United Nations CRC/C/KHM/CO/2

Convention on the Rights of the Child

Distr.: General
20 June 2011
Advance Unedited Version
Original: English

Committee on the Rights of the Child
Fifty-seventh session
30 May – 17 June 2011

Consideration of reports submitted by States parties under article 44 of the Convention

Concluding observations: Cambodia

1. The Committee considered the combined second and third periodic report of Cambodia (CRC/C/KHM/2-3) at its 1620th and 1621st meetings held on 3 June 2011(see CRC/C/SR.1620 and 1621), and adopted, at its 1639th meeting, held on 17 June 2011 (see CRC/C/SR.1639), the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the combined second and third report as well as the written replies to its list of issues (CRC/C/KHM/Q/2/Add.1). The Committee also welcomes the positive dialogue with a high-level and multi-sectoral delegation, which allowed for a better understanding of the situation of children in the State party.

II. Follow-up measures and progress achieved by the State party

3. The Committee notes with appreciation the adoption of:

- The Law on Inter-Country Adoption in December 2009;
- The Law on Promotion and Protection of the Rights of Persons with Disabilities in July 2009;
- The Law on Suppression of Human Trafficking and Sexual Exploitation in February 2008;
- The Law on Education in December 2007;
- The Law on the Prevention of Domestic Violence and Protection of the Victims in October 2005; and
- The Social Security Law in 2002 and the Social Protection Strategy in April 2010.

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4. The Committee also welcomes the ratification by the State Party of the following international human rights treaties:

- The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2002) in July 2004;
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2003) in May 2002;
- The Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women in October 2010;
- The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption in April 2007;
- The United Nations Convention against Corruption, in September 2007;
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in July 2007 supplementing the United Nations Convention against Transnational Organized Crime;
- The ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in March 2006;
- The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment in September 2005; and
- The Rome Statute of the International Criminal Court in April 2002;

5. The Committee also welcomes the following institutional and policy measures:

- The National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labour Exploitation and Sexual Exploitation created in 2009;
- The Education Strategic Plan (2009-2013);
- The National Plan of Action for Orphans, Children affected by HIV and other Vulnerable Children (2008-2010);
- The 2008 Policy on Education for Children with Disabilities; and
- The National Plan of Action on the Elimination of the Worst Forms of Child Labour (2008-2012)

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, paragraph 6 of the Convention)

The Committee's Previous Recommendations

6. The Committee welcomes efforts by the State party to implement the Committee's concluding observations on the State party's initial report (CRC/C/15/Add.128). Nevertheless, the Committee regrets that some of its concerns and recommendations have been insufficiently or only partly addressed.

7. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations on its initial report that have not yet been implemented or sufficiently implemented, particularly those related

to non discrimination, children with disabilities, adolescent health, and juvenile justice.

Legislation

8. While welcoming the Constitutional Council Decision No. 092/003/2007 that the courts must consider the Convention when interpreting Cambodian law and deciding cases, the Committee is however concerned that the provisions of the Convention are rarely invoked or directly enforced by tribunals, courts and administrative authorities. The Committee also takes note of the adoption of numerous child-related pieces of legislation and the indication given during the interactive dialogue that the State party is developing a comprehensive child protection law. The Committee is however concerned that implementation of child related legislation remains weak due to the lack of adequate mechanisms to implement this legislation.

9. The Committee urges the State party to take all appropriate measures to ensure the full applicability of the principles and provisions of the Convention in its domestic legal order, including the establishment of adequate mechanisms, frameworks and systems to apply child-related laws at State, provincial and municipal levels. The Committee also requests the State party to report on progress made in this respect and on decisions of national courts, tribunals or administrative authorities to give effect to the rights enshrined in the Convention. The Committee further urges the State party to speed up the enactment of a comprehensive Child Protection Law covering all principles and provisions of the Convention and to ensure that the juvenile justice law currently being drafted is fully incorporated into this law.

Coordination

10. The Committee notes as positive that the status of the Cambodian National Council for Children (CNCC) was strengthened by a Royal Decree which provides that the CNCC has its own budget and will create structures at sub-national levels. The Committee is however concerned that the CNCC still lacks the necessary human, technical and financial resources to fulfill its coordinating role in relation to the implementation of the Convention, and that there is no obligation for any government department to refer or defer to the CNCC on issues related to child rights.

11. The Committee reiterates its recommendation to the State party (CRC/C/15/Add.128 para.11) to provide the CNCC with more substantial human, technical and financial resources. The Committee also urges the State party to ensure effective coordination in the implementation of the Convention, to clarify the relations between the CNCC and government departments and to promptly establish CNCC structures at provincial, district and communes levels.

National Plan of Action

12. The Committee, while noting the existence of various sectoral plans of action related to children in the State party, is concerned with the lack of a comprehensive national strategy or plan of action for the implementation of the Convention.

13. The Committee recommends that the State party develop and implement a comprehensive policy and strategy on children and adopt a National Plan of Action for children or other such framework for their implementation which encompasses the various sectoral action plans and covers all areas of the Convention. The Committee also recommends that this strategy be closely linked to the National Strategic Development Plan (2009-2013) and the Social Protection Strategy and be adequately resourced. The Committee recommends that in formulating such a policy

and plans, appropriate attention be paid to the outcome document of the 2002 Special Session of the General Assembly of the United Nations "A world fit for children" and its mid-term review in 2007, and to its General comment No. 5 of 2003 on the general measures of implementation of the Convention on the Rights of the Child.

