their implementation needs to be strengthened. The intensity of implementing the mechanism is usually high in the first few years of implementation and drops as the issue loses center stage and resources begin to drop or overtaken by other issues.

## CONCLUSION AND RECOMMENDATIONS

Many of the rights holders and duty bearers are familiar with the provisions of the UNCRC. However, the same is not true of the OPSC. It is recommended that after covering the UNCRC, its Optional Protocols, especially OPSC, should follow. It will be timely to include the OPSC and the OPAC in the training manual and pocket guide on the UNCRC for government employees being prepared by the CNCC.

The vertical and horizontal structural mechanisms for the implementation of child protection are adequate and cover community up to national levels. However, the philosophy of child participation needs to be modelled in these endeavours. Child leaders' capacity to identify, analyze, and deliberate on issues relevant to child protection and other issues and concerns should be developed and harnessed. In addition, it will be to the best interest of the children if some of their representatives sit as members of the Council.

A number of national laws support the UNCRC and the OPSC. However, some laws need to be amended to strengthen their responsiveness to the rights of the child. The following are recommendations to the gaps identified and presented in this report.

1. Organize/create massive job opportunities for the poor. The general underlying cause of the offenses on the child rights covered by the OPSC is poverty. Despite prevention and prohibition efforts of the Government and the NGOs, children succumb to the lure of prostitution, pornography, trafficking, child labor even in hazardous types of work, to support the survival needs of their families.
2. Repeat and sustain Advocacy and Information Dissemination to maximize desired effects and impact. Visibility of messages in posters and other media serve as deterrent to violations of child rights and remind prospective offender/perpetrator that Government is serious in combating these ill practices.
3. Strengthen the coverage, linkage, and publication of the data and its analysis and implication There are at least independent 4 data base systems that are operational in the various government Ministries and institutions (CAMInfo with MoP, Database on Repatriation of Women and Child Victims with MoSVY, Database on Sex Offenses, Human Trafficking and Domestic Violence with Mol, and Database on Child Justice with MoJ). Linked with need for the enhancement of the data base systems is the need to undertake research on child rights violations/offenses including child pornography and sexual exploitation in cyberspace. Research is also needed on children's participation in communities, in households, in schools, in shelters, and in juvenile justice system processes. Results will inform the strategic interventions on improving prevention and prohibition on child rights violation efforts and the interventions on strengthening child participation.
4. Provide continuing capacity building for various stakeholders to enhance the efficiency and effectiveness of the prevention and prohibition of violations on child rights and the protection of the child-victims.
5. Continue strengthening the competencies of the police officers on conducting surveillance, gathering/documenting evidences, and conducting preliminary investigations with the support of the NGO community, UN

agencies, and development partners. Crucial intervention is the provision of adequate budget, appropriate transport and other operational tools to police officers.

6. Coordinate and consolidate human, material and financial resources provided by government ministries and international and local NGOs to ensure that roles and accountabilities of various actors are defined and clear, intended coverage is reached and services are distributed according to the needs and priorities as determined by CNCC.

## I. INTRODUCTION

1. The Supreme National Council of Cambodia, after the conclusion of the Paris Peace Agreement on 23 October 1991, signed the CRC on 22 September 1992. On 15 October 1992, the Convention was ratified by Cambodia. The Cambodia's commitment to the UNCRC was reinforced in its 1993 Constitution<sup>1</sup> recognizing the rights of the child in Articles 31 and 48 which states that:

**Article 31:**

*The Kingdom of Cambodia recognizes and respects human rights as enshrined in the United Nations Charter, the Universal Declaration of Human rights and all the treaties and conventions related to human rights, women's rights and children's rights.*

*Khmer citizens are equal before the law, enjoying the same rights, liberties and duties regardless of race, color, sex, language, beliefs, religions, political tendencies, birth origin, social status, wealth or other situations. The exercise of personal rights and liberties by any individual shall not adversely affect the rights and freedom of others. The exercise of such rights and liberties shall be in accordance with the law.*

**Article 48:**

*The State shall assure the protection of children's rights as enshrined in the Convention on Children, especially, the right to life, the right to education, the right to protection during wartime and the right to protection from economic or sexual exploitation.*

*The State shall protect children from all kinds of labor that can be detrimental to their education and their schooling, or to their health or their welfare.*

2. The initial report on Cambodia's implementation of the Rights of the Child<sup>2</sup> was submitted to the Committee on the Rights of the Child (hereinafter 'the Committee') on 18 December 1997. In May 2000, the Royal Government submitted a written reply in response to the questions related to the initial report. Likewise, Cambodia's senior delegation participated in the twenty-fourth session of the Committee on the CRC held in Geneva on 24 May 2000. In June 2000, the Committee on CRC issued its Concluding Observations, taking into account Cambodia's implementation of the Convention.
3. The Kingdom of Cambodia ratified without reservation the UNCRC's OPSC on 21 February 2002. This OP is now supported by a number of national laws and regulations other international instruments that the Kingdom of Cambodia ratified. The supreme law of the land, its 1993 Constitution, states in its Article 46:

**Article 46:**

*Human trafficking, exploitation of prostitution and obscenities which affect the dignity of women shall be prohibited.*

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<sup>1</sup>1993 Constitution of the Kingdom of Cambodia

<sup>2</sup>Initial reports of States parties due in 1994: Cambodia. 24/06/98. CRC/C/11/Add.16. (State Party Report)

*The dismissal of woman worker for reason of pregnancy shall be prohibited. Woman shall have the right to take maternity leave with full pay and with guarantee of her seniority in employment and of other social benefits.*

*The State and the society shall provide women, especially those underprivileged living in rural areas, with opportunities to benefit from assistance for a profession, for medical cares, for their children's schooling and for decent living conditions.*

4. The RGC prepared and submitted to the Committee on the CRC the 1<sup>st</sup> and 2<sup>nd</sup> National Report on the Implementation of the OPSC.<sup>3</sup>The preparation of the report was spearheaded by the CNCC with the involvement of representatives from various government ministries and institutions, UN agencies, coalitions of NGOs and children. Children's perspectives as well as those of various stakeholders' opinions solicited through consultation workshops were highly considered in the preparation and finalization of the report.
5. This Alternative Report is submitted to the Committee on CRC in consideration of the OPSC report of the RGC. It was prepared by an alliance of 50 national and international Child Rights NGOs in the Kingdom of Cambodia called NGO Coalition on the Rights of the Child (NGOCRC).
6. Similar to the NGO's Alternative Report on OPAC, the process for preparing this report included a review of relevant domestic laws and regulations, policies, standards, guidelines, national strategies and plans of actions and data from various reports. Consultations with rights holders (children) and duty bearers (officials from the government, communities, NGOs, parents and UN agencies) through focus group discussions and interviews were conducted in Phnom Penh, and in the representative provinces of Siem Reap, Preah Sihanouk, Banteay Meanchy, Preah Vihear, and Svay Rieng out of the 24 provinces of the Kingdom of Cambodia.

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<sup>3</sup>Royal Government of Cambodia, 1<sup>st</sup> and 2<sup>nd</sup> National Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC) 2002 - 2010

## II. SUBSTANTIVE ANALYSIS

### A. GENERAL MEASURES OF IMPLEMENTATION OF THE UNCRC AND THE OPTIONAL PROTOCOL

7. The overall-all population of Cambodia, according to the 2008 census was 13.4 million, 41% of whom were children below 18 years of age.<sup>4</sup> The child population was more than one-third of the total population. It is for the best interest of this one-third that Cambodia pledges full commitment to the implementation of the UNCRC and the OPSC.
8. The mechanisms for the implementation of child protection are being instituted from the national to the subnational level, such as in the national, capital/provincial CNCCs, the formation of ministerial and inter-ministerial working groups on child protection, and at the sub-national level in districts, villages, communes and *sangkats* through the CCWC.
9. The government structure in the implementation of the OPSC is the same as the one in the implementation of the OPAC. However, since the OPSC has wider sphere in terms of the specific areas of child rights covered, almost all ministries and institutions are directly and actively involved. They are the CNCC; Ministry of Social Affairs, Veteran and Youth Rehabilitation (MoSVY); the Ministry of Justice (MoJ); the Ministry of Tourism (MoT); the Cambodian Human Rights Committee (CHRC); the Ministry of National Defence (MoND); the Ministry of Interior (MoI); the Ministry of Women's Affairs (MoWA); the Ministry of Labor and Vocational Training (MoLVT); the Ministry of Planning (MoP); the Ministry of Education, Youth and Sports (MoEYS); the Ministry of Health (MoH); the Ministry of Foreign Affairs (MoFA), the Ministry of Information (MoInfo), the Ministry of Culture and Fine Arts (MoCFA); and the Council of Jurists (CoJ).
10. CNCC is the inter-ministries institution that is mainly responsible for the monitoring and reporting the implementation of the OPSC. It works in close coordination with the ministries that are directly involved in the provision of basic and protection services to the children and their families.
11. CNCC<sup>5</sup> was created on November 20, 1995 pursuant to Article 44 of the UNCRC. The Council is composed of high-level government ministry officials and it has Prime Minister as Honorary President. In 2009 the composition and structures of the CNCC were reformed to establish CNCCs at the capital/provincial level, and to set up working groups to focus on child rights within each ministry and institution. It provides strategic inputs to the RGC on the survival, development, protection and participation of children in programs and consultation activities on issues that affect their general welfare. CNCC's responsibilities include among others, overseeing, coordinating and monitoring the implementation of government programs geared towards the overall well-being of Cambodian children. It has four Sub-Commissions covering priority concerns on child protection and development namely: Child Labor and Other Forms of Child Exploitation, Child Sexual Exploitation, Early Childhood Development, and Law Review.

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<sup>4</sup> Cambodia Country Programme Document 2011-2015, UNICEF

<sup>5</sup> Royal Decree on The Establishment of the Cambodia National Council for Children (CNCC) and Sub-Decree on The Organization and Functioning of the General Secretariat of the Cambodia National Council for Children

12. Working Groups that are inter-ministerial in nature are organized to meet, deliberate and submit recommendations on child issues to the CNCC or to the appropriate Ministries. Depending on the issues at hand, select national and international NGOs, including relevant UN agencies are also invited to participate in relevant Working Groups/sub-committees. At the national level, there are the National Committee on the Suppression of Human Trafficking, Smuggling Labor and Sexual Exploitation of Women and Children; Cambodia Working Group Against Human Trafficking in the Greater Mekong Sub-Region; Anti Human Trafficking and Juvenile Protection; National Multi-Sectoral Orphans and Vulnerable Children Task Force; and others. At the community level, the CCWC, Child and Youth Clubs are formed and strengthened.
13. The Secretary of State of the Ministry of Women Affairs (MoWA) during an interview explained that issues and concerns of women and children at the commune/*sangkat* level are elevated by the CCWCs to the district and provincial officers of the MoWA. If necessary, they are further elevated to the appropriate department of the ministry for action. MoWA functions as catalyst in responding to these issues and concerns by linking the communities, groups or individuals concerned with the appropriate ministry or government institution such as MoSVY, MoEYS, MOJ, MOI, and others for technical assistance and support.
14. The 1<sup>st</sup> and 2<sup>nd</sup> National Report of the RGC on the Implementation of the OPSC<sup>6</sup> states: *“The Kingdom of Cambodia implements the Convention of the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography through human rights based approaches, in particular the rights of the child serve as basis for programming. The principles of non-discrimination, the primacy of the best interest of the child, the right to life, the right to survival and development, and the respect of the child’s views are the core of the programmes, projects and activities. The rights of the child are exercised through a country programme which is prepared once every 5 years and within each year, an annual programme is prepared where indicators to be achieved for each year are determined.”*
15. Among the plans for programmes and policies geared toward protecting the best interest of the children and fulfilling their rights especially those covered in the OPSC are:
  - Millennium Development Goals,
  - National Strategic Development Plan Update 2009 – 2013,
  - National Five Year Plan Against Trafficking and Sexual Exploitation of Children,
  - Policy and Minimum Standards on Protection of the Rights of Victims of Trafficking,
  - National Policy on Alternative Care for Children,
  - Guidelines for the Protection of the Rights of Trafficked Children, and
  - Policy on Tourism Development
16. The national plans, programs, policies and project implementation are constantly fine-tuned based on the data that are available given at least 4 data systems of the government (CAMInfo with MoP, Database on Repatriation of

<sup>6</sup> Royal Government of Cambodia, 1<sup>st</sup> and 2<sup>nd</sup> National Report on the Implementation of the OPSC 2002 - 2010

Women and Child Victims with MoSVY, Database on Sex Offenses, Human Trafficking and Domestic Violence with Mol, and Database on Child Justice with MoJ). These data systems provide information on socio-economic situation, women and child victims of cross-border trafficking, police arrests, rescues, referrals cases of sexual abuse, exploitation, domestic violence, and children in conflict with the law at investigation and trial stages.

