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International Institute Mary Auxiliatrice - IIMA

NGO in special consultative status with the Economic and Social Council of the United Nations

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Alternative Report on

The implementation of the Convention on the Rights of the Child in Cambodia

submitted by

**IIMA – Istituto Internazionale Maria Ausiliatrice
NGO in Consultative Status with ECOSOC**

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INTRODUCTION

This report presents how the rights enshrined in the Convention on the Rights of the Child are being implemented in Cambodia. It generally follows the guidelines provided by the Committee on the Rights of the Child. By providing updated information on the implementation of the CRC in Cambodia, IIMA wishes to contribute in the monitoring task of the Committee and, so far, in the full enjoyment of human rights for Cambodian children.

Methodology

This report is the result of an extensive fieldwork realized over a period of four (4) months. Accordingly with empirical research method, the information provided herein comes from the life and work experience of 50 people currently based in the North area of Cambodia and in the suburbs of the capital. Most part of them are teachers, educators and other operators implicated in formal and informal education for children and youth (3 to 18). In order to collect as much as possible relevant information, a questionnaire was developed with open-ended questions which referred specifically to the concerns and recommendations raised by the Committee on the Rights of the Child in the last concluding observations report addressed to the Cambodian Government in 2000.¹

General remarks

In compliance with its obligations as State Party to the Convention on the Rights of the Child², Cambodia has achieved significant advances in ensuring children's rights at the national level. Nevertheless, more efforts need to be made in order to fully implement the Convention, especially with regard to children victims of abuse and exploitation, children living in rural areas, and children of migrant parents. These children, in fact, still lack access to basic services and are not adequately protected.

¹ UN Doc CRC/C/15/Add.128, 28 June 2000.

² Cambodia ratified the Convention on the Rights of the Child in 1992.



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A. GENERAL PRINCIPLES

1. NON-DISCRIMINATION (article 2)

According to Article 31 of the Constitution of the Kingdom of Cambodia, it recognizes and respects human rights as stipulated in the UN Charter, the Universal Declaration of Human Rights, International Treaties on human rights, especially women's and children's rights. This implies that Cambodia recognizes the rights and freedoms of all (Khmer and non-Khmer alike), irrespective of race, color, sex, language, religion, political or other opinion, national or social origin, property, right or other status.

However, the whole Chapter III of the Constitution, referring to rights and obligations of citizens, refers only to Khmer citizens and so there is no guarantee, in practice and legislation, that non-Khmer citizens would also be protected by the law.

With regard to access to education, there is no perceived discrimination among people in urban areas. However, in rural areas where Khmer practices and traditions still strongly predominate, girls, especially the eldest in the family, are still hindered from going to school because they are needed to help at home or in the farm. Although the Ministry of Education, Youth and Sports has adopted UNESCO's policy of "Education for all", the campaign for this has not reached distant villages.

Gender stereotyping is still present in Cambodian society. However, at present, women who work outside the home, like girls who work in factories or who sell in the markets are a common sight and considered a big help to their families. Parents are proud of children who have finished higher (university or college) education and women who work in offices, ministries, banks, hospitals, NGO's are often held in high esteem.

Due to the high cost of education (even in state-run schools) many children have to drop out. Most of them are forced to earn a living scavenging and selling scraps. Among the most vulnerable groups, Vietnamese children often find it hard to enter school as they feel discriminated or they lack documents like birth certificate, residency, records from previous school (if they are transferees). Otherwise, if they speak and understand the Khmer language well, have the necessary documents and associate well with others, they are treated like all other students.

B. CIVIL RIGHTS AND FREEDOMS

2. BIRTH REGISTRATION (article 7)

Even though birth registration is compulsory under law in Cambodia, many parents, due to ignorance, fail to register the birth of their children. In particular, some Vietnamese parents feel that they and their children are discriminated against when they apply to government offices. They complain that they are not well attended to and some Cambodian civil servants say insulting words to them.



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3. PARTICIPATORY RIGHTS OF CHILDREN (articles 12-17)

Due to social norms and family structure where the eldest or most senior in a group is held in high respect and always has the final say, listening to the voices of children and youth is not encouraged in Cambodia.

Youth organizations promoting the nation or the government or those affiliated with the ruling political party are encouraged and even supported by the government. On the contrary, organizations or groups that are partial to the opposition, or those who denounce violations of human rights or support the victims, those who criticize government policies and malpractices (e.g. corruption, nepotism, etc.) are closely monitored and their leaders often questioned, if not punished.

C. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

4. CHILD ABUSE AND ILL TREATMENT (articles 19, 37 and 39)

We are aware of the many cases of child abuse and ill-treatment happening all over Cambodia. This is a generalized and widespread phenomenon, occurring within the family (e.g. cases of incest including rape of children as young as two years old, committed by family members like the father, stepfather or older brother or other persons familiar with the child and close to the family). Many cases happen in rice fields, farms and isolated places and villages. They also happen in beaches, resorts and guest houses. In this latter case the perpetrators are often foreign tourists or pedophiles. Perpetrators also include drug addicts in the community, alcoholics, idle people like cousins or uncles without jobs or neighbors with mental illness. Most of the cases reported in the media happen in rural areas. Victims are usually out-of-school children and teen-agers, and also girls with disabilities like mute, lame, retarded and other forms of handicap. In some instances, girls are gang-raped after being lured to come to a party or join an outing.

In this regard, “The Cambodia Daily” (February 4, 2011) reported that “the number of recorded rape cases rose 30% in 2010 and represents nearly 30% of Cambodian cases of felony”. The number of rapes recorded rose from 247 in 2009 to 321 in 2010. However, this represents only the cases recorded in the National Police annual report. Unreported cases could be doubled. A total of 501 rapes nationwide have been recorded in 2010, up nearly 9% from 2009 and nearly 20% higher than 2008 figures. Of this there were 195 child rape cases in the first seven months of 2010 alone. 72% involved victims under the age of 18. Only in January – March 2011, the Cambodia Daily has reported 38 child-rape cases (CD, Feb.23, 2011; Mar.5, 2011). In some instances, the victims are also killed in a brutal way.

In order to face these phenomena, the government undertook several measures, especially regarding rape cases, such as: i) the creation of “safe communes” where the locals are encouraged and mobilized to help police and the authorities to keep their villages safe; ii) straightening of existing measures to punish the offenders, which includes incarceration for locals and extradition in the case of foreigners.

Additionally, the Ministry of Justice and the Ministry of Women’s Affairs recently planned further measure to improve the prosecution of rape cases nationwide. Training sessions were conducted



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with the help of international and more experienced NGOs to lay the groundwork for future cases in Cambodia. Due to trial failures in the past, more training has been held especially on identifying and preserving evidence and on dealing with traumatized victims who have never experienced court procedures. Regardless the efforts made by the government, NGOs remain the main actors in providing care, rehabilitation and legal services to child victims of abuse.

D. BASIC HEALTH AND WELFARE

5. RIGHT TO HEALTH (article 24)

The health sector in Cambodia is still known for its poor medical services, low-quality treatment and lack of modern equipment/facilities. Most often patients in state-run centers and hospitals have to pay some kind of unofficial fees to medical staff who are poorly paid. Hence, access to health services for the poor is still limited due both to the high costs and the distances to be traveled to health facilities. Except for some government hospitals (e.g. the Swiss-funded Kantha Bopha Children's Hospital) and some health-care centers run by NGOs where all services and medications are free, most hospitals, both state-run and private, charge their patients and are often not affordable to the poor. The number of family health-care centers, particularly in rural areas, is insufficient to service the growing number of people.

6. EDUCATION, LESISURE AND CULTURAL ACTIVITIES (articles 28 - 31)

In spite of its young population³, about 21% of children are reported to have not started any form of formal schooling in Cambodia. In particular, in rural and remote areas the number of schools does not correspond to the need of the expanding population of children.

Moreover, there are still gender disparities in school attendance as girls, especially in rural areas, continue to be greatly implicated in doing household chores and looking after their younger siblings. There are also high repetition and drop-out rates because many children have to stop schooling during the planting or harvest season to lend a hand in the farm work. Many children also stop schooling when the rainy season sets in because they live very far from the village or town school.

The current school failure percentage in primary school is 22%. The index rises to 40% in high school. Furthermore, on average, a student takes 10 years instead of 6 to complete primary school.⁴ In spite of their salary increases, teachers in Cambodia are still paid lower than others in the civil service. This greatly affects the quality of education since teachers are frequently absent as they spend the time on a second or even third job to augment family income. Many teachers also conduct

³ 41.9% are younger than 15 years of age and 75% below 25 years of age.

⁴ Source: "Educational Programs: Collaboration between the Catholic Church and the National Education System in Battambang Province", 2010.



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out-of-class tutorial lessons where they charge students from 1,000 to 4,000 (roughly 25 cents to \$1) an hour. Students who do not attend these tutorial classes are often failed.