Independent monitoring

14. The Committee is concerned about the limited progress made towards the establishment of an independent mechanism in compliance with the Paris Principles to monitor and evaluate progress in the implementation of the Convention and to receive and address complaints from children concerning violations of their rights under the Convention.

15. The Committee reiterates its call on the State party (CRC/C/15/Add.128 para. 14) to establish an independent mechanism in accordance with the Paris principles either as part of a National Human Rights Institution with a Child Unit, or to set up a separate mechanism. Such a mechanism should be accessible to children, monitor the fulfillment of their rights and deal with complaints of violations of their rights in a child-friendly and expeditious manner and provide remedies for such violations. The Committee draws the attention of the State party to its General comment No. 2 (2002) on the role of independent human rights institutions (CRC/GC/2002/2).

Allocation of Resources

16. The Committee notes that although the National Strategic Development Plan 2009-2013 contains key priorities for children, limited human, technical and financial resources are devoted to child protection and social welfare, with most of the current services being financed by development partners. The Committee is also concerned that in spite of the significant economic growth in the State party, the budget devoted to social sectors has only increased half as much as in other areas since 2007 and that the budget dedicated to education is only 1.9% of the GDP. The Committee further notes with serious concern that in spite of the adoption of the Anti-Corruption Law in March 2010, corruption remains pervasive in the State party and continues to divert resources that could enhance the implementation of the rights of the child.

17. The Committee urges the State party, to:

a) Allocate adequate budgetary resources in accordance with article 4 of the Convention for the implementation of the rights of children and in particular increase the budget allocated to social sectors, including, but not exclusively to education;

b) Utilize a child right's approach in the elaboration of the State budget by implementing a tracking system for the allocation and the use of resources for children throughout the budget, thus providing visibility to the investment on children. The Committee also urges that this tracking system is used for impact assessments on how investments in any sector may serve "the best interests of the child", ensuring that the differential impact of such investment on girls and boys is measured;

c) When possible, follow UN recommendation to start budgeting-by-results to monitor and assess the effectiveness of resource allocation and, if necessary, seek international cooperation to this effect;

d) Conduct a comprehensive assessment of budget needs and establish clear allocations for those areas that progressively address the disparities in indicators related to children's rights;

e) Ensure transparent and participatory budgeting through public dialogue, especially with children and for proper accountability by local authorities;

f) Define strategic budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;

g) Take immediate measures to combat corruption and strengthen institutional capacities to effectively detect, investigate and prosecute corruption; and

h) Take into account the Committee's recommendations during its Day of General Discussion in 2007 on "Resources for the Rights of the Child - Responsibility of States".

Data collection

18. The Committee commends the State party for the significant efforts made to develop databases, notably on child victims of trafficking and children in alternative care settings. The Committee is however concerned that insufficient data have been collected in some areas covered by the Convention, particularly on children with disabilities and that data collection mechanisms remain fragmented. The Committee is further concerned that there is insufficient coordination among the relevant ministries to ensure the setting up of a systematic and comprehensive disaggregated database covering all areas of the Convention.

19. The Committee encourages the State party to set up a comprehensive data collection system and to analyze data collected as a basis to assess progress achieved in the realization of child rights and to help design policies and programmes to implement the Convention. The data should be disaggregated by age, sex, geographic location, ethnicity and socio-economic background to facilitate the analysis on the situation of all children. The Committee encourages the State party to seek technical assistance from relevant international organizations, including UNICEF.

Dissemination and awareness-raising

20. The Committee notes with appreciation the positive steps taken by the State party to disseminate information on the Convention on the Rights of the Child including the vocational training on the rights of the child organized for school directors and deputy directors in all the State party's provinces.

21. The Committee recommends that the State party strengthen its efforts to disseminate the Convention throughout the country, to raise public awareness, including among children themselves and parents, and disseminate information about its principles and provisions.

Training

22. While noting with appreciation the information on the training provided to certain categories of professionals working with and for children, the Committee is however concerned that such training remain insufficient and do not cover all professionals working with and for children and law enforcement authorities for whom awareness of the Convention remains limited.

23. The Committee recommends that the State party strengthen its efforts to undertake systematic quality education and training programmes on the principles and provisions of the Convention for all professional groups working for and with

children, such as judges, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers. The Committee encourages the State party to seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

Cooperation with civil society

24. The Committee expresses deep concern over threats, harassment, physical attacks and arrests of human rights defenders in the State party, especially those who defend the right of families and children to housing. The Committee also notes with concern that although non governmental organizations working in the field of child rights play an important role in raising awareness, promoting children's rights and providing children with care and protection, they remain often excluded from the development of policies, laws and strategies on children**.** The Committee is further concerned about the extensive use of the law on defamation and disinformation against those expressing dissenting opinion and about the draft Law on Associations and Non-Governmental Organizations (NGOs), which, if adopted, will greatly limit the work of human rights defenders in the State party.

25. The Committee urges the State party to take concrete steps to give legitimate recognition to human rights defenders and their work, to reinstate a climate of trust and cooperation with civil society and to systematically involve communities as well as civil society and children's organizations in the planning, implementation, monitoring and evaluation of policies, plans and programmes related to child rights. The Committee also urges the State party to ensure that reported instances of intimidation and harassment are investigated promptly. The Committee further urges the State party to implement the recommendations made by the Special Rapporteur on the situation of human rights in Cambodia in this regard (A/HRC/15/46 para. 95).

