

KINGDOM OF CAMBODIA

NATION RELIGION KING



ANSWER
TO THE QUESTIONNAIRE
ON THE UN SECRETARY GENERAL'S STUDY ON
VIOLENCE AGAINST CHILDREN

2005

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Introduction

Violence has existed throughout the world, **more or less serious form**, in developing countries as well as in developed ones. Women and children, who are the weaker, have been the most affected. Cambodia, having opted for democracy, has always worked to promote the respect of human rights, especially those of women and children as stipulated in the Constitution of the Kingdom of Cambodia, in accordance with the Convention on the Rights of the Child and the Convention on the Elimination of Discrimination Against Women.

Violence happened during the period of wars, particularly under the Khmer Rouge regime 1975-1979 where millions of children fell victim of violence.

After the Liberation Day of 7th January 1979, children were saved and strongly supported by the government through giving the opportunity of becoming a “sample child”, but they have lived in a society with a bitter past and deprived of moral and social conduct that are the evil factors for violence.

After the 23rd October 1991 Paris Peace Agreement on Cambodia, the Supreme National Council (SNC) has accepted the Convention on the Rights of Child on 22nd September 1992. Child related problems have been given more importance by the Government, and policies, national plans and programmes were prepared successively in order to ensure survival, protection, development and participation of children.

I. LEGAL FRAMEWORK

International human rights instruments

1- Describe any developments with respect to violence against children which have resulted from your country’s acceptance of international human’s rights instruments including, for ex, the Conventions on the Rights of Child and its Optional Protocols, the Palermo protocol or regional human rights instruments. Provide information on cases concerning violence against children in which your country’s court or tribunals have referred to international or regional human right standard.

Cambodia ratified the Convention on the Rights of Child (CRC) on 15th October 1992. This Convention is recognized by the Cambodian Constitution. However, trafficking in human beings is a major concern for the Royal Government of Cambodia, and is considered to be linked to the increasingly widespread poverty and illiteracy in the society. As a result, the Cambodian National Council for Children (CNCC) was established in 1995. The role of this inter-ministerial body is to promote, coordinate, monitor and report on the implementation of the CRC. The Law on the Suppression of Kidnapping, Sale and Trafficking of Human Beings has been passed by the National Assembly and promulgated in 1996. This law aimed to combat sexual exploitation and debauchery on both adults and children. To reinforce the implementation of the anti-trafficking law, the Government has set up several technical institutions in different ministries, such as the creation of the Inter-ministerial Commission for the Suppression on the Exploitation on Performing and Selling of Pornographic Video Cassette in Phnom Penh (Decision n° 14 dated 29th February 2000) and the Anti-Human Trafficking and Juvenile Protection (**AHTJP**) Department at the Ministry of Interior (in 2002).

On 6 April 2000, the Five-Year National Plan of Action (NPA) against Trafficking and Sexual Exploitation of Children (TSEC) has been officially adopted by the Royal Government.

In 2002, the two Optional Protocols to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography were ratified by the National Assembly.

Other types of violence against children have been incorporated in a number of draft laws that are pending for adoption by the Parliament and Senate. Presently, the Law on Prevention of Domestic Violence and Protection of the Victims has been adopted this year of 2005, and the draft Law on Education is expected to be adopted soon. The draft Penal Code, draft Penal Procedure Code, draft Civil Code and Civil Procedure Code and a new draft Law on Suppression of Trafficking in Human Beings and Sexual Exploitation are currently under review at the Council of Ministers. A draft Law on Justice for Minors is still being discussed at the Sub-Committee on Law Review of the CNCC.

Article 2232-1 of the draft Penal Code provides the punishment of those who commit obscene acts on others, and article 40 of the draft Law on the Suppression of Human Trafficking and Sexual exploitation provides punishment of the persons who distribute, sell, rent or put on exposition, broadcast, show, possess, transport, import, export and produce the pornographic images and materials.