17. In addition, many of the government institutions conducted research on child protection for the purpose of strengthening their plans, programs, and projects. Currently, MoWA and MoSVY are undertaking a survey on Violence Against Children. The study will determine among other objectives, types, prevalence, extent, and concentration of violence against children in Cambodia. It would be best if more researches are conducted for evidence-based programming and project implementation.
18. The RGC report indicated that there was no allocation of budget specific to the implementation of the OPSC. Resources needed for the various activities of each ministry or institution contributing to the implementation of the OPSC were integrated in their overall plans and budget allocations.

## **B. PREVENTION**

### **B.1 Legal Status of the Optional Protocol**

19. The Kingdom of Cambodia ratified the CRC's OPSC on 21 February 2002 without any reservation.
20. On the basis of Decision No.092/003/2007 of the Constitutional Council of the Kingdom of Cambodia, declaring that "*International laws, recognized by the Kingdom of Cambodia, especially the Convention on the Rights of the Child, are considered as part of the law of Cambodia,*" In effect, the OPSC officially became law of the Kingdom of Cambodia.

### **B.2 Relevant International Conventions and Treaties Ratified, National Laws Adopted and Promulgated**

21. In addition to ratification of the UNCRC and the OPSC as well as the OPAC by the Kingdom of Cambodia, a number of relevant international instruments were ratified and national laws were passed. They are enumerated below in chronological order of their ratification and passage:
  - The Supplementary Convention of the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (ratified on 12 June, 1957);
  - Convention No. 29 on Forced Labour (1930);
  - The International Covenant on Civil and Political Rights (ratified on 20 April, 1992);
  - Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1992);
  - International Covenant on Civil and Political Rights (1992);
  - The ILO Convention No. 138 on Minimum Age (ratified on 23 August, 1999);
  - The Rome Statute on International Criminal Court (entered into force for Cambodia in 2002);

- The ILO Convention No. 182 on the Worst Forms of Child Labor (ratified on 30 August, 2005);
  - The Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Particularly regarding Women and Children (ratified on 25 November 2005);
  - The Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption (ratified on 29 November 2006); and
  - Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2007)
22. The RGC progressively enacted legislations in support of the rights of the child. Among the national laws and regulations in support of OPSC which are being implemented are:
- Royal Decree on the Establishment of the CNCC (December 2009);
  - Sub-decree on the Organization and Functioning of the General Secretariat of the CNCC (January 2010);
  - Law on Inter-Country Adoption (November 2009);
  - Law on Suppression of Human Trafficking and Sexual Exploitation (January 2008);
  - Sub-decree on the Establishment of the National Committee to Lead the Suppression of Human Trafficking, Smuggling and Labor and Sexual Exploitation on Women and Children (September 2009);
  - Sub-decree on the Creation of Department of Anti-Human Trafficking and Juvenile Protection (2002);
  - Sub-decree on the Organization and Functioning of MoSVY (March 2011);
  - Law on the Prevention of Domestic Violence and the Protection of Victims (September 2005);
  - Decision on Guideline for the Protection of the Rights of Trafficked Children of the Kingdom of Cambodia (December 2007); and
  - Law on the Protection and the Promotion of the Rights of Persons With Disabilities (July 2009)
23. Ministerial regulations, policies, plans and programs have been designed to ensure the survival, protection, development and participation of children. Among those relevant to OPSC are:
- Prakas on Child Safe Organization Standards (July 2011);
  - Prakas on the Organization and Functioning of the Central Authority for Inter-Country Adoption and the Inter-Country Adoption Administration (August 2011);
  - Prakas on Procedures for Authorizing Inter-country Adoption Agencies (August 2011);
  - Prakas on Minimum Standards on Alternative Care for Children in the Community (March 2008);
  - Prakas on the Enforcement of the Policy on Alternative Care for Children (April 2006);
  - National Standards for the Care, Protection and Support of Orphans and Vulnerable Children (August 2011);
  - Prakas on the Prohibition of Hazardous Child Labor (April 2004);
  - Policy on the Protection of the Rights of Victims of Human Trafficking (August 2009);
  - Village Commune/Sangkat Safety Policy (August 2010);

- Guidelines on the Implementation of the Law on Suppression of Human Trafficking and Sexual Exploitation (Raid and Rescue Guidelines) (November 2008);
  - Decision on Guidelines for the Protection of the Rights of Trafficked Children in the Kingdom of Cambodia (December 2007);
  - Declaration on Establishment of the Sub-Committee on Child Labor and Commercial Sexual Exploitation of Children (September 1997); and
  - National Plan of Action on Suppression of Trafficking, Smuggling, Labor & Sexual Exploitation (2011-2013).
24. Specific regulations in the forms of sub-decrees, circulars, guidelines, instructions, and principles covering the making, broadcasting and distribution of films and videos containing pornography, violence, robbery or murder, cruelty, drug trafficking, rape, sexual exploitation, child trafficking and kidnapping had been enacted and are being implemented. Among them are:
- Sub-decree on the Administration on Control of Film and Video dated 4 September 2000 requires that every film or video made inside or outside Cambodia shall obtain a preliminary license before being commercialized.
  - Circular of the MoCFA dated 20 October 2000 points out that the Ministry will not issue commercial license to any film, video cassette, laser disc, video CD, DVD, or KARAOKE that contains excessive pornography, robbery or murder, cruelty, drug trafficking, sexual exploitation, child trafficking and kidnapping.
  - Guidelines No. 0037 of the MoInfo dated 14 January 1999, called on banning of every rape or pornographic scene broadcasted on the television, including cable television. Any film with plots based on cruelty, killing, big brother, kidnapping or terrorism must be broadcasted after 9 PM. No one television station can broadcast shows involving cruelty that can affect children, nor allow children to perform in shows that have negative effects on other children. Commercial advertisements that encourage smoking and the use of alcoholic drink by children are prohibited.
  - Instruction No.10 dated on 2 February 2001 on the Establishment of an Inter-Ministerial Committee to combat any offence relating to cinema and video in Cambodia, in order to control and take the appropriate measures to combat any non-authorized pornographic video projection, sale or rent of pornographic film or video.
  - The Government has adopted 6 principles proposed by the Inter-Ministerial meeting to suppress and prevent the dissemination of obscene pictures through the internet:
    - Block all internet IP containing pornographic images,
    - Create a commission responsible to control, monitor the pornographic image dissemination by any means and provide funding to support educational, investigation, monitoring and suppression activities,
    - The MoJ must fill out the gap of the new draft Law on the Suppression of Human Trafficking and accelerate its adoption as soon as possible.

### **B.3 Observations and Comments**

25. While the number of international and national laws appeared sufficient for the prevention of violations of the child rights, quite a number of gaps in the national legislations have been identified. Overall and across the categories of child rights, children's access to complaint structures, procedures and facilities

are still lacking. Currently, there is no independent mechanism to receive and address complaints from children concerning violations of their rights under the Convention.

Specific gaps in legislations identified by an inter-sector working group organized by the CNCC<sup>7</sup> include the following:

26. Sub-decree No. 103 on Civil Status is considered discriminatory since it allows registration of a child born in Cambodia of foreign parents only if the parents are “living legally” in Cambodia. The Law on Nationality is also considered discriminatory since it allows children born in Cambodia of foreign parents to obtain Cambodian nationality only if the parents are born and “*legally living*” in Cambodia.
27. On violence against children, Article 1045 of the Civil Code allows parental power holder to personally discipline the child to the extent necessary. There is currently no policy of mandatory reporting of child abuse in Cambodia by relevant professional groups. Currently National legislation does not provide clear provisions on the establishment of effective systems for identification of violence, abuse, etc., reporting and referral in areas, such as in school settings and in the justice system.
28. Guidelines for obtaining approval to open a residential care facility have not been clearly defined. Many organizations providing residential care for children are presently illegally operating or did not register properly. With respect to domestic adoption procedures, the Civil Code currently lacks provisions relating to the recruitment and assessment of prospective adoptive families, matching procedures, support during trial period and transition to permanent adoption. No national legislation exists on criminal background checks for staff members and volunteers prior to working with children.
29. Inter-Country Adoption (ICA) in Cambodia was suspended until January 2012. Civil Code does not prevent foreigners from adopting children under the domestic adoption provisions of this Code. This may lead to misuse of inter-country adoption procedures. Criminal sanctions for improper financial gain are currently lacking in the Penal Code for a number of activities outlined in the ICA Law. There are no *Prakas* costs and fees with respect to inter-country adoption procedures leaving possibilities open for potential abuse.
30. The Labor Law states that the MoLVT may authorize children from 15 years of age to work in hazardous conditions if their well-being is fully guaranteed and that they can receive specific and adequate instruction or vocational training. However, it does not cover children working in hazardous conditions in many areas of informal employment. *Prakas* No. 106 on the Prohibition of Hazardous Child Labor lists 38 types of employment or work, including work in entertainment venues, for which the minimum age of 18 years applies, and further provides exceptions for children who are 16 years of age under specific conditions, to allow the employment in hazardous work, including in entertainment venues. The punishment fines as set out in the Labor Law for employers, who do not comply with the provisions in the law referring to the employment of children, can be considered too low.

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<sup>7</sup>Gaps Analysis of Child Protection Legislations in Cambodia. CNCC. Phnom Penh: 2011.

31. National legislation on drug abuse does not include provisions that children should be referred to community-based and family-Centered treatment and rehabilitation, children should only be detained or placed in an institution of minors as a measure of last resort and for the shortest appropriate period of time and children should be treated or placed in drug rehabilitation or treatment facilities separately from adults. National legislation does not include provisions on a minimum age for the purchase of alcohol and tobacco. There are no clear provisions in national legislation on due process rights with respect to enforcing involuntarily placement and treatment.
32. The Law on Tourism states that minors shall not be permitted to enter into premises of adult entertainment centers. From the provision, it is not clear as to what adult entertainment centers cover. This provision is in contrast with the *Prakason* hazardous work, allowing children of 16 years of age to work, under certain conditions, in the entertainment sector.
33. Under the Law on Suppression of Human Trafficking and Sexual Exploitation (LSHTSE) and the Penal Code, the acts of managing an establishment of prostitution and authorizing prostitution activities in an establishment are punishable. However, the provisions do not cover the case where a minor, employed by an establishment for entertainment, such as a beer garden, is taken out by a customer to a private place, which is not part of the establishment or its annexes, such as a guest house, for sexual purposes. The LSHTSE provides discretion to a judge to impose a ban on stay as an additional penalty. In addition, the Law on Tourism stipulates that “*any tourist or traveller, who joins in any activity, such as child trafficking, sexual exploitation or publication of pornographic photos, shall have his/her tourist visa revoked and be expelled or prohibited from any tourism destinations in Cambodia for a specified period of time not exceeding 5 years or permanently.*” No enforcement provisions are provided with regard to the right to privacy of the victim of offenses as stipulated under the LSHTSE, such as punishments for people violating this right. The MoJ is in the process of issuing explanatory notes on the LSHTSE.
34. No prescribed tool or guidelines are in place directing the screening and classification of people who are collected from the streets by government officials and referred to government centres.
35. Under national legislation, detainees, including children, in police custody are not entitled to have access to legal representation during the first 24 hours after they have been arrested. There is currently no existing national legislation requiring the establishment of separate juvenile courts, specialized police, clerks, judges, prosecutors and social workers in juvenile cases, child-friendly procedures, diversion measures. There are no sufficient provisions on treatment of child victims in the criminal justice process in domestic legislation.