Child rights and the business sector

26. The Committee notes that in the context of economic growth and increased domestic and foreign investment, the State party has taken positive measures to regulate the impact of business on child rights in the formal economy such as the garment industry. The Committee is however concerned that the regulatory framework on the social and environmental responsibility of business corporations, both national and international, is not yet in place to prevent possible negative impact of their activities on children.

27. The Committee recommends that the State party continue to be vigilant about the compliance of its national law by local and foreign companies throughout its territory, and to establish and implement regulations to ensure that the business sector complies with international and domestic standards on corporate social and environmental responsibility, particularly with regard to child rights, in line with the United Nations Business and Human Rights Framework which was adopted unanimously in 2008 by the Human Rights Council and which outlines the duty of States to protect against human rights abuses by businesses; corporate responsibilities to respect human rights; and the need for more effective access to remedies when violations occur.

B. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

28. The Committee expresses concern about the increasing level of inequities and disparities in the enjoyment of rights among children living in rural areas. Children belonging to ethnic minorities from the North Eastern provinces and children from the South Western provinces are in a particularly disadvantaged situation as regards access to health, education and welfare. The Committee is also concerned about the persistence of gender-based stereotypes that confine women and girls to traditional roles. In this regard, the Committee is concerned that the *Chbap Srey* (didactic code) which legitimizes the perceived inferior role of girls and women in the society is still taught in the State party's schools.

29. The Committee urges the State party to carefully and regularly evaluate existing disparities in enjoyment by children of their rights and on the basis of that evaluation, undertake the necessary steps to combat discrimination against children belonging to marginalized and disadvantaged groups. The Committee also urges the State party to strengthen its efforts to specifically end discrimination against girls and to eliminate the prevailing gender-based attitudes, practices and codes that perpetuate an inferior role for women and girls in society.

Best interests of the child

30. The Committee welcomes progress made to incorporate the general principle of the best interests of the child into domestic legislation. The Committee is however concerned about the lack of concrete information on how the best interests of the child are taken into consideration into policies and programmes of the State party.

31. The Committee urges the State party to strengthen its efforts to ensure that the principle of the best interests of the child is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects relevant to and with an impact on children. The legal reasoning of all judicial and administrative judgments and decisions should also be based on this principle.

Right to life, survival and development

32. The Committee expresses deep concern that drowning is the leading cause of death among children followed by road traffic accidents which also represent the leading cause of permanent disability of children. The Committee is also deeply concerned that although children continue to be killed and injured as a result of landmines and unexploded ordinance, funding for mine-awareness education has been significantly reduced.

33. The Committee urges the State party to take the necessary measures to prevent drowning and road traffic accidents by organizing public campaigns to increase safety awareness among children, parents, teachers and the public in general. The Committee also urges the State party to take all the necessary measures to protect children against landmines, including by continuing and strengthening mine-clearance programmes and programmes for mine awareness.

Respect for the views of the child

34. The Committee notes with appreciation that numerous consultations with children were organized during the elaboration of the State party's report and the drafting of the National Plan of Action on Trafficking and Commercial Sexual Exploitation (2005-2013). The Committee is however concerned about the persistence of traditional attitudes in the

State party which limit children's rights to express their views in decision-making procedures affecting them and about the absence of a policy and supportive mechanism to promote child participation in the State party.

35. The Committee reminds the State party of its obligation to undertake appropriate measures to fully implement the right of the child to be heard and urges it to actively combat negative attitudes and conceptions of the child which impede the full realization of her or his right to be heard, through public educational programmes, including campaigns organized in cooperation with opinion leaders, families and the media. The Committee draws the attention of the State party to its General Comment No.12 of 2009 on the right of the child to be heard (CRC/C/GC/12).

C. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37(a) of the Convention)

Birth registration

36. The Committee welcomes the Sub-Decree on Civil Status No. 103 of December 2000 which makes birth registration compulsory and the significant achievements of the State party to ensure countrywide free birth registration. The Committee is however concerned that children of irregular immigrants are not eligible to receive birth registration, and that families of Vietnamese origin are often rejected when they try to obtain a birth certificate for their children.

37. In the light of article 7 of the Convention, the Committee urges the State party to guarantee free birth registration for all, regardless of their parent's legal status and origins.

Torture or other cruel, inhuman or degrading treatment and punishment

38. The Committee expresses deep concern about allegations that children and adolescent addicted to drugs, children with mental disabilities and children in street situations have been subjected to torture and ill-treatment, including widespread beatings, whippings and administration of electric shock in drug rehabilitation and youth centres where some of them had been forcibly placed.

39. The Committee urges the State party to:

a) Ensure that children in any form of arbitrary detention, whether in drug treatment and rehabilitation, social rehabilitation or any other type of Government-run centre are released without delay;

b) Ensure prompt investigation into allegations of ill treatment and torture of children in those centers and that perpetrators are brought to justice; and

c) Set up an independent child-sensitive mechanism to receive complaints against law enforcement officers and to provide victims with redress as already recommended by the Committee against Torture (CAT/C/KHM/CO/2 para. 20).