Cambodia has ratified many international treaties, but as the country does not have a separate child-friendly justice system, the use of international materials at courts is still very limited. It is only when a principle is not clearly defined in Cambodian laws but well stipulated in the Convention on the Rights of Child that the court refers to that principle to adjudicate a case. For example, the Siem Reap tribunal has referred to articles 37 and 40 of the CRC in order to reduce the level of punishment to a minor perpetrator.

Legal provisions on violence against children

2- How are forms of violence against children addressed in your country's constitution, legislation and subsidiary legislation, and where appropriate, customary law.

The Cambodian Constitution recognizes and respects human's rights in general and children's rights mentioned in Convention on the Rights of the Child as stipulated in its article 31 and 48. Consequently, any act considered as violence in the CRC shall be treated in the same way in Cambodia. Combating violence against children and punishing the perpetrators are well mentioned in different laws of the Kingdom of Cambodia despite the country does not have a separated law on this.

Based on the definition provided by the United Nations study, sexual abuse, mental and sexual harassment, corporal punishment, indecent assault, battery, overwork, debauchery, sexual exploitation and pornography are considered as violence against children. **In Cambodia legal system, criminal acts which are stated in this study are circulated in criminal code in the form of criminal offences.**

According to the Law on Domestic Violence, domestic violence is known as:

- Any acts affecting life
- Any acts affecting physical integrity
- **Tortures or cruel acts**
- Sexual **aggression.**

The Cambodian customs and tradition do not advise violence against children.

3- Provide detail on any specific legislative provision on:

- **Prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment, and sexual abuse;**
- **Protection of children from all forms of violence;**
- **Redress, including compensation, for child victims;**
- **Penalties for perpetrators of violence against children;**
- **Reintegration and rehabilitation of child victims of violence.**

The Provisions Related to the Judiciary and Criminal Law and Procedure applicable in Cambodia during the Transitional Period dated 10 September 1992 (known as the UNTAC Law) that is still in force in Cambodia has specific provisions regarding violence on children such as injury, indecent assault and debauchery etc. In addition to this there are several laws answering to the question:

- Constitution
- Conventions
- Law on Marriage and Family dated 26th July 1989
- Law on Criminal Procedure dated 8th March 1993
- Law on Press Regime dated 1st September 1995
- Law on the Suppression of Kidnapping, Sale and Trafficking of Human Beings dated 16th January 1996
- Labour law dated 13th March 1997
- Law on Abortion dated 12th November 1997
- Law on Aggravating Circumstances of Felony dated 19th November 2001
- Law on Prevention of Domestic Violence and Protection of the Victims dated 24 October 2005.

There are also circulars of the Government and line ministries, especially the circulars of the Ministry of Tourism on the administration of tourism agencies and companies, restaurants, dancing bars, karaok parlors and hotels prohibiting the commerce of drugs, sexual exploitation of children, the use of unauthorized video cassettes, VCD and DVD, and prohibiting the access to tourism places for children under 18 years old if they are not accompanied by the family. All TV stations are not allowed to show any performance which affects on moral, spirits, feeling and health of children. etc.

According to the Law on Criminal Procedure dated 8 March 1993, a person or child who thinks s/he is a victim of any offence can file complaint cumulating with the public prosecutor in order to receive compensation (article 9).

In general, violence against children is punished heavily with imprisonment, compensation and some additional measures depending on the type of the offence. For crimes related to trafficking, the culprit shall be punished by the Law on the Suppression of Kidnapping, Sale and Trafficking of Human Beings.

Regarding the reintegration and rehabilitation of child victims of violence, the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) has issued a Ministerial Declaration n° 303 dated 15 November 2000 on the Creation of the Youth Rehabilitation Centre which provides rehabilitation and care to those children before reintegrating them back into the family and community.

4- Indicate whether any specific legislative provisions address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which takes place in:

- **The family/home;**
- **Schools and pre-school care and education (both formal and non-formal, state and private);**
- **Military school;**
- **Institution including care, residential, health and mental health;**
- **The context of law and public order enforcement including in detention facilities or prison;**
- **The neighbourhood, street and the community, including in rural areas;**
- **The workplace (informal and formal);**
- **Sport and sporting facility.**

According to the Cambodian customs and tradition, when a child committed a mistake, the parents, guardians and teachers shall apply the law and use education as a basic means.