#### **B.4 Prevention Measures and Related Matters**

36. The RGC has instituted several measures designed and implemented to prevent violations of the child rights especially the ones covered by the OPSC<sup>8</sup>. Among the significant milestones accomplished are:

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<sup>8</sup> Royal Government of Cambodia, 1<sup>st</sup> and 2<sup>nd</sup> National Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC) 2002 - 2010

- Adoption and enforcement of national laws and regulations and several international instruments detailed earlier.
- Establishment of institutions and mechanisms for implementing policies and national action plans such as CNCC, Department of Anti-Human Trafficking and Juvenile Protection at the MoI, Anti-Human Trafficking and Reintegration Office and National Multi-Sectoral Orphans and Vulnerable Children at the MoSVY, Commune Focal Point for Women and Children (CFPWC) and CCWC, National Committee to lead the Suppression of Human Trafficking, Smuggling, Labor and Sexual Exploitation of Women and Children (NC/STSL), Cambodian Working Group Against Human Trafficking in the Greater Mekong Sub-Region (Cambodian Commit Task Force), and Anti Human Trafficking and Juvenile Protection (Military Police).
- The MoT in collaboration with a number of NGOs such as World Vision, ECPAT and ILO provide training to the various tourism stakeholders including relevant government employees, police, employers and employees of tourism establishments, teachers, parents and children on child safe tourism among other topics.
- Organization of Child Safe Tourism Committee (CSTC) by the MoT in 2001 comprising of senior officers and officials of the Ministry. The Child Safe Tourism Committee also has networks in the 24 provinces and municipalities of the country chaired by the Vice Governor of every province/capital and the Director of provincial/capital Tourism Department as Permanent Vice Chairman and relevant stakeholders as members. Its main role is to ensure the observance of the child safe provisions of the Law on Tourism. The Committee collaborates with High Level Working Group on Anti-Trafficking, Smuggling, Labour and Sexual Exploitation, The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), CNCC, Cambodian National Council for Women (CNCW), Gender Working Group, and AIDS Authority.
- Organization of community-based child protection network in pilot capitals and provinces by MoSVY with support from UNICEF. The program provided training at the community level on various child protection issues and concerns, threats, and strategies.
- Implementation of the Policy on Alternative Care for Children including the mechanisms of the child welfare system in pilot provinces by MoSVY.
- Implementation of programme on prevention of trafficking of women and children with components on legal, economic and social training, information system, policy and advocacy, dissemination campaign and poverty reduction was implemented by MoWA with support from the International Organization for Migration (IOM) and United States Agency for International Development (USAID).
- Implementation of a poverty reduction programme by the MoWA from 2006 to 2009 aimed at in some districts and villages of Prey Veng and Svay Rieng Provinces.
- Conduct of capacity building activities to government officials, police, military police, local authorities, employers and employees of businesses providing tourism services, parents, students, and children on a wide array of topics including combating child sex tourism. Advocacy materials were likewise developed, distributed and installed.
- Periodic tracking and analysis of child trafficking data through the 4 data base, reporting, and documenting systems implemented by the MoP, MoSVY, the MoI, and the MoJ.

- Dissemination of the provisions of the OPSC and human trafficking specifically child trafficking to its various Ministries and institutions including schools for incorporation in their plans and implementation procedures and for cascading its content in all levels.
- Establishment of model and child-friendly courts by the Council for Legal and Judicial Reform and MoJ.

## **B.5 Observations and Comments**

37. Despite the preventive measures that the RGC has established and implemented by its various ministries and institutions at all levels of governance, there were persistent cases of child rights abuse in various forms that continue to surface. The figures could be higher than reported since offenders try every possible way to conceal their acts.
38. The RGC's National Report on OPSC mentioned one poverty reduction activity implemented by MoWA in two provinces and benefitting around 200 families. Considering the extent of poverty in the country, and considering poverty as one among the major causes of sale of children for various purposes, trafficking for sex and labor, child prostitution, child pornography, child labor and other child rights violation, poverty reduction should be the center piece of the prevention efforts of the government and the NGOs. When people are able to meet their basic needs, they will not be tempted to venture into risky and illegal alternative sources of livelihood.
39. Some of the cases presented in this section may not be directly under the sphere of the OPSC. But child rights are inter-related and one right violated consequently impacts on the other rights. The Guidelines for NGOs preparing Alternative Reports states: *"The OPSC does not only cover the commercial sexual exploitation of children. It also includes the sale of children for the transfer of organs, engagement in forced labor and improperly inducing consent for adoption."*<sup>9</sup> Following are observations and comments on the RGC's National Report and some cases relevant to the areas covered by the OPSC.

### **B.5.1 Commercial Sexual Exploitation of Children**

#### **B.5.1.1 Child Prostitution**

40. The number of children exploited through prostitution in Cambodia cannot be ascertained. There can only be estimates with no straightforward explanation as to how they were gathered. Many of those who were consulted by the NGO CRC's Data Gathering Teams indicated that child prostitution in Cambodia is a reality as a result of human trafficking, migration and tourism. They pointed out that provinces frequented by tourists such as Siem Reap, Preah Sihanouk, Battambang, and Phnom Penh are where child prostitution is happening, a finding supported by a 2007 study from John Hopkin's University (paragraph 46).
41. The following are some of the bits and pieces of information on child prostitution from various sources:

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<sup>9</sup>Reporting on the OPSC and OPAC, A Guide for Non-governmental Organizations, NGO Group for the CRC. 2010

- The Protection Project, International Child Sex Tourism, Scope of the Problem and Comparative Case Studies, John Hopkins University, 2007 indicated that the number of individuals in prostitution in Cambodia ranges from 40,000 to 100,000 (30%-35% of which UNICEF estimates as children).
  - A field study carried out in Siem Reap in 2009 by International Justice Mission showed that 60 out of 80 brothels inspected by the team employed prostituted children.
  - World Vision and Hagar conducted a research published in 2008 on sexual abuse and exploitation of boys in Cambodia. The study indicated that a significant number of boys were sexually exploited by Cambodian and foreign adults. The study further revealed that boys were also abused by other children, adolescents and in some cases, by women.
42. Children in Cambodia succumb to prostitution because of a variety of reasons. Among them are: a) poverty, b) stressors in the family environment, c) large households, d) unemployment or seasonal employment, and e) no or limited education of child victims and their parents.
43. A shift from the traditional practice of confining children in houses and delivering them to the clients' hotels has been observed. Now-a-days, sex services are made available in entertainment venues such as karaoke bars, night clubs, beer garden and massage parlours. The classic venue for recruiting, pimping, and negotiations for exploiting children for sex remain to be the streets.

#### B.5.1.2 Child Pornography

44. The RGC National Report on OPSC mentioned 2 suppressed cases of child pornography, 1 victim and 2 perpetrators from October 2009 to October 2010. These numbers are definitely not representative of the real situation in the country with regards to child pornography.
45. The Global Monitoring status of action against commercial exploitation of children in Cambodia produced by ECPAT International<sup>10</sup> states *“Child pornography featuring violent abuse is reported to be widely available in Cambodia. Often the materials are produced by sex offenders who film or photograph the children they abuse. Victims also report being encouraged to watch pornographic materials with offenders which is a well-known method used to desensitise children to abuse.”*<sup>11</sup>
46. There are no readily available statistics on the number of victims of child pornography as this is done in secrecy with the accomplices. However, there were some studies done and observations made that indicate the incidence of child pornography and its link with child sex tourism in Cambodia. Among them are:
- In the past decade, establishment of internet shops was on the rise. Most of these cyber facilities do not have safeguards on accessing materials meant for adults only. In addition, these facilities in urban centers of

<sup>10</sup>Global Monitoring status of action against commercial exploitation of children in Cambodia produced by ECPAT International, 2011, 2<sup>nd</sup> Edition

<sup>11</sup>Global Monitoring status of action against commercial exploitation of children in Cambodia produced by ECPAT International, 2011, 2<sup>nd</sup> Edition

Cambodia were reportedly being accessed by the child sex offenders for their abusive activities.

- An International Child Sex Tourism, Scope of the Problem and Comparative Studies<sup>12</sup> Johns Hopkins University, mentioned that child sex tourism occurs in various Cambodian cities such as the capital Phnom Penh, the tourist destination Siem Reap and Preah Sihanouk, as well as the border provinces of Battambang and BanteayMeanchey. It also takes place in the eastern part of the country where eco-tourism flourishes.
- In Dr. Frederick Thomas Leigh Mathews' article on *Who are the Sex Tourists in Cambodia*, Melbourne, December 2006, he concluded that 27% of the children interviewed had watched pornographic films with offenders while 50% stated that offenders had made child abuse images (pornographic photos or films) of them.
- The Cambodian Daily reported in 2007 that child pornographic materials were for sale in various Phnom Penh markets. They were also available for downloading and viewing in mobile phones from computer stalls.

### **B.5.1.3 Sexual Trafficking**

47. In 2011, there were 71 cases involving 88 female victims and 76 offenders/recruiters of sexual trafficking<sup>13</sup>. Of this number, 75% were children. It was estimated that 2 in 3 victims were between 13 to 17 years old. It was also noted that there was a steady increase of victims in the 7-12 age group since 2007 and a shift in the age group of the majority of the victims from 18-24 between 2007 and 2009 to 13 – 17. From only 1 case of male victim from 2007 to 2010, the number rose to 17 cases in 2011.
48. Majority of the victims were a) students, b) living with their parents or with close family members such as grandparents, c) agreed to go with the recruiters, d) knowingly entered sex work, e) worked with other trafficked individuals, f) claimed that other individuals had been recruited from the same place and time as them, g) referred to the NGOs by another NGO or a relative, h) provided with support mostly legal assistance, counselling, food and accommodation and medical treatment.
49. Many of them were: a) promised another occupation and were deceived or forced into sex work, b) forced to perform sex acts or pornography, detained in place of employment, beaten and forced to work long hours.
50. Majority of the recruiters were Khmer females over 40 years old working directly or indirectly in entertainment establishments and were known to the victims (family member/relatives in most cases). The percentage of Khmer recruiters on the total number of recruiters seems to be decreasing over time. From 97.3% in 2008, it has gone down to 50% in 2011. A relatively significant number of recruiters were foreign tourists.
51. Nearly in all cases, were reported to the police and victims were freed from their trafficked situation by the police or jointly by the police and an NGO. At the end of the reporting period, very limited number of recruiters had gone to trial and only 14 had been convicted.

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<sup>12</sup> Paul H. Nitze School of Advanced International Studies, The Johns Hopkins University, The Protection Project, International Child Sex Tourism, Scope of the Problem and Comparative Studies, January 2007

<sup>13</sup> NGO Joint Statistics Database Report on Rape, Sexual Trafficking and Sexual Exploitation in Cambodia, 2011

52. In the review of some minutes of meetings and reports of the MoI on human trafficking of women and children, it was known that the ministry has been keeping track of the strengths and areas for enhancement of its prevention strategies, increase or decrease of trafficking cases, victim rehabilitation and reintegration, arrest of perpetrators, problems encountered and solutions attempted, and policy implications.