Corporal punishment

40. While noting that the State party has adopted various legislation to prohibit corporal punishment, the Committee is however concerned that article 1045 of the Civil Code allows a "parental power holder to personally discipline the child to the extent necessary" and that article 8 of the Prevention of Domestic Violence and Protection of the Victims Law implicitly authorizes corporal punishment of children for disciplinary purposes. The

Committee expresses concern that physical punishment is frequently viewed as a culturally acceptable form of discipline by parents and teachers and widely practiced in the State party.

41. The Committee urges the State party to:

a) Repeal article 1045 of the Civil Code and provisions of the Prevention of Domestic Violence and Protection of the Victims authorizing corporal punishment of children;

b) Enact legislation to explicitly prohibit corporal punishment of children in all settings, including within the family;

c) Ensure that laws prohibiting corporal punishment are effectively implemented and that legal proceedings are systematically initiated against those responsible of violence against children;

d) Introduce public education, awareness-raising and social mobilization campaigns on the harmful effects of corporal punishment with a view to changing the general attitude towards this practice and promote positive, non-violent, participatory forms of child-rearing and education as an alternative to corporal punishment; and

e) Refer to the Committee's General Comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.

Follow-up to the United Nations Study on Violence against Children

42. The Committee encourages the State party to:

a) Prioritize elimination of all forms of violence against children, including by ensuring implementation of the recommendations of the United Nations Study on violence against children, paying particular attention to gender;

b) Provide information concerning the implementation by the State party of the recommendations of the Study in the next periodic report, particularly those highlighted by the Special Representative of the Secretary General on Violence against children, namely:

- The development in each State of a national comprehensive strategy to prevent and address all forms of violence against children;
- The introduction of an explicit national legal ban on all forms of violence against children in all settings; and
- The consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence against children.

c) Cooperate with and seek technical assistance from the Special Representative of the Secretary General on violence against children, UNICEF, the Office of the High Commissioner for Human Rights (OHCHR) and the World Health Organization (WHO), and other relevant agencies, inter alia, ILO, UNESCO, UNHCR, UNODC, as well as NGO partners.

D. Family environment and alternative care (arts. 5, 18 (paras.1-2), 9-11, 19-21, 25, 27 (para.4) and 39 of the Convention)

Family environment

43. The Committee welcomes the focus on family-based care through the programme on services provision to poor families and the establishment of a National Committee on Family Counselling Policy. The Committee is however concerned at the high rate of children reporting lack of care, attention and warmth from their parents.

44. **The Committee recommends that the State party in cooperation with national and international organisations strengthen the existing counselling services for parents, further develop family education and awareness through, for example, training for parents on early childhood care**, **parental guidance and joint parental responsibilities, in light of article 18 of the Convention. The Committee also recommends that the State party build up a child protection system to follow up on families that need supportive measures in order to give proper care and attention to their children.**

Children deprived of a family environment

45. While welcoming the adoption of the 2006 Policy on Alternative Care for Children and the 2008 Minimum Standards on Alternative Care for Children, the Committee notes with concern that regulations (Prakas) to implement this policy have yet to be adopted. The Committee also expresses serious concern that there has been a 65 per cent increase in the number of children in orphanages in the State party between 2005 and 2008 and that residential care continues to be considered as the best option. The Committee is also concerned that:

a) One third of institutionalized children still have one of their parents;

b) Residential care facilities remain inappropriately registered and monitored; and

c) Insufficient budgetary allocations and the lack of well trained child-care workers hinder the effective implementation of the State party's policies and guidelines.

46. The Committee calls upon the State party to promptly adopt the Prakas related to the Policy on Alternative Care for Children and to allocate the necessary human, technical and financial resources for the full implementation of this policy and the Minimum Standards on Alternative Care for Children. The Committee also urges the State party to:

a) Undertake effective measures to promote, through counseling and community-based programmes, the family as the best environment for the child and empower parents to take care of their children in order to avoid placement in child welfare centres;

b) Develop comprehensive admission criteria and strategies to reduce the number of children living in care institutions, including through policies to strengthen and support families, and ensure that placement of children in institutions is only used as a last resort;

c) Implement mechanisms to reintegrate institutionalized children into their families;

d) Recruit additional child-care workers and ensure that they are adequately trained and remunerated to monitor family-type alternative care measures; and

e) Take into account the Guidelines for the Alternative Care of Children annexed to the United Nations General Assembly resolution 64/142 of 20 December 2009.

Adoption

47. The Committee welcomes the 2009 Law on Inter-Country Adoption and the establishment of an Inter-Country Child Adoption Authority. The Committee is however concerned that implementing regulations for the laws have not yet been adopted and that illegal international adoptions are still reported to take place with the involvement of staff from State-run institutions and without proper investigation being conducted into these allegations.

48. **The Committee also urges the State party to adopt without delay the Prakas to implement the Law on Inter-Country Adoption. The Committee also urges the State party to ensure strict transparency and follow-up controls with regard to international adoption and prosecute those involved in illegal adoptions and sale of children for adoption purposes.**

Abuse and neglect

49. The Committee expresses deep concern that domestic violence against women and children, including sexual violence remains an acute problem in the State party. While noting the adoption of the Law on the Prevention of Domestic Violence and Protection of the Victims in October 2005, the Committee is concerned that Prakas enabling commune and village officials to act in order to protect victims of domestic violence have not yet been issued and that there is no child protection system in the State party. The Committee is further concerned that domestic and gender-based violence continues to be socially accepted and widely tolerated by law enforcement authorities.