• **Violence in the family / at home:**

To prevent violence in the family / at home, following laws have been applied:

- Law on Marriage and Family of 26 July 1989:
 - + Article 116 provides that parents shall not mistreat their children
 - + Section 6 articles 119-122 provides on revocation of parental authority in case of forcing children to commit a crime or behaving against moral standards that have a bad influence over the children.
- The Provisions Related to the Judiciary and Criminal Law and Procedure applicable in Cambodia during the Transitional Period: for the punishment of parents.
- Law on the Suppression of Kidnapping, Sale and Trafficking of Human Beings dated 16th January 1996.
- Law on Prevention of Domestic Violence and Protection of the Victims dated 24 October 2005.

• **Violence in schools:**

The Ministry of Education, Youth and Sports has released an Internal Regulation to all the primary and secondary schools. To discipline children, a teacher may make a verbal warning, ask his or her student to write repeatedly many phrases, and mention the type of punishment in the student's record book (article 17). Corporal punishment is not allowed (article 18).

• **Violence in military schools:**

There is no child at the military school.

• **Violence in institutions including care, residential, health and mental health:**

MoSVY has issued an internal regulation for the Youth Rehabilitation Center and all orphanages, so as to maintain discipline and prohibit violence on children. The centers of NGOs have more or less the same internal regulation. MoSVY is currently developing a Policy as well as a set of Minimum Standards on Alternative Care for children to be observed by all kinds of care, in compliance with the respect of basic children's rights.

• **The context of law and public order enforcement including in detention facilities or prison:**

Coercion, physical ill-treatment or any other mistreatment that imposes additional punishment on a detainee or prisoner shall be prohibited. Any person who commits, participates or conspires in such acts shall be punished according to the law (article 38 paragraph 2 of the Constitution). According to the Provision on Judiciary and Criminal Procedure applicable in Cambodia during the Transition Period, no one detainee shall be subjected to cruel, inhuman or degrading treatment or punishment, nor be beaten or tortured. Each detainee shall have access to appropriate medical care. Prisoners must not be shackled or kept in isolation, whether they are in pre-trial detention or already sentenced. In no case shall the family of a detainee or prisoner be harassed as a result of the prisoner's behaviour (article 12). Any public agent, including police or military agents, who deliberately infringe upon rights to be free from physical abuse and the sanctity of the home, protected by the present text, will be punished by 1 to 5 years in prison (article 57). Article 14-5 of the Provision on Judiciary and Criminal Procedure applicable in Cambodia during the Transition Period does not allow the detention of a minor below 13 years old. However, if the minor is between 13 to 18 years old, the duration of the detention is one month with possibility of extension for another month only.

- **The neighbourhood, street and the community, including in rural areas:**

In the Kingdom of Cambodia any violence happening anywhere in the country is well addressed by the law:

- The Criminal Procedure applicable in Cambodia during the Transition Period provides on:

- Assault and battery (article 41)

- Indecent assault (article 42);

- The Law on the Suppression of Kidnapping, Sale and Trafficking of Human Beings provides on:

- Child prostitution

- Child pornography.

- the Law on Aggravating Circumstance of Felony provides in article 5-2 that, in the rape with threat on a minor under 14 years old, the perpetrator shall be punished to 15-20 years imprisonment.

- **Violence in the workplace:**

The Labour Code stipulates the following:

- *Article 172:* all forms of sexual violation (harassment) are strictly forbidden.

- *Article 177 paragraph 4:* minors under 15 years old are not allowed to work.

Minors from 15 to 18 years old can only apply for a job that is not hazardous to their safety, health or morality. A minor from 12 to 15 years old is allowed to be hired to do light work if the work is not hazardous to their schooling, health or mental and physical development.