#### **B.5.1.4 Rape Cases**

53. Although rape cases were not specified in the OPSC, it is included in this report under sexual exploitation since it is a growing menace in Cambodian society with majority of the victims being children.
54. A total of 658 cases of rape were referred by NGOs<sup>14</sup> involving 671 victims and 770 offenders in 2011. Again, majority or 70 % of the victims were children estimated to be 1 in 3 and between the ages of 13 to 17. Victims under 12 years old are on the rise when compared to the data in previous database reports.
55. Majority of the child victims were: a) students (but a significant number or 28% were not attending school), b) living with their parents or with close family members such as grandparents, c) raped in the victims' homes with a significant number occurred in the offenders' homes, d) raped once, e) referred to the NGOs by another NGO or a relative, f) provided with support mostly legal assistance, counselling, food and accommodation and medical treatment.
56. The offenders were: a) male, b) nearly all Khmer, and b) known to the victims. Steady increase in the number of child offenders (below 12 years old) with a percentage increase in 2011 which is more than double the average from 2007 to 2011. Shift in the age group of majority of the offenders was noted. From 25 to 29 years old in the previous years, majority of the offenders in 2011 were from the age group of 18 to 24.
57. Nearly all 658 cases were reported to the police and majority were investigated. At the time of the reporting period, limited number of offenders had gone to trial and only 63 had been convicted.

#### **B.5.2 Sale of Children**

58. The RGC National Report on OPSC,<sup>15</sup> specifically on its General Information section mentioned, *“So far, there has been no national survey and database which can clearly determine the number and incident of the sale of children, including transfer of children for the specific purpose of sexual exploitation and the transfer of organs of children for profit, and the engagement of children in forced labor; there has been no clear data on children adopted through the efforts of intermediaries using methods incompatible with Article 21 of the Convention on the Rights of the Child and the Hague Convention on Protection of Children and Co-operation in respect of Inter-Country Adoption. Due to the nature of the offences and socio-psychological factors of victims and their*

<sup>14</sup> NGO Joint Statistics Database Report on Rape, Sexual Trafficking and Sexual Exploitation in Cambodia, 2011

<sup>15</sup> Royal Government of Cambodia, 1st and 2nd National Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC) 2002 - 2010

*families, fewer offences of trafficking were reported to the competent authorities.”*

59. The following are what the NGO CRC's Data Gathering Teams were able to get from various stakeholders on the sale of children for various purposes.

#### **B.5.2.1 Sale of Children through Improper Inducing Consent for Adoption**

60. Results of the FGDs and KIs with various stakeholders in 6 representative provinces indicated that they did not discount the possibility that some parents or relatives got something of value in exchange for a child. However, the informants added that the number could be highly insignificant and is not reported to the police. Because of the suspension of the inter-country adoption in Cambodia in recent years, sale of children with foreigners were not observed. Other stakeholders hinted of the possibility of some orphanages asking for some “donations” from prospective adoptive parents but this observation is unconfirmed and needs validation and research through documented evidences.

#### **B.5.2.2 Sale of Children for the Transfer of Organs**

61. The RGC's Responses to the Questions Raised by the United Nations High Commissioner for Human Rights <sup>16</sup> stated that:
- There is not a case of sale or trafficking of organs of children in Cambodia. If there is such a case, competent authorities shall take legal measures to suppress and punish offenders in accordance with laws. If there is such a complaint, competent authorities shall monitor, investigate, collect evidences; receive all pieces of information, reports; and solve all complaints through the judicial system.
  - There have never been report or complaint on incidents which disappeared or kidnapped children have been found loss of any organs.
62. NGO CRC's Data Gathering Teams noted that during the FGDs and KIs they conducted with various stakeholders in 6 representative provinces the respondents indicated that there were no cases of sale of children for the transfer of organs.

#### **B.5.3 Forced Labor among Children**

63. This area of concern in the OPSC was not covered in the RGC's National Report. It is included in this NGO's Report based on its interpretation of the instructions in preparing Alternative Report on OPSC.
64. While the country has had some significant economic gains in recent years, poverty is still widespread especially in the countryside. Poverty has been singled out as the prime reason why children and families lack education which in turn make them become easy prey of trafficking for sex and labor, child prostitution, child pornography, and child labor.

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<sup>16</sup>Royal Government of Cambodia's Responses to The Questions Raised by the United Nations High Commissioner for Human Rights Regarding Sale of Organs of Children Adopted by Council Minister in a meeting on April 13, 2007

65. Based on the 2008 General Population Census<sup>17</sup> undertaken by the National Institute of Statistics (NIS) of Cambodia, a total of 672,576 children between the ages of 15 and 19 years old were employed. A fraction of the children in the same age group totalling 28,286 persons were unemployed and looking for work.
66. Ideally, children should not work. If they do, they are deprived of the basic right to education. Without it, the children would lose the chance of learning, developing and strengthening their capabilities to liberate themselves and their families from poverty and vulnerability to victimization. They and their families would not be able to get out of extremely difficult circumstances of lack of education/skills due to poverty. But the stark reality is that children of many families are so poor the children need to work to help support their families.
67. In preventing and regulating child labor, the RGC has signed and ratified several international conventions, enacted several laws and regulations and formulated policies and guidelines. Among them are:
- International Convention No. 29 on the Forced or Compulsory Labor, adopted on June 28, 1930 by the International Labor Organization and ratified by the Kingdom of Cambodia on February 24, 1969.
  - Constitution of the Kingdom of Cambodia<sup>18</sup>: Article 48 “The State shall protect children from any forms of labor that are injurious to their educational opportunities, health, and welfare.
  - Labor Law, Section 5: Forced Labor, Article 15: Forced or compulsory labor is absolutely forbidden in conformity with the International Convention No. 29 on the Forced or Compulsory Labor, adopted on June 28, 1930 by the International Labor Organization and ratified by the Kingdom of Cambodia on February 24, 1969. This article applies to everyone, including domestics or household servants and all workers in agricultural enterprises or businesses. Article 16: Hiring of people for work to pay off debts is forbidden.
68. The Labor Law sets the minimum age for employment and regulate conditions of employment. In addition, it establishes the minimum age for employment at age 15 and the minimum age for dangerous employment at 18, with limited exceptions for light work. With these provisions, The Labor Law of Cambodia conforms to international standards based on the CRC and International Labor Organization (ILO) Convention No. 138.
69. Many of the perceived initial loopholes of the law were responded to by, and detailed instructions for the implementation of the laws were determined by a number of government regulations designed to provide guidance in implementing the Labor Law and in safeguarding the conditions and limitations of the working children. Among them are:
- PRAKAS No. 297, Vocational Training for Minors on Mines and Quarry (May 8, 1998);
  - PRAKAS No. 298, Prohibition of Minors from Working at Night (May 8, 1998);

<sup>17</sup>National Institute of Statistics of Cambodia, <http://celade.cepal.org/khmnis/census/khm2008/>.

<sup>18</sup>Constitution of the Kingdom of Cambodia, September 24, 1993

- PRAKAS No. 106, MoSVY, Prohibition of Children in Hazardous Work (April 28, 2004);
  - PRAKAS No. 305, MoLVT, Work in Sea Fishing, Item 6: The children below 15 years old shall be prohibited in the fishing works. Children aged 15 to 18 years old could be allowed to work on the boats only and shall be not allowed to work in and under the water;
  - PRAKAS No. 306, MoLVT, Working and Living Conditions in Plantations, Item 11: Children (both sexes) below 18 years old shall be prohibited working in processing factories and metamorphosis factories;
  - PRAKAS MoLVT, Working Conditions in Garments and Footwear Sectors, Item 7: Children below 15 years old shall not be employed in garment and shoe enterprises, factories or artisans;
  - PRAKAS No. 308, MoLVT, Working and Living Conditions in Salt Production Enterprises, Item 7: Children below 15 years old shall be prohibited in salt production work. Those over 15 years old shall be allowed in non-hazardous work;
  - PRAKAS No. 309, MoLVT, Working and Living Conditions in Brick-Making Enterprise, Item 6: Children below 15 years old shall not be allowed to work in brick-making sites. Those over 15 years old shall be allowed in non-hazardous work;
  - PRAKAS, MoLVT, Determination of Types of Light Work and Employment that Children Who have Attained 12 to 15 Years of Age May be Hired, Item 2: Light works are those types of work that are not hazardous to the health or mental and physical development of children, and do not affect the regular school attendance, the participation in guidance programs or vocational training approved by a competent authority (15 kinds of work were identified as hazardous to children).
70. In addition to the international and national laws adopted and promulgated, RGC developed the 2008-2012 National Plan of Action on the Elimination of the Worst Forms of Child Labor. It identifies the dangerous sectors where children are employed. Among them are domestic labor, quarry/sand making, brick making, portering (in borders and ports), work in restaurants/karaoke, rubber plantations, salt production, fishing and mining, rubbish/garbage picking and begging. It also listed strategies to reduce poverty through job and infrastructure creation, strengthening institutions such as the judiciary and education systems, directly intervening in sectors where disproportionate numbers of children worked, and abolishing trafficking through legislation and implementation. Now that the time line is almost over, it is interesting to know the outcomes, specifically the targets that were accomplished.
71. Findings of a study on the worst forms of child labor in Cambodia by the United States Department of Labor<sup>19</sup> in 2001 revealed that, approximately 45% of boys and 44.6 % of girls ages 5 to 14 were working in Cambodia. The majority or 76.5 % of working children were found in the agricultural sector, 17.7% in the services sector, 4.9% in the manufacturing sector and 0.9 % in other sectors. The study also revealed that children worked in hazardous conditions in commercial rubber plantations, in salt production, fish processing, portering, brick making, picking rubbish, tobacco plantations, and in making handicrafts. Children also worked in processing sea products; breaking, quarrying or collecting stones; in gem and coal mining; and in restaurants. Children,

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<sup>19</sup>United States Department of Labor, *2006 Findings on the Worst Forms of Child Labor - Cambodia*, 31 August 2007, available at: <http://www.unhcr.org/refworld/docid/48d7492723.html> [accessed 29 November 2012]

primarily girls, also worked as domestic servants. Most of these child domestics were girls 14 to 17 years old, some as young as 8 or 9. They typically worked 12 to 16 hours a day, 7 days a week.

72. Based on the results from the Cambodia Child Labour Survey (IPEC/SIMPOC, 2001), 1.52 million or 44.8% of the children aged 5-14 are economically active. Of this number, 45 % or 0.78 million are boys and 44.6 % or 0.74 million are girls, resulting in 44.8 % of all children in that age group. Approximately 8.6 % or 0.29 million of children in that bracket participate in the labour force without attending school. The gender gap among working children who do not attend school is slightly higher in urban areas than in rural areas. Furthermore, the 2001 Child Labour Survey estimated some 232,000 children aged 7-17 years in the nationally-identified *hazardous* forms of work, of which 106,000 fall within the 15-17 years age.
73. The RGC acknowledged the survey results by stating in its 2<sup>nd</sup> Report on UNCRC to the Committee on CRC, “Poverty is the major factor leading children to participate in the labour force. Poor livelihood forces families to involve children in earning additional income. In 2001, there were 1.5 million working children aged between 5 and 14 years old in Cambodia, of whom 250,000 were engaged in severe working conditions

## B.6 Dissemination and Training

73. The 1<sup>st</sup> and 2<sup>nd</sup> National Report of the RGC on OPSC mentioned a number of accomplishments in response Article 9 of the OPSC stating “*States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to these practices. States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this Article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.*”
74. Specifically, the report indicated that “*The Kingdom of Cambodia has disseminated the content of the Protocol to concerned institutions as well as to the mass media so that it can be fully disseminated to the population, including children. The content of the protocol is an important basis for continuing to enhance the understanding of and seek support from local authorities and communities as well. Also, the CNCC, which is the government’s arm (assistant) has a duty to carry out the dissemination and manage as well as monitor the implementation of this protocol. CNCC has published materials on the subject of the protocol for use in the dissemination.*”
75. In addition, the report also mentioned specific activities of GOs and NGOs or a collaboration of both, in disseminating the CRC, OPSC and other relevant initiatives. Select samples of topics covered in the capacity building activities targeting various actors and stakeholders from the national to the grassroots level were relevant laws, law enforcement, government policies, human trafficking, safe migration, roles of various justice officials, effective investigation, forensic and medical examination, among others. Mentioned in

the report as involved in information dissemination were CNCC, MoEYS, MoSVY, MoI, MoH, MoJ, MoT, Commune Councils, Bar Association of the Kingdom of Cambodia (BAKC), CHRC, CDP, PJJ, LAC, Cambodia – Acts, COSECAM, ECPAT, NGOCRC. KAPE, Mith Samlanh, UNICEF, UNOHCHR, ILO/IPEC, IOM, UNIAP, The Asia Foundation, World Vision, Save the Children, Plan International Cambodia and other organizations.