50. The Committee urges the State party to take immediate and effective measures to combat domestic violence and in particular to:

a) Take all the necessary measures for the full implementation of the Law on the Prevention of Domestic Violence and Protection of the Victims, including the prompt adoption of the Prakas enabling commune and village officials to act to protect victims of domestic violence;

b) Set up a child protection system with clear responsibilities placed on specific local authorities, including a system for reporting child abuse, dealing with such reports and the development of supportive and other measures to prevent further violence;

c) Collect reliable data on domestic violence, including sexual abuse of children and undertake studies on root causes and scope of the problem of violence against children;

d) Coordinate a nationwide awareness raising programmes, including campaigns about the problem of domestic violence, with the view to changing public attitudes and traditions that inhibit victims, particularly women and girls, from reporting; and

e) Investigate cases of domestic violence through child-sensitive judicial procedures, and ensure that sanctions be applied to perpetrators with due

regard given to guaranteeing the rights of the child, including the right to privacy.

E. Basic health and welfare (arts. 6, 18 (para.3), 23, 24, 26, 27 (paras.1-3) of the Convention)

Children with disabilities

51. The Committee welcomes the adoption of the Law on Promotion and Protection of the Rights of Persons with Disabilities in July 2009 and the 2008 Policy on Education for Children with Disabilities. The Committee is however concerned that:

a) Accurate disaggregated statistical data on children with disabilities and the types of disabilities is lacking;

b) The State party does not have a system for early screening, identification, early intervention and prevention of disabilities ;

c) Children with disabilities, especially those living in remote areas (e.g. the north-eastern provinces) and children with mental disabilities remain extremely marginalized in the society, rejected by their own families and highly discriminated, in particular in their access to health and education services; and

d) Most services for children with disabilities are provided by NGOs.

52. The Committee urges the State party to ensure effective implementation of the Law on Promotion and Protection of the Rights of Persons with Disabilities and the 2008 Policy on Education for Children with Disabilities notably by allocating the necessary human, technical and financial resources. The Committee also recommends that the State party:

a) Collect comprehensive data on children with disabilities disaggregated by age, sex, type of disabilities, geographic location, ethnicity and socio-economic background and use such data in analyzing the causes of disabilities and in developing policies and programmes to prevent disabilities and to assist children with disabilities;

b) Adopt a policy for early screening, identification, early intervention and prevention of disabilities;

c) Ensure that basic services for children with disabilities are provided as a State responsibility;

d) Train more health specialists and conduct mobile clinics offering health services to children with disabilities, especially in rural areas;

e) Conduct programmes with the assistance of the media, civil society organizations and community leaders, to raise awareness of the rights of children with disabilities and to combat discrimination against them;

f) Improve the quality of mainstream and special education, and further develop non formal education programmes as well as comprehensive and regular teacher trainings adapted to the different types of disabilities;

g) Ratify the International Convention on the Rights of Persons with Disabilities; and

h) Take into consideration the Committee's General Comment No. 9 of 2006 on the rights of children with disabilities (CRC/C/GC/9).

Health and health services

53. While noting the efforts made by the State party to develop its health system, the Committee is concerned at the limited availability, accessibility, quality and utilization of health services especially in remote areas, the widespread shortage of skilled health personnel and the persistent inequalities in health care access and use between rural and urban areas. The Committee also expresses particularly concern that:

a) Infant and under-five mortality rates and maternal mortality rate remain high;

b) Half of the State party's under-five children are underweight;

c) An estimated 100 children die every day in the State party as a result of preventable and treatable diseases such as diarrhoea and pneumonia;

d) There are no free medical services for poor children including children in street situations; and

e) There is a dearth of mental health services for children in the State party.

54. The Committee recommends that the State party:

a) Expand access to free primary health-care services across all provinces and allocate sufficient human, technical and financial resources for the delivery of these services in such a manner as to benefit people in both urban and rural areas;

b) Strengthen its efforts to reduce the death rates of newborn and young children and pregnant mothers, including better pre-natal and delivery care,

c) Take urgent measures to address comprehensively the problem of malnutrition in children under the age of five;

d) Take urgent action to address preventable health problems among children, including iodine deficiency, malaria, diarrhea, acute respiratory diseases, measles and meningitis;

e) Develop a comprehensive national child mental health policy, together with all obligatory components of core recommendations by WHO, including mental health promotion, counseling, prevention of mental health disorders in primary health care, schools and communities, as well as out-patient and in-patient mental health services for children and adolescents with severe mental health problems; and

f) Seek technical assistance from, inter alia, UNICEF and WHO in this regard.

Adolescent health

55. The Committee expresses serious concern about the high proportion of adolescent with problems of substance abuse, including alcohol, tobacco and drugs. Other concerns regarding adolescents relate to workplace accidents and injuries, HIV, sexually transmitted diseases and reproductive health problems. The Committee is concerned that limited measures have been taken to address these problems and implement the Committee' previous recommendations. The Committee is further deeply concerned that suicides were the leading cause of adolescent deaths in 2009.