- **Violence in sports :**

Article 48 paragraph 2 of the Constitution states that the State protects children from employment that affects their education and schooling, or that is detrimental to their health and welfare. The regulations of MoEYS allow the competition according to school levels: students of the primary school with students of primary school; students of the secondary school with students of the secondary school. The laws do not allow children to be involved in professional sports.

5- Indicate if corporal punishment of children, in any setting including in the family, is explicitly prohibited in your legal system. Provide details of any legal defences available to those who administer corporal punishment to children, including in the family. Provide information on penalties applicable to those who administer corporal punishment to children, including in the family.

1/ The Cambodian legal system prohibits all kinds of violence as stated in the Constitution:

- Article 38-1: the law guarantees there shall be no physical abuse against any citizen.

- Article 38-4: coercion, physical ill treatment or any other mistreatment that imposes additional punishment on a detainee or prisoner shall be prohibited. The person who commits, participates or conspires in such act shall be punished according to the law.

2/ In principle, the laws in force in Cambodia do not defend the person who administers corporal punishment on children. But the Law on Prevention of Domestic Violence and Protection of the Victims provides that prosecution of an offence shall not be possible to proceed if there is a request from an adult victim where the offense is a non-serious misdemeanor or a petty crime (article 36).

3/ The punishment of the person committing violence against children depends on the severity and damage of the act as stated in the Provisions Related to the Judiciary and Criminal Law and Procedure applicable in Cambodia during the Transitional Period in its article 41:

- Anyone who voluntarily strikes another resulting in injury leading to permanent disability or temporary disability lasting more than six months is guilty of battery and shall be liable to a punishment of one to five years in prison.

- If the disability lasts less than six months, the offence shall be punished by a term of imprisonment of six months to two years.

- If there is no disability, the punishment shall be a term of imprisonment of two months to one year.

- If any weapon is used to strike blows, the period of imprisonment shall be doubled.

6- Provide information on whether the Penal Code permits corporal punishment and/or capital punishment as a sentence for crime committed by a person under the age of 18.

The Provision on Judiciary and Criminal Procedure applicable in Cambodia during the Transition Period 1992 provided that the death penalty is abolished in Cambodia. This was later confirmed by the Constitution in 1993.

7- Provide details on whether bullying/hazing and sexual harassment are explicitly addressed by legislation.

Bullying/hazing is well stipulated in the law that is applied in all cases according to the definition of each act, whether it is committed in the workplace.

Article 172 of the Labour Law strictly prohibits all forms of sexual violation. Indecent assault as well as rape committed by the employer or any person in the workplace shall be punished, indecent assault by article 42 and rape by article 33 of the Provisions Related to the Judiciary and Criminal Law and Procedure applicable in Cambodia during the Transitional Period. This last article has been made more effective by article 5 of the Law on Aggravating Circumstances of Felony 2001.

8- Provide information on the way in which harmful or violent traditional practices, including but not limited to female genital mutilation, child marriage or honour crime are addressed in your country.

The Cambodian tradition does not practice female genital mutilation and honour crimes. In principle, marriage of children is prohibited by the law.

9- Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizen and stateless children, including asylum seeker and displaced children. If specific provisions do not apply to such children, provide details of protection offered to them.

In Cambodia, there is no distinction between foreigner, refugee and Cambodian in term of application of legal provision on violence.

10- Provide information on any difference in the definition of violence and the applicable legal framework according to:

- **The sex or sexual orientation of the victim and/or of the perpetrator;**
- **The age of the victim and/or of the perpetrator;**
- **The relationship between the victim and the perpetrator, including but not limited to infanticide, sexual violence in marriage, incest and sexual abuse within the family, and physical chastisement.**

In principle, there is no difference.

11- Provide information on any recent comprehensive review of the legal framework to address violence against children.

In response to violence against children, the draft penal code mentions a lot of crimes related to violence against children.

The Law on domestic violence is adopted in 2005.

12 Provide information on any studies and surveys which have been undertaken to assess the impact of legal measures to address violence against children.

No study or assessment has been made.