### **B.7 Observations and Comments:**

76. Overall, there have been various avenues taken by the RGC and the NGOs in disseminating the CRC, and building the capacities of duty bearers from the national to the grassroots levels on competencies relevant to the implementation of the CRC. However, there were no documented assessments or reports on the effectiveness of the various capacity building activities carried out for various stakeholder groups. Also, the observations of the NGOCRC's Data Gathering Teams with several groups of children and parents in Phnom Penh, Banteay Meanchey, Siem Reap, Preah Vihear, Preah Sihanouk and Svay Rieng, relevant GOs and NGOs and select members of the community from November 2 to 10, 2012 revealed that they were familiar with the UNCRC but not with OPSC.
77. Understanding the UNCRC does not guarantee awareness and understanding of the OPSC. Similar to OPAC, it was evident that more information dissemination and training on OPSC are needed among staff of provincial and municipal level GOs, NGOs, teachers, students, employers, employees especially among parents and rights holders, the children.

## **C. PROHIBITION AND RELATED MATTERS**

### **C.1 National and International Laws**

78. As indicated in the Prevention part of this report, international laws where RGC is a State party and national laws and other instruments appear sufficient to prohibit and curb the current situation of child rights violations. Most of these instruments have criminal provisions which should be able to deter violations of the child rights when fully enforced. However, the review of relevant legislations by CNCC and an inter-sector Working Group and some NGOs like the IOM identified certain gaps. Recommendations on amendments are outlined in part III of this report.

### **C.2 Some Results of Prohibition and Prosecution Efforts**

79. RGC's 1<sup>st</sup> and 2<sup>nd</sup> National Report on OPSC mentioned the following cases from October 2009 to October 2010 of the General Commissariat of National Police and the Country Military Police:
  - 1) Under the category Procurement With Regards to Child Prostitution, there were 26 suppressed cases, 109 victims, and 46 perpetrators.
  - 2) Under the category The Act of Selling, Buying or Exchanging a Human Being, a total of 10 suppressed cases, 10 victims and 17 perpetrators were documented. The report did not specify if the victims were adults or children.
  - 3) On child pornography, 2 cases were suppressed, 1 victim and 2 perpetrators were documented.

- 4) Sexual intercourse and indecent acts with minors under 15 years old had 33 suppressed cases, 34 victims and 37 perpetrators
80. Actions taken including investigation prosecution efforts were lumped with other cases. There were cases that were referred to Provincial offices of Social Affairs, Veterans and Youth Rehabilitation, NGOs and families or guardians.
81. In 2010, the capital and provincial courts of the first instance prosecuted 87 human trafficking and sexual exploitation cases with 112 suspected offenders. Eventually, 55 cases were tried and 76 perpetrators were sentenced.
82. Monitoring records of APLE revealed that from 2001 to May 2012, a total of 2433 suspected child sex offenders from 25 countries were arrested and brought to legal account.
83. According to the MoT official, licenses to operate of 2 small hotels were rebuked in 2008 and in 2012, some guest houses and massage parlors were ordered closed by the Mol.

### **C.3 Observations and Comments**

84. The RGC's commitment to uphold child rights are manifested in the various legislations designed to prevent child rights violations and abuses on the Cambodian children. However, gaps in legislations were identified and presented in the General Measures of Implementation of the CRC and the Optional Protocol section of this report. Specific recommendations are presented in part III of this report.
85. The following are some of the data on prosecution efforts based on the NGO Joint Statistics, Database Report on Rape, Sexual Trafficking and Sexual Exploitation in Cambodia:
  - 1) Nearly all 71 cases of sexual trafficking in 2011 were reported to the police and victims were rescued by the police or jointly by the police and an NGO. At the end of the reporting period, very limited number of recruiters went to trial and only 14 were convicted.
  - 2) Nearly 658 cases of rape in 2011 were reported to the police and majority were investigated. At the time of the reporting period, limited number of offenders went to trial and only 63 were convicted.
86. Data compiled by APLE - CAMBODIA PROTECT- The Project Against Child Sexual Abuse and Human Trafficking indicated that arrests of offenders/perpetrators from 2001 to 2012 totalled to 243. Of this number, 164 (67.4%) were convicted, 14 (5.7%) were tried but found not guilty, 37 (15.2%) were released, 25 (10.2%) pending and 3 (1.2%) died.
87. The established legal minimum age of employment was not implemented effectively. The actual situation on the ground was that many struggling families needed to earn for their daily survival Thus, 45% of boys and 44.6 % of girls aged 5 to 14 are in the Cambodian work force. Since the need for children to work is a reality in Cambodia, it would be logical to lower the minimum age of employment but strengthen the safeguards to protect the children from labor exploitation.
88. Overall, prohibition of child rights violations and crimes against children could be reinforced strongly through the efficient and effective enforcement of the

laws from receiving complaints and investigation to prosecution, trial, and convictions. The aforementioned trials and convictions are select samples of the ratio of the trials and the convictions vis-a-vis the number of cases filed.

89. Based on observations of some stakeholders, among the contributing factors in the initial stage of the process were: 1) competencies of the police in surveillance, gathering/documenting evidences, and investigating, 2) level of motivation and commitment of the police officers to discharge their duties given the current level of salaries and benefits, 3) incorruptibility or corruptibility of the police officers from bribes 4) lack of equipment to investigate and to track down suspected offenders: vehicles, radios, video camera, computers, etc. and 5) reasonable allowance for petrol, coffee, and or meals in a hotel and other touristy places to carry out surveillance and related operations, etc.
90. For over five years now, NGOs like APLE, LAC, among others, has been investing in developing and enhancing the competencies of the police in surveillance, gathering/documenting evidences, and investigating in the 4 provinces it covers. The increasing support of the NGOs in this field is contributing to the enhancement of the competencies of the police officers nationwide.
91. On the prosecution process, a number problem area had been identified. Among them are: 1) need for legal assistance to poor child-victims, 2) need for strengthening the understanding of the court officials on child rights-related international and national laws, 3) need to do something about the big volume of cases that courts handle, 4) need to review the variety of cases handled by a specialised judge, and 5) need for more courts to be dedicated to juvenile cases.
92. Various legal NGOs and the BAKC have been providing free legal assistance to poor child victims in response to item 1. However, the geographic coverage and sustainability of this assistance have to be assessed and planned for. For item 2, capacity building programs for judges and prosecutors other court officials to become more attuned with child rights-related international and national laws have been conducted by MoJ in partnership with several NGOs and by the Royal Academy for Judicial Professionals. Initiatives from the RGC to respond to the three other problem areas have started, but more work needs to be done.

#### **D. PROTECTION OF THE RIGHTS OF THE VICTIMS AND THE ACCUSED**

93. The RGC in its National Report on OPSC outlined at least 11 select major samples of measures that were adopted and observed by primary and secondary duty bearers to ensure that the rights of the child victims and the accused are protected. In many of the measures adopted, capacity building of those involved in their implementation was carried out.
94. Among the areas in the protection of rights that were secured by the RGC were: 1) best interest of the child victims of trafficking is highly considered, 2) safe and supportive environment for child-victims or witnesses in court proceedings, 3) provision of child and social welfare and rehabilitation service to orphans and disabled children, 4) alternative care for children, 5) minimum standards for child care, 6) legal assistance for child victims, 7) identifying the child, 8) safety and security of the child victim, 9) rights of the child victim to receive all relevant information, 10) right to expression, 11) interviewing child victims, 12) forensic

and medical investigation, 13) case management, 14) social services, 15) fair and impartial trial, 16) inadmissibility of confessions obtained from physical or mental coercion, and 17) search and identification of the child.

95. Specific to child labor, the following are some of the provisions in the Labor Law and regulations of Cambodia meant to protect the children in the labor force. Attached to some of the provisions are corresponding areas of concern.

- 1) Article 1 of the Labor Code does not apply to domestic or household services in which many children are now engaged. These children are not legally protected and are vulnerable to labor exploitation.
- 2) Articles 172-181 provide legal guidelines on protecting children at work. Among those included in the guidelines are: right to request a physician, maximum work hours for children, and time allotted for rest.
- 3) Article 177(4), children as young as twelve years old can be employed to do “*light work*”. The term light work has now been defined by the MoLVT through Prakas on Determination of Types of Light Work and Employment that Children Who Have Attained 12 – 15 Years of Age May Be Hired Light works are those types of work that are not hazardous to the health or mental and physical development of children, and are not affect the regular school attendance, the participation in guidance programs or vocational training approved by a competent authority. The types of light work referred to in the condition of Item 1 are:
  - a) Light feeding work in agriculture; caring for small domestic animals (however, not catching and killing of those animals); planting work; collecting agro-product, fruit picking (however, not to climbing), and cleaning;
  - b) Weeding and hoeing;
  - c) Routine work for the marking of goods;
  - d) Work in certain shops, such as fruit and vegetable business or news-stands and similar products;
  - e) Receiving, packing, selecting, sorting out and assembling light goods and empty packaging;
  - f) Light cleaning, clearing and table setting such as plate, spoons, forks, knives, etc;
  - g) Easy manual assembling (however, not soldering, welding or work with dangerous adhesive products);
  - h) Painting work with protecting gears, but not spray-painting;
  - i) Easy work, such as sewing, filling bags, folding cartons and polishing ceramic and glass products, cut off a leaving fabric, or resembling other parts of clothes, or clearing an oil sedimentary on clothing products or putting trade mark and price of clothes;
  - j) Marking and sorting out clothes for laundry;
  - k) Checking and inspecting of products;
  - l) Internal messenger work;
  - m) Lighters letters or message carrying, including delivering newspapers and other documents;
  - n) Putting up books in libraries;
  - o) Lifting, shouldering, carrying, handing light goods.
- 4) Labor Law specifies that inspectors from the MoLVT will oversee compliance of the law’s provisions. The Ministry has limited number of inspectors.

- 5) The MoLVT is in charge of issuing regulations to clarify the law and give guidance to the law enforcement. There are still provisions in the Labor Law that needed regulations.

#### **D.1 Observations and Comments:**

96. Mechanisms for protecting the rights of the child and for ensuring that the best interest of the child is highly considered are comprehensive and generally well in place. However, accountability and sustainability of their implementation needs to be strengthened. The intensity of implementing the mechanism is usually high in the first few years of implementation and drops as the issue loses center stage and resources begin to drop or overtaken by other issues.
97. The campaign against child sex tourism is an example. Two to three years ago many three wheels moto-dup servicing the transportation needs of the tourist and locals in the capital Phnom Penh bore advocacy posters with the drivers reinforcing the message through the shirts they wore to prevent children from sexual abuse. Now, these are hardly seen and leaflets against child sex tourism in various touristy places are rarely seen.
98. The official of the MoT explained that those initiatives although need-driven were also donor funds-driven. However, the Department is now ready to strengthen its advocacy efforts with the support of the City Hall, Child Wise and Stop Sex Trafficking of Children and Young People.
99. Since CNCC is given the mandate to oversee, coordinate and monitor government and non-government programs geared towards the overall well-being of Cambodian children, CNCC should oversee and initiate the renewal and sustainability of the motivation and commitment of the duty bearers to keep going. Setting of specific targets based on overall country situation analysis, identification of specific accountabilities, monitoring and reporting of accomplishments need to be more focused and orchestrated.