56. The Committee reiterates its previous recommendation to the State party (CRC/C/15/Add.128 para. 53) to undertake a comprehensive and multidisciplinary study to determine the scope of adolescent health problems, including mental health,

as a basis for promoting adolescent health policies and strengthening reproductive health education. The Committee also recommends the State party to :

a) Strengthen its efforts for the development of adolescent-friendly and gender-sensitive counseling services as well as care and rehabilitation facilities for adolescents;

b) Ensure that dependence, detoxification, treatment, rehabilitation and reintegration interventions of children using drugs comply with international human rights standards and to this aim, develop community-based drug treatment and rehabilitation programmes; and

c) Undertake an in-depth study of youth suicide and its causes and use this information to develop and implement a national plan of action on youth suicide, in cooperation with social workers, teachers, health workers and other relevant professionals; and

d) Take guidance from the Committee's General Comment No. 4 (2003) on adolescent health and development.

HIV/AIDS

57. The Committee notes with satisfaction that HIV infection rates have dropped substantially in the State party. The Committee is however concerned that HIV prevention efforts remain insufficient to proactively address the multiple vulnerabilities that put children at risk of HIV. The Committee is also concerned that the level of resources for HIV/AIDs programmes has been declining, and that only 9% of annual HIV expenditure is covered by the State party. The Committee is further concerned that children infected by HIV who are rejected by their families are insufficiently provided with social welfare support for continued education, survival, counseling, foster care and protection from abuse and exploitation.

58. The Committee urges the State party to allocate the necessary human, technical and financial resources for the full implementation of the National Strategic Plan for HIV Prevention and Control and to take the necessary measures to prevent stigmatization and discrimination against children living with HIV/AIDS, in particular through public education campaigns. The Committee draws the attention of the State party to its General Comment No. 3 (2003) on HIV/AIDS and the rights of the child and to the International Guidelines on HIV/AIDS and Human Rights.

Standard of living

59. The Committee, while noting the adoption of a National Strategy for the Poor and Vulnerable (NSPS), is however concerned that in spite of significant and sustained economic growth over the past decade, the benefits of this growth have not been distributed equitably, with a third of the population still living below the poverty line and only one fifth of the population of rural areas having access to sanitation. The Committee is also concerned that existing social safety net initiatives, scholarships and food for work for example, are fragmented in their implementation and limited in their geographical coverage.

60. The Committee urges the State party to strengthen its efforts to provide support and material assistance to economically disadvantaged families, notably those living in rural areas, and to guarantee the right of all children to an adequate standard of living.

Evictions of children and their families from their land

61. The Committee, while noting the adoption of the Law on Expropriation in February 2010 and the Circular on Temporary Settlements in May 2010, expresses deep concern that thousands of families and children, especially urban poor families, small-scale farmers and indigenous communities continue to be deprived of their land as a result of land grabbing and forced evictions carried out by people in positions of power.

62. **The Committee urges the State party to establish a national moratorium on evictions until the determination of the legality of land claims is made. The Committee also urges the State party to ensure that families and their children are not made homeless as a result of evictions for private and development activities. The Committee further recommends that the State party fully implement the recommendations of the Special Rapporteur on the situation of human rights in Cambodia in relation to access to land and livelihood (A/HRC/4/36 and A/HRC/7/42)**

Children imprisoned with their mothers

63. The Committee expresses serious concern about the situation of children incarcerated with their mothers, especially those living in the overcrowded CC2 prison in Phnom Penh as well as in the prisons of Takmao, Kompong Cham and Kompong Chhnang, in conditions which are detrimental to their physical, mental and emotional wellbeing. The Committee is particularly concerned that children are not provided with food and safe drinking water, mothers are being expected to share their own ration with their children, and are often placed in cells without appropriate ventilation, in conditions of extreme heat and not always separated from persons with contagious diseases such as tuberculosis. The Committee is also concerned that children incarcerated with their mothers have limited access to health services and almost no access to any form of education and recreational activities. The Committee is further seriously concerned about cases of children being physically abused by prison guards and other prisoners.

64. The Committee urges the State party to ensure the rights of children and their mothers living in prison are respected. The Committee urges the State party to take immediate measures to ensure that mothers and their children are provided with food and health services, and that children have access to education and recreational activities. The Committee also urges the State party to take all the necessary measures to protect children from all forms of abuse, to investigate all reports of abuse of children by prison officials and other inmates and to take appropriate disciplinary measures against perpetrators of abuse against children.

F. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

65. The Committee notes with satisfaction the remarkable progress made by the State party to increase primary and secondary school enrolment, to ensure equitable access to education throughout the country and to reduce the gender gap. The Committee also welcomes the State party's commitment to implement the Education for All Initiative. However, the Committee expresses concern that education is still not compulsory in the State party, that only 1,9% of the GDP is spent on education and that education expenditure has dropped since 2007. The Committee also expresses concern that:

a) Children with disabilities, children from ethnic minorities and indigenous children remain highly discriminated in their access to education;

b) School enrollment indicators are particularly low in certain regions, such as in Ratanakiri and Mondulkiri provinces where there is a large number of minority population;

c) There is still a lack of schools infrastructure in the State party, especially insufficient facilities such as toilets and drinking water and materials available for pupils, particularly in rural areas;

d) Although the State party indicated during the dialogue that the issue of paying additional fees to teachers has been addressed, teacher salaries remain low and given the overall level of corruption which exists in the State party, leading to the possibility of teachers being paid to pass examinations;

e) Drop-out, absenteeism and repetition rates remain evidently high and are on the increase, girls being much more affected than boys;

f) A growing number of private schools operate without regular monitoring by the Ministry of Education;

g) Quality of education, appropriateness of curricula and bringing educational services to remote geographical areas remain a challenge;

h) Preschool and other early childhood development opportunities remain largely out of reach for most children, especially those outside of urban areas; and

i) Information on vocational education is lacking in the State party's report.