Courts tasked with addressing violence against children

13- Identify those parts of the court structure in your country tasked with addressing violence against children. Indicate if your family or juvenile courts have specific responsibility for this issue.

Currently, the court in charge of violence against children is within the general jurisdiction. Cambodia does not have yet a separated court for the family or for minors.

Minimum age for sexual activity

14- Provide information on any legally defined minimum age required for valid consent to sexual activity. Is this age different for girls and boys? Is this age different in respect to heterosexual and homosexual activities?

The draft penal code provides that sexual relation is admitted from the age of 15 years old.

15- Provide information on the minimum age of marriage for women and men.

- Article 5 of the Law on Marriage and Family:

Marriage may be allowed for a man of 20 years of age or more and a woman of 18 years or more.

In special cases where the boy does not reach the age of 20 and the girl does not reach the age of 18, a marriage may be legitimized upon the consent of parents or guardians, if the girl becomes pregnant.

Sexual exploitation of children

16- Provide information on legislation and other measures to prevent the commercial sexual exploitation of children, including through prostitution and other unlawful sexual activities. Provide details on means to ensure that child victims of such exploitation are not criminalised. Provide information on legislation or other measures to prohibit all forms of sale or trafficking in children, including by their parents.

This has been addressed by the Law on the Suppression of Kidnapping, Sale and Trafficking of Human Beings 1996 in its articles 3, 4, 7 and 8.

Cambodian laws do not penalize the victim of trafficking or prostitutes.

Currently, the Government works closely with NGOs on the provision of shelters and services to victims. Cambodia has adopted a National Plan of Action against Trafficking and Sexual Exploitation of Children 2000-2004, which comprised four main programmes: prevention, protection, recovery and rehabilitation, and reintegration back into the community.

Pornography and harmful information

17- Provide information on legislation and other measures to prohibit the production, possession and dissemination of child pornography. In particular, please provide information on any controls on pornography produced and/or disseminated via the Internet.

Cambodia has ratified the Optional Protocols on the Rights of the Child on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography in 2002.

The Royal Government has issued the Sub-Decree No 63 on the Administration and Control of Film and Video (articles 22, 28 and 29).

The Royal Government has issued the instruction n° 10 dated on 02 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.

18- Provide information on any legislation or guidelines to protect children from injurious information and material transmitted through the media, Internet, videos, electronic games, etc.

The governmental 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.

In order to strengthen the application of the Sub-degree, a Circular of the Ministry of Culture and Fine Arts 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.

Prior to the Circular of the Ministry of Culture and Fine Arts, the Ministry of Information, by its Guidelines No 0037 dated 14 January 1999, called on banning of every rape or pornographic scene broadcast on the television, including cable television. Any film with plots based on cruelty, killing, big brother, kidnapping or terrorism must be broadcast 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.

The Government has adopted 6 principles proposed by the inter-ministerial meeting to suppress and prevent the dissemination of obscene pictures through the internet:

- 1- Block all internet IP containing pornographic images,
- 2- 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.
- 3- The Ministry of Justice must fill out the gap of the new draft Law on the Suppression of human trafficking and accelerate its adoption as soon as possible,

- 4- The Ministry of Women affairs shall prepare a governmental circular while waiting the adoption of the draft Law,
- 5- Each Ministry must take some measure and train their officials to do not watch and disseminate the pornographic image.
- 6- Organize the campaigns aiming at educating youth and society in cooperation with concerned ministries and institutions.

Articles 14 and 15 of the Law on Press Regime 1st September 1995 warn the press to do not publish anything that may affect the good customs of the society, and to do not publish information, photographs or drawings that may make it possible for readers to know the name and identity of parties in any civil lawsuit involving paternity, marriage, divorce or child custody, youth under the age of 18 in any civil or criminal suit, or a woman who is a victim of molestation or rape. Any individual, whose rights under this article are violated by the press, may file a civil action in court for damages.