9. CHILDREN AFFECTED BY ARMED CONFLICT (article 38)

In 2004⁵ Cambodia ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict⁶. Moreover, exposure of children to armed conflict is in direct violation of Article 48 of the Cambodian Constitution, which states that “The State shall protect the rights of children as stipulated in the Convention on Children’s Rights, in particular the right to life, education, protection during wartime, and from economic or sexual exploitation. The State shall protect children from acts that are injurious to their educational opportunities, health and welfare.”

As of this writing, the recruitment of child soldiers in Cambodia still continues especially with the on-going fighting over the historic Preah Vihear Temple between Thailand and Cambodia. It has been reported that about 40 boys (16 to 18 years old) were sent by the government, along with adult soldiers, to fight against the Thai forces. These boy-soldiers are fully armed and have to patrol both day and night. They are paid an equivalent of US \$45 per month.

Concerning the identification, demobilization and psychological rehabilitation and reintegration in society of child soldiers, NGOs are the main actors in providing this service.

10. ECONOMIC EXPLOITATION (article 32)

The national law prohibiting child labor has not been fully enforced and implemented. We see a lot of children working in constructions, restaurants, beer houses, gasoline and car-wash stations, along the road selling newspapers, flower, candies and cigarettes and in some factories, even at night. A high number of children also work as housemaids and scavengers.

In the formal sector, children are hired to run errands. Girls aged 16-18 work as dealers and waitresses in casinos. There is still a large number of working children in the agricultural and other informal sectors, including family businesses.

Orphans, children coming from very poor families where parents do not appreciate the value of education for their children, school drop-outs, children who are not motivated or encouraged to go to school and households with single parents are susceptible to become child laborers. Very often, construction workers take their families to construction sites and have their children get employed there also. Other parents who drive their children to labor are those who incur heavy debts, drunkards and gamblers.

11. SEXUAL EXPLOITATION AND TRAFFICKING (article 34)

Although there are still many cases of child prostitution and trafficking in the country, the number has lessened through the action of many NGOs and the government. On this purpose, the Ministry

⁵ Date of ratification: 16 July 2004.

⁶ The following Declaration has been made by Cambodia concerning the age of recruitment : "According to Article 42 of the Law on the General Status of Royal Cambodian Armed Forces stipulated that the Cambodian citizen of either sex who has attained the age of 18 years should be permitted or recruited into the armed forces."



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of the Interior and the National Police established human-trafficking departments. Nevertheless, young women and children continue to be trafficked in and outside Cambodia for sex and cheap labor. Additionally, the phenomenon of child prostitution is highly hardened by foreign sexual tourism.

Furthermore, many cases of violence, maltreatment and economic exploitation of young Cambodian women have been reported among those who work as housemaids in Malaysia. Usually they enter the country through placement agencies, both legal and illegal. Not only are the girls underpaid but they are also made to work until midnight or forced to work for two or three families. While still in Cambodia, they were told that one girl would work for only one family but things change when they are already outside the country. In some cases, employers also sexually abuse the girls. People, especially the poor, usually do not report cases to the police or to proper authorities for fear that they would not be able to pay for a lawyer and other court expenses.

RECOMMENDATIONS

In order to fully and equally ensure children's rights, IIMA recommends the Government of Cambodia the following:

Concerning **Non-discrimination**:

- to take more effective measures, in accordance with article 2, to ensure that all children within its jurisdiction enjoy all rights enshrined in the Convention on the Rights of the Child on the basis of non-discrimination;
- to prioritize social and health services and ensure equal opportunities to education of children living in rural areas, especially girls.

Concerning **birth registration**:

- to fully implement article 7 of the Convention on the Rights of the Child ensuring all children the right to be registered immediately after birth, have a name, and acquire nationality;
- to develop and implement an efficient system of birth registration through mobile registration offices or by establishing registration units in schools to benefit children who are not yet registered;
- to pay special attention to the birth registration of most vulnerable groups of children, especially children of Vietnamese parents.

Concerning **the right to education**:

- to build new schools in rural areas and reduce the school costs in order to guarantee equal opportunities in education for all children;
- to provide adequate training to teachers and suitable teaching materials;
- to prioritize human rights education of both teachers and students.

Concerning **child abuse and economic and sexual exploitation**:



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- to address the root causes of the phenomenon of violence against children, including sexual abuse within family environment;
- to punctually punish those responsible for recruiting and delivering children for sexual and economic exploitation, including all persons accepting children for these activities.

Concerning **child soldiers**:

- to stop the recruitment and demobilize children under 18, in compliance with the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict and the national legislation.