66. The Committee recommends that the State party:

a) Make basic education compulsory ;

b) Allocate increased resources to the education sector in order to expand, build and reconstruct adequate school facilities throughout the State party, and create a truly inclusive educational system welcoming children with disabilities as well as children from all minorities;

c) Take the necessary measures to stop all forms of corruption in the educational system;

d) Make greater efforts to address drop-out and repetition rates, paying special attention to regions with high minority population such as in the provinces of Ratanakiri and Mondulkiri;

e) Take active measures to promote the right of girls to education through social mobilization campaigns, and increase the number of adequately trained female teachers, and ensure their security;

f) Further expand bilingual education for non-Khmer speakers;

g) Promote the quality of education by revising the curricula, using interactive learning methods, and employing trained teachers;

h) Further develop holistic early childhood development and education programmes, including community-based programmes and ensure that children living in low-income families and families living in rural areas can also have access to them;

i) Provide vocational education for adolescents and early school leavers; and

j) Take into account General comment No. 1 on the aims of education (CRC/GC/2001/1).

G. Special protection measures (arts. 22, 38, 39, 40, 37(b) and (d), 30, 32-36 of the Convention)

Economic exploitation, including child labour

67. While noting the adoption of the National Plan of Action on the Elimination of the Worst Forms of Child Labour and the State party's commitment to reduce the number of working children to eight percent by 2015 under its Millenium Development Goals and to end all the worst forms of child labour by 2016, the Committee expresses concern that over 1,5 million of children are economically active in the State party and that around 250,000 children are engaged in the worst forms of child labour. The Committee is also seriously concerned that thousands of children work as domestics, mainly in the capital Phnom Penh, in slavery-like conditions.

68. The Committee urges the State party to fully enforce child labour laws and to implement its National Plan of Action on the Elimination of the Worst Forms of Child Labour, through, inter alia:

(a) Strengthening its national legislation prohibiting child labour;

(b) Giving priority in this regard to addressing the vulnerable situation of child domestic workers in accordance with international standards;

(c) Increasing the number of labour inspectorates; ensuring the imposition of fines and criminal sanctions to persons making use of illegal child labour;

(d) Organizing mandatory training for law enforcement officials, prosecutors and judges; and

(e) Adopting appropriate measures to facilitate recovery and access to educational opportunities for former child workers, in a gender-sensitive manner.

Children in street situations

69. The Committee expresses concern about the lack of specific mechanisms and resources to address the problem of children in street situations and to provide those children with adequate assistance. The Committee is particularly concerned about operations of "cleaning up the streets" conducted by the police, such as the one carried out in early 2008 and during which many children in street situations were sent to two rehabilitation centres (Koh Romduol and Prey Speu) run by the Phnom Penh Department of the Ministry of Social Affairs, illegally confined and subjected to a variety of abuses which in some cases resulted in their death, including by suicide.

70. The Committee urges the State party to:

(a) Take all the necessary measures to protect children in street situations, ensure that they are provided with recovery and reintegration services and prioritize family and community-based interventions aimed at reuniting these children into their families;

(b) Stop conducting "cleaning up the streets operations" and treating children in street situations as offenders and address their situation in a manner that respects their rights and dignity; and

(c) Launch independent investigations into the detention and abuse of children in Koh Romduol and Prey Speu centres and provide in its next periodic report comprehensive information about the outcome of those investigations.

Sexual exploitation and abuse

71. The Committee expresses deep concern that thousands of children are exploited into prostitution in the State party and that rape of children is on the rise in the State party, most of sexual abuse and exploitation being committed by nationals of the State party. The Committee is also seriously concerned that child sex tourism has been increasing in recent years and that an alarming proportion of children are exposed to sexual violence and pornography, especially through the Internet. The Committee is further concerned that:

a) Perpetrators of child sexual abuse and exploitation are rarely prosecuted due notably to the widespread practice of out-of-court settlement and compensation of sexual abuse cases which is encouraged by law enforcement authorities;

b) Limited action is taken against sex offenders and against those who run brothels or other sex establishments where under-aged girls are sexually exploited; and

c) Psycho-social rehabilitation services and shelters for children victims of sexual abuse and exploitation are mainly concentrated in the capital and run mainly by non-governmental organizations.

72. The Committee urges the State party to:

a) Strengthen its efforts to implement its legislation, criminalizing sexual exploitation and abuse with a view to ensuring that those who perpetrate sexual offences against children are duly brought to justice and sanctioned with appropriate penalties;

b) Condemn and take active measures against individuals and enterprises that enable, facilitate or exacerbate sex tourism; and

c) Establish shelters for child victims of sexual abuse and exploitation and provide them with rehabilitation, recovery and social reintegration services.

Sale and trafficking of children

73. The Committee welcomes the numerous measures taken by the State party to combat child trafficking, among them, the establishment of the Anti-Human Trafficking and Juvenile Departments at central and provincial levels and the creation of trafficking police units. The Committee is however concerned that a high number of women and children continue to be trafficked from, through and within the country for purposes of sexual exploitation and forced labour. The Committee also shares the concern expressed in 2009 by the Committee on Economic, Social and Cultural Rights (E/C.12/KHM/CO/1 para.26) about the low number of prosecutions and convictions of traffickers.