Reporting obligations relating to violence against children

19- Provide information on legislation, regulations or administrative directives requiring reporting of all forms of violence against and abuse of children in all settings to appropriate bodies. If reporting legislation, regulations or administrative directives exist, please indicate whether all citizens are required to report, or whether the obligation falls on certain professional groups only. Provide details of any sanctions for non-reporting.

- Sub-Decree n°103 on the Civil Status dated 29 December 2000, article 36
- Law on Marriage and Family dated 26 July 1989, articles 119 and 120

Additionally, the Law on Domestic Violence authorizes the judge to issue a protection order aimed at protecting the victim from the perpetrator. The application for this protection order can be made by any person who has known the incidence of domestic violence if the victim is a minor, insane person or someone who is unable to file a complaint by him/herself. This is not an obligation, but a possibility for the person aware of domestic violence to apply for an order of protection from the judge. Any citizen, technical group or organization has the right to report a flagrant delicto offence to the competent authorities. However the law does not provide penalty to those who do not report on the violence. It is not mandatory for the public or technical group to report a case of domestic violence, except in cases stipulated in sub-decree No 103 above.

Complaint procedures

20- Provide information on any complaint procedures relating to all forms of violence against children perpetrated in:

- **The home and family;**
- **School and pre-school care and education (both formal and non-formal, state and private);**
- **Military school;**
- **Institutions, state and private, including care, residential, health and mental health;**
- **The context of law and public order enforcement, including in detention facilities or prison;**
- **The neighbourhood, street and the community, including in rural areas;**
- **The workplace (formal and informal);**
- **Sport and sporting facilities.**

There is no specific procedure related to all forms of violence against children in different settings. Even the Law on the Prevention of Domestic Violence and Protection of Victims does not provide a separated procedure. The lawsuit on all forms of violence against children seems to follow the classic procedure of the Criminal Procedure Code of 1993. The legal representative (parents or other persons designated by the Law) can file a complaint to the officer of judiciary police (prosecutor or administrative police) who will proceed with an investigation (article 38). A report of the investigation shall be sent to the prosecutor, who will set in motion a public action against the perpetrator. With regard to civil actions, the ones that are related to the public law and order, or the interest of a minor or disabled person, the representative of the public prosecutor shall consider him/herself as the principal party.

21- Indicate whether children or other persons acting on their behalf can access these procedures. Indicate whether legal aid is available to facilitate submission of complaints, and the circumstances in which legal aid will be available.

In all cases the child, her/his representative and the lawyer are allowed to observe the procedure all the time.

In general, there are many NGOs providing legal counselling to victims and facilitating submission of the complaint.

In addition, UNICEF Cambodia has been providing technical and financial support to the Bar Association of the Kingdom of the Cambodia since 2000. According to this assistance, a Legal Representation for Children in Need of Special Protection Unit was set up. This unit, composed of three lawyers, provides free assistance to child victims of sexual exploitation and/or trafficking.

22- Describe steps which have been taken to raise awareness of possibilities to submit complaints about violence against children.

Since 1999, with support from UNICEF, the Ministry of Social Affairs, Veterans and Youth Rehabilitation has launched the “**Community-Based Child Protection**” network in selected locations in five provinces/municipalities in order to prevent violence, exploitation and trafficking of children and identify the victims for referral to appropriate services. The model is now revised and the piloted in Prey Veng and Svay Rieng. The Ministry provided training to stakeholders at the provincial, commune and village levels as well as to volunteers and NGOs so as become vigilant and assist in filing the complaint.

23- Provide information on any special or evidentiary rules which may apply in proceedings with respect to violence against children.

Despite there is not yet a specific regulation on evidence nor special procedure which may apply with respect to violence against children, evidence testifying in criminal cases as well as in violence against children is well stipulated in the Law on Aggravating Circumstance of Felony dated 19th November 2001 (article 2).

24- Provide information on the usual outcome of complaints of violence against children (e.g. compensation, punishment of perpetrators, perpetrator rehabilitation, family therapy).