#### **E. INTERNATIONAL ASSISTANCE AND COOPERATION**

100. Collaboration and cooperation among the various international and domestic stakeholders in the implementation of the UNCRC and OPSC in the Kingdom of Cambodia are very evident. From the RGC, almost all the branches of government have mandates that are relevant to the implementation of the CRC and OPSC. Most important, the government created an official special body to oversee and coordinate all efforts in the implementation of the CRC, the CNCC.
101. UN agencies and international organizations such as UNICEF, UNDP, UNOHCHR, ILO/IPEC, WFP, UNIAP provide technical and financial support to various programs and projects organized by government agencies or institutions. National and international NGOs like The Asia Foundation, World Education, Plan International, Save the Children,NGOCRC, Intervita, ECPAT and other national and international organizations have several packages of programs and projects responding to the priority issues and concerns of the children in relation to UNCRC and to OPSC. Inherent in their assistance is the capacity building of the rights holders and duty bearers on UNCRC. Most of these organizations have programs and projects that are highly relevant to OPSC.

102. The local NGOs in collaboration with relevant government institutions and stakeholders including children, identify priority needs of the rights holders in the NGOs' areas of operations. They design programs and projects with maximum stakeholders' participation. Their interventions cover a wide range of services in the field of education, health, parenting, child protection, trafficking, legal assistance, etc.
103. The over 50 NGO members NGOCRC provide the services and assistance to children with funding from local and international donors. Services of some NGOs directly respond to the need for prevention, prosecution and protection of the rights of the child-victims in strategic locations in the country in relation to cases specified in the OPSC. Common across these NGO members is their continuing dissemination of the UNCRC to various stakeholders in their respective areas of operations. Covering OPSC in their dissemination efforts need to be factored in their plans.
104. Other coalitions of NGOs supporting the OPSC include among others, COSECAM and ECPAT.

### III. CONCLUSIONS AND RECOMMENDATIONS

#### A. LEGAL STATUS AND DISSEMINATION OF THE OPSC

105. On the basis of Decision No.092/003/2007 of the Constitutional Council of the Kingdom of Cambodia, declaring that “*International laws, recognized by the Kingdom of Cambodia, especially the Convention on the Rights of the Child, are considered as part of the law of Cambodia,*” the OPSC is officially part of the law of the Kingdom of Cambodia.
106. As a result of the various advocacy and information dissemination campaigns of the government Ministries and institutions as well as of several international and local NGOs, many of the rights holders and duty bearers are familiar with the provisions of the UNCRC. However, the same is not true of OPSC. It is recommended that after covering the basic and international law on child rights, familiarizing the rights holders and duty bearers on its Optional Protocols, especially OPSC, should follow. Awareness and understanding of the OPSC will enable the children to claim their rights and the duty bearers to deliver what are expected of them.
107. In addition, since CNCC is in the process of preparing a training manual and pocket guide on UNCRC for government employees with the intent of mainstreaming it in their respective offices, it will be timely to include the OPSC and the OPAC in these materials.

#### B. MECHANISMS FOR THE IMPLEMENTATION OF THE UNCRC AND THE OPSC

108. The vertical and horizontal structural mechanisms for the implementation of child protection are adequate and cover community up to national levels. Working Groups provide avenues for the active participation of representatives from the various ministries and institutions of the government and the civil society through the NGOs. However, the philosophy of child participation needs to be modelled in these endeavours.
109. The current practice of the RGC through CNCC is consultation with the children on issues affecting their lives. While this is a sound practice, a higher level child participation should be planned and implemented. Child leaders’ capacity to identify, analyze, and deliberate on issues relevant to child protection and other issues and concerns should be developed and harnessed.
110. CNCC is a council whose duties among others is to control, monitor, and evaluate the implementation of the CRC but the voices of the Cambodian children are not directly represented in the council. It will be to the best interest of the children if some of their representatives sit as members of the council. CNCC could develop guidelines and procedures in the selection and participation of child representatives in the council.

#### C. STRENGTHENING THE NATIONAL LEGISLATIONS

111. As discussed in the previous sections of this report, a number of national laws support the UNCRC and the OPSC. However, some laws need to be amended to strengthen their responsiveness to the rights of the child. The following are recommendations to the gaps identified and presented in the General measures of Implementation section of this report. These recommendations were formulated by the members of the inter-sector Working Group mobilized

by CNCC for the purpose of reviewing the current laws vis-a-vis the child rights.<sup>20</sup> Some recommendations from the various stakeholders were also added.

**a) Birth Registration and Nationality**

- Ensure that all children born within the jurisdiction of Cambodia, including those born from non-citizens, are entitled to be registered at birth.
- Ensure that all children born in Cambodia can obtain a nationality without discrimination of any kind in order to avoid statelessness. It is further recommended that children be eligible to apply for Cambodian nationality after a certain qualifying period of time of residence in Cambodia. Ensure all children born within the jurisdiction of Cambodia are entitled to be registered at birth, including those born from non-citizens.

**b) Violence**

- Cambodia should repeal article 1045 of the Civil Code authorizing corporal punishment of children. As well, legislation should be enacted to explicitly prohibit corporal punishment of children in all settings, including within the family.
- Mandatory reporting of all forms of violence and abuse of children to appropriate bodies by certain professional groups.
- National legislation should include provisions on the establishment of effective systems for identification of violence against children, child-friendly reporting and referral in areas, such as in school settings and in the justice system.

**c) Alternative Care**

- New legislation should contain provisions giving the State, through MoSVY, the power to take immediate protective custody of a child victim of trafficking, exploitation, abuse or serious neglect, wherein the parents/legal guardians are the perpetrators or are complicit with the perpetrators.
- National legislation should be developed, requiring all existing and future residential care facilities for children run by the State or by NGOs/ qualified civil society organizations to register with MoSVY as a condition for operating.
- A new law on domestic adoption which sufficiently addresses the gaps mentioned above should be considered.
- Guidelines should be developed, requiring criminal background checks for all staff members and volunteers before they work directly with children.

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<sup>20</sup>Gaps Analysis of Child Protection Legislations in Cambodia. CNCC. Phnom Penh: 2011.

**d) Inter-Country Adoption**

- Article 109 of the Law on Marriage and Family, allowing foreigners to adopt children under domestic adoption provisions, should be reviewed and clarified.
- National legislation should include provisions on criminal and administrative penalties for activities involving improper financial gain outlined in the ICA Law.
- Provisions should be included into national legislation, requiring that all fees, with respect to inter-country adoption procedures to be determined and published.
- Set up a monitoring system on in-country and overseas child adoption.

**e) Child Refugees**

- Child refugees or children seeking refugee status should be given special assistance and protection appropriate to all their needs, including that interviews and hearings should be conducted in a child-friendly environment and the entitlement to lodge an appeal.
- National legislation should include clear provisions on detention procedures for asylum-seeking and refugee children on that they are only deprived of their liberty as a measure of last resort and for the shortest appropriate period of time.
- National legislation should be introduced which ensures family reunification procedures for refugee children.

**f) Children with Disabilities**

- National legislation should be amended or developed to include additional rights and services for children with disabilities, including the specific right for disabled girls and access to an independent mechanism for considering complaints.
- National legislation should be adopted to ensure that all health care and services provided to persons with disabilities, including all mental health care and services, is based on the free and informed consent of the person concerned, and that involuntary treatment and confinement are not permitted by law.

**g) Child Labor**

- Include a provision in national legislation addressing that child workers working in the informal sector are entitled to the same rights and protection as children working in the formal sector as outlined by the Labor Law, regardless of having a contract or receiving payment in cash or in kind.
- National legislation should be developed on domestic work, including provisions on child domestic workers.
- The Labor Law, article 177(3) should be amended so that the minimum age to be allowed to work in hazardous conditions is raised

*from 15 to 16 years old* in compliance with ILO Convention 138 on Minimum Ages.

- National legislation should be developed providing an absolute prohibition on employment of children below 18 years of age within certain entertainment venues, such as beer gardens, karaoke parlours, and nightclubs.
- The Labor Law should be amended in order to increase the current fines with reference to the employers who fail to comply with provisions on employment of children. In addition, imprisonment provisions should be included.
- The RGC should require any person who employs a child at the age the law allowed to work to have a written agreement with the child or his lawful representative to avoid potential violation of child rights or exploitation of children.
- Specifically include in the amendment to the Labor Law enforcement of laws and penalties related to document fraud (i.e. falsifying children's age) to qualify for employment abroad and for other purposes relevant to employment.

#### **h) Drug Abuse**

- A provision should be included in national legislation covering minimum ages for the purchase of alcohol and tobacco.
- National legislation should include provisions specifically referring to children, such as children should be referred to community-based and family-centered treatment and rehabilitation; children should only be detained or placed in an institution of minors as a measure of last resort and for the shortest appropriate period of time and children should be treated or placed in drug rehabilitation or treatment facilities separately from adults.
- National legislation should contain provisions on due process rights with respect to enforcing involuntarily placement and treatment.
- Legally follow medical procedures/protocol on the treatment drug addicted children in the rehabilitation centers.
- The Royal Government should establish more rehabilitation centers that need the standards.

#### **i) Sexual Exploitation and Trafficking**

- It is recommended to define adult entertainment centers in the Law on Tourism. In addition, national legislation should provide an absolute prohibition for children below 18 years of age to access into certain adult entertainment premises as well as to be employment for certain types of work in adult entertainment facilities.
- A new offense should be included in national legislation punishing entertainment establishment owners, who knowingly have minor employees taken out by customers for sexual purposes.
- National legislation should make it mandatory for a judge to order a permanent ban on stay of any foreigner staying in Cambodia, including tourists, found guilty of the offenses of sexual abuse, exploitation, sale and trafficking of children.

- Under the national Law on Tourism, a visa should be revoked permanently in case a tourist or traveller joined any activity, which involved sexual abuse, exploitation, sale and trafficking of children.
- National legislation should be developed or amended in order to include punishments for violation of the right to privacy of children who are victims of offenses stipulated under the LSHTSE.
- Strengthen the enforcement of the ban on the production and distribution of pornographic materials through heavier penalties.
- The RGC should strengthen the management of the social media that show child pornography (i.e. facebook)

**j) Other Forms of Exploitation**

- National legislation should be developed in order to enforce a code of ethical standard for the treatment of the children, which includes guidelines on when and how children may be subject of research.

**k) Torture & Deprivation of Liberty**

- National legislation should be developed in order to detail provisions on age-identification mechanisms for children in prison.
- National legislation should be developed on mechanisms directing the screening and classification of people who are collected from the streets.

**l) Children in Armed Conflicts**

- National legislation relevant to children in armed conflict should be developed in order to include provisions on the protection and care of children who are affected during armed conflicts.

**m) Juvenile Justice**

National legislation should include:

- The establishment of a juvenile court or a separate chamber for minors to try cases of children separately from adults.
- Specialized police, clerks, judges, and prosecutors in juvenile cases.
- Special provisions on the roles and responsibilities of social workers specialized in juvenile cases.
- Child-friendly procedures throughout the entire criminal process.
- Diversion programs at the different stages of the criminal proceedings.
- The right for detainees in police custody to receive legal representation from the moment they have been arrested.
- Cambodia should draft separate legislation governing child victim protection including child-friendly procedures in the justice system or its inclusion in other relevant law reform initiatives.

## n) UNCRC Core Principles

- Provisions with respect to children's access to effective complaints procedures should be incorporated into any future national legislation relevant to children, or amendment thereto, in particular with respect to the areas mentioned in the gap above.
- It is recommended to establish an independent mechanism (e.g. Ombudsperson for Children) either as part of a National Human Rights Institution with a Child Unit, or set up a separate mechanism to monitor the implementation of the Convention.