74. The Committee recommends that the State party intensify its efforts to combat sale and trafficking in human beings, especially women and children, for the purpose of sexual exploitation and forced labour, inter alia by prosecuting and convicting offenders, supporting programmes and information campaigns to prevent trafficking, providing mandatory training for law enforcement officials, prosecutors and judges on the anti-trafficking legislation and increasing the provision of medical, psychological and legal support for victims.

Refugee and asylum seekers

75. The committee, sharing the concern expressed notably by the Committee against Torture (CAT/C/KHM/CO/2 para. 24) on the forced repatriation to China of twenty Uighur asylum seekers, including two children in 2009, urges the State party to

uphold the principle of non-refoulement in accordance with international refugee and human rights law, including the Convention.

Administration of juvenile justice

76. The Committee welcomes the limits imposed by the new Criminal Procedure Code of 2007 and Book 1 of the Penal Code of 2009 on the detention of children in police custody and during pre-trial, and the setting of a minimum age of criminal responsibility at 14 years. The Committee is also concerned that there are no children's courts, or specialized judges or prosecutors in children's rights, that children are often sentenced as adults by courts, and generally held in adult prisons. The Committee expresses further concern that:

a) The 2001 Law on Aggravating Circumstances in Felony Cases increases sentencing for theft if committed by two or more offenders and makes no distinction in sentencing between adults and children.

b) The vast majority of children do not meet their lawyer until the start of their trial;

c) There has been an alarming rise of children being detained in recent years and that alternatives to detention are rarely used despite options provided by the law;

d) Approximately half of children in prison are being held in pre-trial detention, often beyond the legal time limit of two months;

e) Poor and deteriorating living conditions prevail in detention centres where children are held;

f) Children detained have no or little access to education or vocational training, limited access to counseling services, including for drug and alcohol addiction, and to recreational activities;

g) Monitoring the situation of children in prisons is subjected to serious restrictions; and

h) There is a lack of rehabilitation programmes and a limited number of specialized trained staff and social workers to deal with children in contact with the law.

77. The Committee recommends that the State party bring the system of juvenile justice fully in line with the Convention, in particular articles 37, 39 and 40, and with other relevant standards including the Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Vienna Guidelines for Action on Children in the Criminal Justice System; and the Committee's General Comment No. 10 (2007) on the rights of the child in juvenile justice. In particular, the Committee urges the State party to :

a) Establish specialized juvenile courts throughout the country;

b) Ensure that no child be subjected to abuse and torture, when in contact or in conflict with the law, especially during the stage of arrest and investigation ;

c) Provide children, both victims and accused, with adequate legal and other assistance at an early stage of the procedure and throughout the legal proceedings;

d) Ensure that children deprived of liberty or in rehabilitation centres or in detention facilities are never kept with adults, that they have a safe, child-sensitive environment, and that they maintain regular contact with their families and are provided with food, education and vocational training;

e) Provide children deprived of liberty in any form the right to review the decision of placement;

f) Promote alternative measures to detention such as diversion, probation, counselling, community service or suspended sentences, wherever possible; and

g) Request further technical assistance in the area of juvenile justice and police training from the Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR, and NGOs.

Protection of witnesses and victims of crimes

78. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and/or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that the State party take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20).

Children of Vietnamese origin

79. The Committee is concerned that children of Vietnamese origin are still not recognized as citizens which leads them to live in poor and segregated conditions without access to identity documents and makes them very vulnerable to trafficking and exploitation. The Committee is particularly concerned that due to their low socio economic status, one third of girls and young women of Vietnamese origin are reported to be sold into prostitution.

80. The Committee urges the State party to acknowledge that children of Vietnamese origin are subject to discrimination and to take all the necessary measures to address their situation and ensure that they have effective access to birth registration, identity documents, public education and health care services. The Committee also urges the State party to provide information in its next periodic report on the measures taken to end discrimination against children of Vietnamese origin and to prevent sexual exploitation and abuse of women and girls belonging to this community.

H. Ratification of international human rights instruments

81. The Committee calls upon the State party to promptly submit its initial reports on the optional protocols to the Convention on the Rights of the Child. It also encourages the State party, in order to further strengthen the fulfillment of children's rights, to accede to all core human rights instruments, including the Convention on the Rights of Persons with Disabilities, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the International Convention for the Protection of All Persons from Enforced Disappearances.

I. Cooperation with regional and international bodies

82. The Committee recommends that the State party cooperate with the association of Southeast Asian Nations Commission on Women and Children (ASEAN) towards the implementation of the Convention and other human rights instruments both in the State party and in other ASEAN member states.

J. Follow-up and dissemination

83. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia by transmitting them to the members of the Government, the Parliament, the Provincial Councils and to other local Governments, when applicable, for appropriate consideration and further action.

84. The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) adopted by the Committee be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and its implementation.

K. Next report

85. The Committee invites the State party to submit its next combined fourth to sixth reports by 13 May 2018. The Committee draws attention to its Harmonized Treaty Specific Reporting Guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit their report in accordance with the reporting guidelines. Should a report exceeding the page limitations be submitted, the State party will be asked to review and eventually resubmit their report in accordance with the above mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, then translation of the report for purposes of examination of the treaty body cannot be guaranteed.