In Cambodia, the public prosecutor is the principle party in a complaint against violence on children like in other criminal offences. S/he shall prosecute the offender to court for punishment according to the law. The victim or plaintiff may file the claim for reparation of damages along with the public action of the prosecutor, and the criminal court can decide on this at the same time with the punishment.

Answers on perpetrator rehabilitation and family therapy are mentioned in point 25.

25- Provide information on the usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence (e.g. imprisonment, corporal punishment, community service, perpetrator rehabilitation, family therapy).

The outcomes of legal proceedings in which children and juveniles are found guilty of perpetrating violence depend on the age of the offenders:

- For children under 12 years old, the offenders are counselled and referred to youth rehabilitation centre for re-education; at the same time counselling is provided to enhance the parents' responsibility before reintegrating the offenders back into the family.
- **For young people under** 18 years old, counselling is also provided, but if the offence is serious, the offenders are sent to the court for prosecution, with punishment generally equals the half of that of an adult.

II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

26- Are there any Governmental authorities, structures and mechanisms, including at federal, state/provincial, municipal and local level which are currently responsible for addressing violence against children? If yes, identify these authorities, structures and mechanisms and describe how coordination is ensured.

Governmental authorities responsible for addressing violence against children are included in the common mechanism to address criminal offences in general, i.e. police, judicial police, commune/ sangkat council, community and relevant institutions. This mechanism has its structure at the national as well as at the provincial/municipal, district / khan, commune/sangkat and village levels.

All cases are facilitated and solved within the mechanism, and the process of work is the vertical down-up referral: in case an offence cannot be solved by a lower authority, it shall be referred to the upper authority, and so on. If no solution can be found, the case shall be sent to the court.

27- Is there a lead government authority tasked with the responsibility for addressing violence against children? If yes, provide details.

In Cambodia, there are specific authorities to address violence against children like the Cambodian Committee for Human Rights, the Ministry of Interior's Department of Anti-human Trafficking and Juvenile Protection with its structures at the national and provincial/municipal levels, and all authorities as stated in articles 9, 10, 11 and 12 of the Law on Prevention of Domestic Violence and Assistance to Victims.

28- Are there financial and/or human resources allocated by your country to address violence generally? If yes, indicate the extent of these allocations.

The ministries mandated to work for children are: the Ministry of Labour and Vocational Training, the Ministry of Interior, the Ministry of Social Affairs, Veteran and Youth Rehabilitation, the Ministry of Women's Affairs and the Ministry of Tourism. Those ministries have special programs against violence, budgeted by the government or supported by different organisations.

29- Does your country allocate specific financial and/or human resources to activities to address violence against children? If yes, provide details.

The Royal Government's contribution consists of plots of lands for the construction of shelters (as known village for children) and MoSVY's programmes for children, and the allocation of budget to the Cambodian Committee for Human Rights, Cambodian Council for Women and the Cambodian Council for Children. Despite the combat against violence on children is limited, but the concerned ministries' officials have involved in implementation of programmes to prevent children from violence as well as to protect children.

30- Do international or bilateral donors provide resources to your country for activities to address violence against children? If yes, indicate the extent of these resources and the way in which they are used.

In addition to the Government's contribution, international or bilateral resources are provided to the concerned ministries and NGOs which implement the project on domestic violence, focusing generally on trafficking and sexual exploitation, law enforcement improvement, alternative care for orphaned and venerable children. International donation and bilateral resources are also provided to other projects on domestic violence, training of civil servants, counselling, awareness raising, education, advocacy etc. However, Cambodia still requires more financial and technical aids to effectively develop the programs in different fields and to complete inevitable needs.

31- Does your country provide any assistance to other country's efforts to respond to the problem of violence against children? If yes, provide details.

Cambodia did not provide any financial assistance to other country in its work on violence against children, but the Royal Government has supported and well collaborated with neighbouring countries, for instance in the repatriation of child victims back to Vietnam, and in the receiving of trafficked children from Thailand, with support from UNICEF and IOM. The Cambodian Royal Government has also sent its delegation to the regional and international consultations on violence against children, to share the experiences gained.