## D. PREVENTION, PROHIBITION AND PROTECTION OF THE RIGHTS OF THE CHILD VICTIMS

### D.1 Addressing Poverty

112. The general underlying cause of the offenses on the child rights covered by the OPSC is poverty. Despite prevention and prohibition efforts of the Government and the NGOs, children succumb to the lure of prostitution, pornography, trafficking, child labor even in hazardous types of work, to support the survival needs of their families. Given a choice, they will not take these risky jobs or situations and would prefer to be in school.
113. It is in this context that the major recommendation to combat these problems is made. Organize/create massive job opportunities for the poor by:
- 1) Encouraging more investors in the country thereby generating more jobs;
  - 2) Exploring additional export possibilities that would generate more jobs;
  - 3) Organizing cooperatives, among farmers and other groups of workers;
  - 4) Encouraging more micro-finance institutions to operate in the country side;
  - 5) Exploring possibilities of placing semi-skilled workers abroad;
  - 6) Developing their entrepreneurial skills/providing them small business ideas, and
  - 7) Providing them with capital and technical assistance

### D.2 Sustainability of Advocacy and Awareness Raising Efforts

114. Advocacy and Information Dissemination to achieve the desired effects and impact need to be repeated and sustained over a considerable period of time. Visibility of messages in posters and other media serve as deterrent to violations of child rights and remind prospective offender/perpetrator that Government is serious in combating these ill practices.

### D.3 Data Base System and Research

115. There are at least independent 4 data base systems that are operational in the various government Ministries and institutions (CAMInfo with MoP, Database on Repatriation of Women and Child Victims with MoSVY, Database on Sex Offenses, Human Trafficking and Domestic Violence with MoI, and Database on Child Justice with MoJ). However, their coverage, linkage, and publication of the data and its analysis and implications are among the areas for enhancement.

116. Linked with need for the enhancement of the data base systems is the need to undertake research on child rights violations/offenses including child pornography and sexual exploitation in cyberspace. Research is also needed on children's participation in communities, in households, in schools, in shelters, and in juvenile justice system processes. Results will inform the strategic interventions on improving prevention and prohibition on child rights violation efforts and the interventions on strengthening child participation.

#### **D.4 Capacity Building**

117. Continuing capacity building for various stakeholders is needed to enhance the efficiency and effectiveness of the prevention and prohibition of violations on child rights and the protection of the child-victims. Among them are: 1) specialized child protection training focused on child-sensitive approaches for law enforcement and government officials, 2) psycho-social care for child victims, 3) internet safety for children and adolescents, 4) coordination areas and mechanisms between police and court officials on child-related cases.

#### **D.5 Provision of Additional Budget for the Police for Surveillance and Gathering of Evidences**

118. The concern on strengthening the competencies of the police officers on conducting surveillance, gathering/documenting evidences, and conducting preliminary investigations has already been responded to with support from the NGO community, UN agencies, and development partners. However, the police officers have a number of limitations and constraints to work on such as transportation, equipment, representation allowance, etc. Considering the fact that prosecution of the offenders/perpetrators begins with these initial steps, it is crucial that the police officers be provided with adequate budget to efficiently and effectively carry out the roles expected of them.

#### **D.6 Unifying Initiatives on Anti-Trafficking**

119. It was very notable that many government ministries and institutions have special bodies to respond to the problems and issues of trafficking. Added to them are the many NGOs who are also implementing programs and projects on trafficking. These resources have to be orchestrated to ensure that roles and accountabilities of various actors are defined and clear, intended coverage is reached, services are spread according to the needs and priorities as determined by the oversight body.

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## IV. ANNEXES

### ANNEX 1

#### LIST OF STAKEHOLDERS INTERVIEWED

##### Phnom Penh

|     | <b>Name</b>           | <b>Position</b>   | <b>Organization</b>   |
|-----|-----------------------|---|---|
| 1.  | H.E. Chan Haranvadey  | Under Secretary of State  | MoSVY   |
| 2.  | H.E. Khiev Bory       | Secretary General   | CNCC  |
| 3.  | H.E. SivannBotum      | Secretary of State  | MoWA  |
| 4.  | Ms. Tao Sokmara       | Deputy Director General   | General Department of Local Administration, Mol                         |
| 5.  | Mr. Pun Sophanara     | Chief of Education Office and Member of CSTC  | Education and Training Department, MoT                                  |
| 6.  | Ms. Mao Sothea        | Assistant   | Office of the Chief of CSTC, MoT  |
| 7.  | Mr. Chhiv Lim         | Project Manager   | CMAA  |
| 8.  | Mr. Muon Monoketya    | CMVIS Database and Data Gathering Section Supervisor                                    | CMAA  |
| 9.  | Mr. Esteban Olhagaray | Protection and Communication Specialist Clearing for Results Phase II/Poverty Reduction | UNDP  |
| 10. | Ms. Souad Al Hebshi   | Chief, Child Protection   | UNICEF  |
| 11. | Mr. Plong Chhaya      | Child Protection Specialist   | UNICEF  |
| 12. | Ms. So Serey Vathana  | Child Protection Officer  | UNICEF  |
| 13. | Ms. Catherine Phuong  | Coordinator, Rule of Law Unit   | UNOHCHR   |
| 14. | Mr. Vong Ton          | Programme Associate   | UNOHCHR   |
| 15. | Mr. Chin Chanveasna   | Executive Director  | ECPAT   |
| 16. | Mr. Khoem Vando       | Project Officer – Phnom Penh  | APLE  |
| 17. | Mr. Phok Bunroeun     | Executive Director  | Cambodian Children Against Starvation and Violence Association (CCASVA) |
| 18. | Mr. Meas Youth        | Executive Director  | Children and Poor Communities Development Organization (CPCDO)          |
| 19. | Mr. Thaneth           | General Manager   | Center for Child Hope (CCH)   |
| 20. | Ms. Kong Thanh,       | Village Leader  | Poprakthung Village, Kakap Commune, Sensok District                     |
| 21. | Ms. Chai Sokha,       | School Director   | Tang Krosang Primary School, Kakap Commune, Sensok District             |

**Banteay Meanchey**

| <b>Name</b>             | <b>Position</b>  | <b>Organization</b>                          |
|-------------------------|--|--|
| 1. Dr. Che Pichet       | Deputy Director  | Provincial Office of Health                  |
| 2. PS SithLuos          | Police Supervisor  | Provincial Police Office                     |
| 3. Atty. Hang Som-On    | Director   | LAC in Banteay Meanchey                      |
| 4. Mr. Oeur Channtrea   | CR Advocacy Officer  | LAC in Banteay Meanchey                      |
| 5. Ms. Khan Sothaly     | Project Officer  | LAC in Banteay Meanchey                      |
| 6. Mr. Chhoeuy Channa   | Director   | PoEYS  |
| 7. Mr. Chhoun Phanna    | Head, Office of Secondary Education                          | PoEYS  |
| 8. Mr. Vun Vuthy        | Deputy Administrator   | PoEYS  |
| 9. Mr. Chhou Bunroeung  | Deputy Officer, Office of Planning, Accounting and Equipment | PoEYS  |
| 10. Ms. Ye Hat          | Deputy Officer, Informal Education                           | PoEYS  |
| 11. Ms. Bun Sokny       | Counselor  | Cambodia Women's Crisis Center (CCWC)        |
| 12. Ms. Pick Kinny      | Counselor  | Cambodia Women's Crisis Center (CCWC)        |
| 13. Mr. Ouk Peok        | Commune Leader   | BanteNeang Commune                           |
| 14. Mr. Kert Visal      | Youth Leader   | Banteay Neang Commune                        |
| 15. Ms. Thoung Borei    | CCWC   | Banteay Neang Commune                        |
| 16. Mr. Noun Doeun      | Village Leader   | Banteay Neang Village, Banteay Neang Commune |
| 17. Mrs. Chheang Bo kei | School Principal   | Banteay Neang Primary School                 |

**Siem Reap Province**

| <b>Name</b>            | <b>Position</b>                     | <b>Organization</b>  |
|------------------------|-------------------------------------|--|
| 1. Mr. Ngor Buntown    | Chief                               | Banteay Srey District Health Centre  |
| 2. Mrs. Sann Saray     | Commune Council, on Women's Affairs | Knar Sanday Commune, Banteay Srey District   |
| 3. Ms. Vann Reth       | Deputy Leader                       | Community Youth and Child Support Club, Knar Sanday Commune, Banteay Srey District |
| 4. Mr. Em Ing          | Deputy Commune Leader               | Sala Kravan Village, Romchek Commune, Banteay Srey District                        |
| 5. Mr. Pho Chan Thoo   | School Director                     | Banteay Srey District  |
| 6. Mr. Dueng Thavery   | Deputy Chief                        | Siem Reap Police Office  |
| 7. Ms. Phea Sombo Lina | Manager                             | Health Centre,   |
| 8. Mr. Li Moniroth     | Center Manager                      | Acting for Women in Distressing Situations (AFISIP)                                |
| 9. Ms. Thav Minea      | Center Manager                      | WHI  |
| 10. Mr. Bueng Pich     | Head                                | DoSVY, Siem Reap   |
| 11. Mr. Nab Han        | Deputy Head                         | DoSVY, Siem Reap   |

### Preah Sihanouk Province

| Name                    | Position                     | Organization  |
|-------------------------|------------------------------|---|
| 1. Mrs. Yok Sopheak     | Deputy Chief                 | Commune Council, Bei Commune  |
| 2. Mr. Cheav Kimhun     | Chief                        | Health Center, Bei Commune  |
| 3. Miss. Nheak Srey Oun | Club Leader                  | Child Advocate Network Village 1 Sangkat Krong 3, Kampenh                   |
| 4. Mrs. Mom Sophorn     | Village Chief                | Sangkat Lek 1   |
| 5. Mrs. Koe Bunthy      | Principal                    | Bet Trang Primary School, Sangkat Bet Trang                                 |
| 6. Mrs. Rus Touch       | Deputy School principal      | Bet Trang Primary School, Sangkat Bet Trang                                 |
| 7. Mr. Hoh Chin Hi      | Chief                        | Sangkat Ream, Krong Preynup,  |
| 8. Mr. Kim Sitha        | Chief of Administration Unit | Provincial Department of Health   |
| 9. Mr. Soun Sophat      | Vice-Chief                   | Anti- Human Trafficking and Juvenile Protection Unit, Provincial Government |
| 10. Mr. Mork Saroeun    | Deputy Director              | PoEYS   |
| 11. Mrs. Sao Kan        | Director                     | DoWA  |
| 12. Mr. Yi Moden        | Project Manager              | APLE  |

### Svay Rieng Province

| Name                 | Position   | Organization                         |
|----------------------|--|--------------------------------------|
| 1. Chy Che           | Judge  | Provincial Court                     |
| 2. Mr. Oung Sam Ol   | Vice-Chief of Anti- Human Trafficking and Juvenile Protection Unit | Provincial Police Office             |
| 3. Mr. Em On         | Chief, Office of kindergarten Unit                                 | PoEYS                                |
| 4. Mr. Neth Souvan   | Vice-Chief of Youth Unit   | PoEYS                                |
| 5. Mr. Prum Vannak   | Deputy Director  | DoSVY                                |
| 6. Mr. Sieng Ramo    | Project Manager  | CCPCR                                |
| 7. Mr. Toen Heantang | Field Coordinator  | Wattanakpheap                        |
| 8. Mr. Khao Sokhoeun | Training Coordinator on Anti-Child Trafficking                     | Santeh Sena                          |
| 9. Mr. Say Saran     | Sangkat Vice- Chief  | Sangkat SvayToeur, Krong Svay Rieng  |
| 10. Mrs. Phok Sokha  | Chief of CCWC  | Sangkat SvayToeur, Krong Svay Rieng  |
| 11. Mr. Prak Vuthy   | Primary School Principal   | Sangkat Koy trabek, Krong Svay Rieng |

### Preah Vihear Province

| Name                  | Position       | Organization             |
|-----------------------|----------------|--------------------------|
| 1. Mr. Phang Sokom    | Commune Leader | Commune Council          |
| 2. Ms. Mon Som Ul     | Officer        | Women Affairs Office     |
| 3. Mr. Chhay Soa Moni | Chief          | Provincial Health Office |

|                       |                        |  |
|-----------------------|------------------------|--|
| 4. Mr. Chan Roth      | Provincial Manager     | LICADHO  |
| 5. Ms. Munh Chan Penh | Head                   | Provincial Office of Social Affairs, Veterans and Youth Rehabilitation |
| 6. Ms. Phang Ravi     | Deputy Head            | Provincial Office of Social Affairs, Veterans and Youth Rehabilitation |
| 7. Ms. Yim kokon      | Child Wellbeing Leader | Provincial Office of Social Affairs, Veterans and Youth Rehabilitation |
| 8. Mr. Sok Sovan      | Admin Manager          | Provincial Office of Social Affairs, Veterans and Youth Rehabilitation |

