

The Royal Government of Cambodia has made significant progress in establishing legal and policy frameworks that create protective environments for children, including national and sub-national mechanisms. However, gaps in law enforcement, inconsistent policy implementation, and limited accountability of local mechanisms remain and put children at risk.

Key Recommendations:

World Vision calls for the Royal Government of Cambodia to:

- Strengthen existing child protection mechanisms through improved coordination of national and sub-national level actors, and increasing human, technical, and financial resources to local institutions.
- Improve the clarity and implementation of existing child protection laws, policies, standards, and regulations.

Current Situation of Children in Cambodia

According to UNICEF, an estimated 1.5 million orphans and vulnerable children are living in Cambodia, with up to 20,000 of them living or working on the streets of Phnom Penh. Some of these children are victims of forced labor and trafficking while others suffer from violence or abuse or are living with disabilities.¹ Research in 2013 revealed that physical, sexual and emotional violence directed at children was very high, with over half of both boys and girls reporting one incident of physical violence before the age of 18.² The justice system in Cambodia is still evolving and is not yet fully equipped to respond to the needs of children who come into contact with the law – whether as victims, witnesses or suspects.³ Necessary procedures and facilities for dealing with minors in the criminal justice system are lacking. As a result, children are routinely processed through the criminal justice system and prosecuted as adults.⁴ In 2009, an estimated 826 children were in detention across the country, compared to 630 and 493 children in 2007 and 2006, respectively.⁵ Additionally, there is still no independent mechanism to receive and address complaints from children concerning violations of their rights.⁶

• Child labor

According to the National Institute of Statistics, of the estimated 755,245 economically active children in Cambodia in 2012, 56.9% (429,380) were child laborers and 31.3% (236,498) were children in hazardous labor. Thus, five of every nine child laborers were engaged in hazardous labor.⁷

• Child Trafficking and Sexual Abuse

In 2010, the NGO Joint Statistics Database Report on Rape, Sexual Trafficking and Sexual Exploitation identified 39 cases of sexual trafficking involving 61 suspected traffickers. 56.4% of victims were under the age of 18. In 2011, 71 cases were reported, 75% of which involved children. Of the 33 cases for which data is available in 2011, 17 cases were investigated by the police, and only 3 resulted in a criminal trial.⁸

Government Response to Child Protection Issues

In 1992, the Royal Government of Cambodia (RGC) ratified the United Nations Convention on the Rights of the Child (UNCRC), plus 18 international conventions, 15 domestic laws, and a number of policies and sub-decrees that relate to child protection.⁹ Article 48 of the Constitution of Cambodia also recognizes the rights of children as stipulated in the UNCRC, particularly the right to life, education, and freedom from economic or sexual exploitation.¹⁰ In addition, the RGC has established strategies and a variety of mechanisms at the national and sub-national levels in order to develop a child protection system in Cambodia, including Cambodia National Council for Children (CNCC), and Commune Committee for Women and Children (CCWC), as well as more targeted interventions to protect children in residential care such as Policy on Alternative Care for Children adopted in 2006.

In response to child labor and child trafficking, the RGC adopted a number of laws including the Plan on the Elimination of the Worst Forms of Child Labor 2008-2012, Law on the Suppression of Human Trafficking and Sexual Exploitation (2008),¹¹ the Village/Commune Safety Policy (2010), and the National Plan of Action on Counter Trafficking 2014-2018. A draft juvenile justice law has been developed since 2002 to protect children who come into contact with the law but it has not yet been finalized and remains a needed framework.¹²

Gaps in the Existing Child Protection System

Although child protection legal frameworks and mechanisms are mostly in place, gaps in the current system, both at national and sub-national level, have hindered the full and effective protection of children in Cambodia. Non-governmental organizations (NGOs) working in the field of child rights still have limited input into the development of policies, laws and strategies on children despite their important role and expertise in promoting and protecting children's rights.¹³ With regard to the implementation mechanisms, CNCC which is a national coordination mechanism for the implementation, consideration, and evaluation of all

policies and programs related to Cambodian children, still lacks the necessary human, technical and financial resources to fulfill its coordinating roles.¹⁴ There is no obligation for any government department to refer or defer to CNCC on issues related to child rights.¹⁵ Additionally, coordination between the national, provincial and district levels within and among the ministries with mandates for child protection is weak¹⁶ and child protection issues are rarely integrated into commune development plans. The majority of the budget of Commune Councils is spent on physical infrastructure, with limited funds directed to social service for children and women.¹⁷ The Commune Committees for Women and Children (CCWC), which are established across the country to ensure child protection at local level, have inadequate funds to fulfill their mandate, and are often unclear on their roles and responsibilities. Members of CCWCs also have limited capacity in designing budget plans that integrate child protection issues into Commune Investment Plans, and also lack the expertise needed to identify most vulnerable children in their Commune.