## ANNEX 2

### LIST OF FGD PARTICIPANTS

#### Child-Participants

| Phnom Penh               | Banteay Meanchey Province | Siem Reap Province     |
|--------------------------|---------------------------|------------------------|
| 1. Lim Heng (M)          | 1. Kert Visal (M)         | 1. Matt Morm (M)       |
| 2. Phat Sovannara (M)    | 2. Khleng Srey Moch (F)   | 2. Chhonh Chanthou (F) |
| 3. Brak Siela (M)        | 3. Seng Sino (M)          | 3. Ourm Saleab (F)     |
| 4. Eang Kimleang (F)     | 4. Tem Sakana (F)         | 4. Oeum Phally (F)     |
| 5. Khat Channun (F)      | 5. Sor Chantha (F)        | 5. Soeun Saloet (F)    |
| 6. Brach Bopha (F)       | 6. Teng Sorn (M)          | 6. Tes Sro Em (F)      |
| 7. Chap Pinut (M)        | 7. Rin Rattanak (F)       | 7. Bres Thach (F)      |
| 8. Mao Sreyvin (F)       | 8. Mon Sov Chi (F)        | 8. Soeun Salen (F),    |
| 9. Lim Sreynat (F)       | 9. Lin Kimlay (F)         | 9. Chhoem Sarun (F)    |
| 10. Hor Sokheng (F)      | 10. Mao Phearun (M)       | 10. Chhet Uch (F)      |
| 11. Ly Bona (M)          |                           | 11. Mok Srey Hom (F)   |
| 12. Sang Marady (F)      |                           | 12. Chhoem Sreymom (F) |
| 13. Yim Bonroth (M)      |                           | 13. Vann Champey (F)   |
| 14. Heang Srey Neang (F) |                           |                        |
| 15. Chay Sokha (F)       |                           |                        |
| 16. Pov Srey Leak (F)    |                           |                        |
| 17. Nhib Siela (F)       |                           |                        |

| Preah Sihanouk Province | Svay Rieng Province      | Preah Vihear Province    |
|-------------------------|--------------------------|--------------------------|
| 1. Mann Sothea (M)      | 1. Toch Phirun ( M)      | 1. Khann Pech Chenda (M) |
| 2. Than Socheata (F)    | 2. Chea Sopanha ( F)     | 2. Horm Reaksmeay (F)    |
| 3. Sok Sreynich ( F)    | 3. Mok Daneang ( F)      | 3. Hour Cheang Heng (M)  |
| 4. San Vuthy ( M)       | 4. Leng Chanratana ( M)  | 4. Lonh Samphoas (F)     |
| 5. Keo Sreyneang ( F)   | 5. Chan Kira ( M)        | 5. Khleun Chan Horm (M)  |
| 6. Keo Phearun (M)      | 6. Kong Sovanda ( M)     | 6. Horm Pheak-kdey (F)   |
| 7. Kim Sophearun ( M)   | 7. Sok Sokunthea ( F)    | 7. Lonh Makara (F)       |
| 8. Chea Sreymeas ( F)   | 8. Mom Chantha ( M)      | 8. Dieb Lyna (F)         |
| 9. Kim Chan Mony (M)    | 9. Ouk Sovanthida ( F)   | 9. Meun Sreyneth (F)     |
| 10. Tep Sovannary ( F)  | 10. Seng Channy ( F)     | 10. Vong Tomla (F)       |
| 11. Suon Makara ( M)    | 11. Ken Bandith ( M)     | 11. Yeun Sokhea (F)      |
| 12. Pa Chhay Lay ( F)   | 12. Prom Sok (M)         | 12. Prak Kunthea (F)     |
| 13. Long Rothnimol ( F) | 13. Ken Vitou ( M)       | 13. Touch La (M)         |
| 14. Pa Sinat ( M)       | 14. Sou Sovichea ( M)    | 14. Kong Sothea (F)      |
| 15. Danh Linda ( F)     | 15. Reach Reaksmeay ( F) | 15. Puy Khouch (M)       |
| 16. Long Sambor ( M)    | 16. Kong Thida ( F)      |                          |
| 17. Chi Thearady ( F)   | 17. Na Maneth ( M)       |                          |
| 18. Hun Kosal ( M)      | 18. Ken Bunpanha ( M)    |                          |
| 19. Long Uddom (M)      |                          |                          |

#### Adult-Participants

| Phnom Penh | Banteay Meanchey Province | Siem Reap Province |
|------------|---------------------------|--------------------|
|------------|---------------------------|--------------------|

|                                   |                      |                       |
|-----------------------------------|----------------------|-----------------------|
| 1. Mr. Phok Bunroeun              | 1. Ms. Rin Rattana   | 1. Mr. Thim Ving      |
| 2. Ms. Pov SreyLeak               | 2. Ms. Houern Chenda | 2. Ms. Van Rith       |
| 3. Mr. Thon Phearon               | 3. Ms. Voun Pheap    | 3. Mr. Ngor Bun Thoun |
| 4. Mr. Phy Sithol                 | 4. Ms. Linh Chana    | 4. Ms. Say Saray      |
| 5. Ms. Moeun Chenda               | 5. Mr. Reun Kakada   | 5. Ms. Key Samut      |
| 6. Ms. Svay Putheavy              | 6. Mr. Keot Sisal    | 6. Ms. Sern Chek      |
| 7. Ms. Khorn Neth                 | 7. Ms. Oun Chanoy    | 7. Ms. Premg Many     |
| 8. Ms. Kong Thay                  | 8. Mr. TeapBouny     | 8. Ms. Marn Phala     |
| 9. Mr. Ban Seyha                  | 9. Ms. Lout Maly     | 9. Ms. Rem Som        |
| 10. Ms. Yang Chantha              | 10. Ms. Yin Kimyan   | 10. Mr. Pras Ruos     |
| 11. Ms. Son Theara                | 11. Mr. Hourt Houng  | 11. Ms. Prum Vy       |
| 12. Ms. Meng Vanthy               | 12. Mr. Seng Sina    | 12. Ms. Hong Ny       |
| 13. Mr. Kong Kuymeng              |                      | 13. Ms. Pov Phnov     |
| 14. Ms. Pov Nary                  |                      | 14. Ms. So Moa        |
| 15. Ms. Chhay Sokha               |                      | 15. Mr. Poy Non       |
| 16. Ms. Pha Sreymom               |                      | 16. Ms. Chren Sor     |
| 17. Mr. Heum Sokchan<br>Chamroeun |                      |                       |
| 18. Ms. Long Pov                  |                      |                       |
| 19. Mr. Yann Sophea               |                      |                       |

| <b>Preah Sihanouk Province</b> | <b>Svay Rieng Province</b> | <b>Preah Vihear Province</b> |
|--------------------------------|----------------------------|------------------------------|
| 1. Mr. Chan Sitha              | 1. Mrs. Svay Chiv          | 1. Ms. Hean Sreymom          |
| 1. Mrs. Tep Sambath            | 2. Mrs. Gnem Gnor          | 2. Ms. Hin Thol              |
| 2. Mrs. Tep Sokha              | 3. Mrs. Sok Ol             | 3. Ms. Hem Ven               |
| 3. Mr. Phok Samrith            | 4. Mrs. Yeay Chork         | 4. Mr. Eth Serey             |
| 4. Mr. Toch Sath               | 5. Mrs. Seng Mom           | 5. Ms. Lonh Ten              |
| 5. Mr. Som Han                 | 6. Mrs. Seng Chreb         | 6. Ms. Chork Souen           |
| 6. Mr. Lerk Chorm              | 7. Mrs. Meas Yun           | 7. Ms. Son Ream              |
| 7. Mr. Lek Sarin               | 8. Mrs. Pum Sam ol         | 8. Ms. Mut Kimsean           |
| 8. Mrs. Long Kolab             | 9. Mrs. Hut Sokheng        | 9. Ms. Tou Ny                |
| 9. Mrr. Orn Samoth             | 10. Mrs. Mehn Sim          | 10. Ms. Chou Phalla          |
| 10. Mr. Kong Sovanda           | 11. Mrs. Ouk Duch          | 11. Mr. Hor Dany             |
| 11. Mrs. Phok Maravy           | 12. Mrs. Khim Niv          | 12. Mr. Bin Chhin            |
| 12. Mrs. Phok Yan              | 13. Mrs. Siem Seang        |                              |
| 13. Mr. Phok Putheary          | 14. Mr. Kol Thin           |                              |
| 14. Mrs. Sek Sophal            | 15. Mr. Pung Leng          |                              |
|                                | 16. Mrs. Dy Botum          |                              |
|                                | 17. Mrs. Yong Ny           |                              |

**ANNEX 3**

**LIST OF NGO MEMBERS OF THE NGOCRC**

|  |  |  |
|--|--|--|
| 1. Cambodian Children Against Starvation and Violence Association (CCSVA)        | 18. EveryChild   | 35. Protection of Children's Rights and Development Organization (PCRDO) |
| 2. Cambodian Children Development (CCD)  | 19. Hagar Cambodia (Hagar)   | 36. Protection of Juvenile Justice (PJJ)                                 |
| 3. Community Council for Development Organization (CCDO)                         | 20. Happy Tree Social Services (Happy Tree)                                    | 37. Plan International Cambodia  |
| 4. Center for Children's Happiness (CCH)   | 21. Healthcare Center for Children (HCC)                                       | 38. River Kids Foundation (RKF)  |
| 5. Cambodian Children Orphanage for Living & Training (CCOLT)                    | 22. International Christian Mission (ICM)                                      | 39. Save the Children International                                      |
| 6. The Cambodian Center for the Protection of Children's Rights (CCPCR)          | 23. International Child Support (ICS)  | 40. Street Children Assistance and Development Program (SCADP)           |
| 7. Italian Association for Aid to Children (CIAI)                                | 24. Jeannine and Billy's Children Foundation (JBCF)                            | 41. Sacrifice Families Orphans Development Foundation (SFODA)            |
| 8. Cham Khmer Islam Minority Human Rights and Development Association (CKIMHRDA) | 25. Khemara  | 42. Save Incapacity Teenagers (SIT)                                      |
| 9. Children and Life Association (CLA)   | 26. Khmer Kampuchea Kroum for Human Rights & Development Association (KKKHRDA) | 43. Sovann Komar LLC   |
| 10. Cambodian Organization for Children & Development (COCD)                     | 27. Komar Etrumdem Kampuchea (KnK Network Cambodia)                            | 44. Terre des Hommes Germany-Cambodia (TdH Germany-Cambodia)             |
| 11. Children & Poor Communities Development Organization (CPCDO)                 | 28. Krousar Thmey  | 45. Terre des Hommes Netherlands - Cambodia (TdH Netherlands - Cambodia) |
| 12. Child Rights Foundation (CRF)  | 29. Khmer Youth Camp for Culture (KYCC)  | 46. Vulnerable Children Assistance Organization (VCAO)                   |
| 13. Children Support Foundation (CSF)  | 30. Legal Aid of Cambodia (LAC)  | 47. VDTO Bamboo Shoot School (VDTO)                                      |
| 14. Children's Umbrella Support Organization (CUCO)                              | 31. Cambodia League for the Promotion and Defense of Human Rights (LICADHO)    | 48. Wathnakpheap (WP)  |
| 15. Cambodian Volunteers   | 32. Mith Samlanh   | 49. World Vision   |

|   |  |                |
|---|--|----------------|
| for Community Development (CVCD)            |  | Cambodia (WVC) |
| 16. Development Khmer Kid Prosperity (DKKP) | 33. Operations Enfants du Cambodge (OEC)     |                |
| 17. Enfats & Development (E & D)            | 34. Project Against Domestic Violence (PADV) |                |