These local challenges are compounded by ineffective enforcement of national laws and policies. For example, the RGC reported that in 2010 not a single employer was prosecuted for violations of laws related to child labor,¹⁸ and there are questions as to whether the law can be practically enforced due to resource and capacity constraints.¹⁹ Similarly, the implementation of Law on the Suppression of Human Trafficking and Sexual Exploitation has proved ineffective. The US Department of State Trafficking in Persons report for 2013 stated that the RGC failed to make progress in holding trafficking offenders and child sex tourists accountable because of inadequate prosecutions and sentences.²⁰ The Law on Juveniles in Conflict with Criminal Code is still in draft form and the application of the current Penal Code that protects minors is still weak, sometimes due to lack of documentation to prove a child's age following internal migration, forced eviction or failure to provide birth registration documents.²¹

In response to child protection issues in Cambodia, World Vision calls on the Royal Government of Cambodia to:

Strengthen existing mechanisms for child protection at the sub-national level and improve national level coordination of these mechanisms.

- Provide a clearer mandate and role for CCWCs and provide on-going trainings to members to improve their performance and effectiveness, including mainstreaming and resourcing child protection in Commune Investment Plans.

- Provide a clearer mandate for CNCC and invest added human, technical and financial resources in it. The relationship between the CNCC and government ministries and departments should be clarified and improved to ensure that child protection issues are reported to CNCC.
- Include greater technical support for sub-national institutions into government strategies and action plans, including improving good governance and accountability, and consult further with NGOs to deliver effective trainings.
- Improve coordination between CNCC and other relevant stakeholders, especially CCWCs, through a plan of action.

Improve the implementation of child protection laws, policies, standards and regulations.

- Identify gaps and limits to existing laws, policies, regulations and standards and, through consultation with civil society organizations, amend them to improve implementation.
- Work collaboratively with NGOs working on child rights to provide guidelines to law enforcement agencies, such as police and judges, to better respond to child abuse.
- Systematically involve citizens, especially children and young people to participate and monitor local implementation of policies and programmes related to child rights.
- Develop a comprehensive national online database on child labor, child trafficking, and sexual abuses to track progress of child protection, and make information publicly available to support child rights organizations and citizens groups to better protect children and prevent abuse.

¹ UNICEF. *Child Protection*. Available at http://www.unicef.org/cambodia/2.Child_Protection.pdf

² Findings from Cambodia's Violence Against Children Survey 2013: Summary, MoWA, UNICEF and CDC (2014).

³ UNICEF. *Child Protection*.

⁴ NGOCRC (2013). *UPR Submission on Cambodia Child Rights*.

⁵ UNICEF. *Child Protection*.

⁶ NGOCRC (2013). *UPR Submission on Cambodia Child Rights*.

⁷ National Institute of Statistics (2013). *Cambodia Labor Force and Child Labor Survey 2012: Child Labor Report*.

⁸ Ibid.

⁹ World Vision (2014). *Technical Approach for Child Protection (LEAP 3.0)*.

¹⁰ RGC. *Constitution of Cambodia (amended in 1999)*.

¹¹ NGOCRC (2013). *UPR Submission on Cambodia Child Rights*.

¹² NGOCRC. *Expert Meets to Discuss Draft Juvenile Justice Law* (extracted from Phnom Penh Post, 14 December 2010), available at <http://ngocrc.org/en/news/latest-news/1-latest-news/186.pdf>

¹³ UNCRC (2011). *Concluding Observations: Cambodia*. CRC/C/KHM/CO/2-3.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ World Vision (2014). *Technical Approach for Child Protection (LEAP 3.0)*.

¹⁷ UNICEF. *Local Governance for Child Rights*. Available at

<http://www.unicef.org/cambodia/5.LGCR.pdf>

¹⁸ NGOCRC (2013). *UPR Submission on Cambodia Child Rights*.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.