32- If your country has a national human rights institution, such as a human rights commission or ombudsman, or a child-specific human rights institution, does it have any role or any competence in the area of violence against children, including receiving complaints? If yes, provide details.

The Royal Government has created the Cambodian Committee for Human Rights on 19 January 2000. The role of this Committee is to assist the Government to:

- uphold human's rights and democracy, monitor all human's rights violation and receive complaints.
- investigate cases of human rights violation, evaluate the investigation of competent authorities and establish the dossier for the public as well for the Prime Minister and the Court.
- disseminate and raise the awareness on human rights.
- make recommendations and suggestions to the Government on human's rights issues for improvement and compliance with the Constitution, national laws and international conventions.
- support and collaborate with the civil society for the protection and development of human's rights in Cambodia.

33- Are there any particular parliamentary structures (for example a special committee) to address violence against children? If yes, provide details.

There is a Commission on Human Rights and Reception of Complaint in each of the National Assembly and the Senate, which is in charge of receiving every kind of complaints and monitoring of all violations of human rights, including child rights. The Commission does not solve those complaints, but will forward its to the competent authority.

34- Have there been any recent parliamentary initiatives to address violence against children? If yes, provide details.

The National Assembly and Senate have adopted the Law on Prevention of Domestic Violence and Protection of Victims and ratified the ILO Convention n°182 on Worst Form of Child Labour in 2005. And the National Assembly's Committee on Health, Social Affairs / Veteran / Youth Rehabilitation and Women's Affairs has submitted a Resolution on the Prevention and Eradication of the Worst Forms of Child Labor for adoption by the 25th General Assembly of the ASEAN Inter-Parliamentary Organization (AIPO), held in Phnom Penh on 12-17 September 2004.

III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

35- Describe significant civil society initiatives addressing violence against children in your country, including the type of institutions involved (such as academic institutions, professional associations, women's associations, student associations, community-based groups, faith-based groups, child and youth-led groups, trade unions, employer's organisations, national non-governmental organisations, international non-governmental organisations) and the major activities engaged in (including advocacy, awareness raising, research, prevention, rehabilitation and treatment of children harmed by violence, provision of services, provision of resources).

There is not yet a specific initiative to prevent violence against children, but the civil society has organized some activities under different forms as follows:

• ***Advocacy, prevention and awareness raising:***

For advocacy, many organizations have focused mainly on trafficking and commercial sexual exploitation of children. The main actors were COSECAM, Ecpat-Cambodia, ILO/IPEC, IOM, UNICEF, WV-Cambodia, the NGO-CRC and the Child Welfare Group. The activities comprised so far:

- participation in the development of legal framework, training on protection, prevention and provision of adequate services
- support to community-based network that act as a watchdog to prevent violence at home and trafficking and commercial exploitation of children
- child's participation through newsletter development and public discussion.

Regarding violence against children, there were:

- development of IEC materials (leaflets, calendar, spots)
- children participating in the competition of drawing on violence against children
- Tearfund organization conducted a study on children aged 12 to 15 showing the prevalence and perceptions of Cambodian children on violence against children.

The study was used as an advocacy tool to encourage responses to violence issues raised by the children.

In order to collect all good practices on child care and education as well as people's knowledge and understanding on corporal and spiritual punishment on children at home, the Save the Children Norway has recently started a study on the issue in Phnom Penh, Svay Rieng, Pailin and Oddar Meanchey.

- ***Protection, recovery & reintegration:***

- Legal protection:*

- A number of organizations like the Cambodian Women Crisis Centre (CWCC), the Cambodian League for the Promotion and Defence of Human Rights (LICADHO), the Cambodian Association for Human Rights and Development (ADHOC), the Legal Aid Cambodia (LAC), Protection and Provision of Juvenile Justice (PPJJ), the Cambodian Bar Association, the Cambodian Defender Project (CDP), the Project Against Domestic Violence (PADV) and other organizations provide services on intervention, investigation, counselling, legal assistance and temporary shelter to victims as well as to child offenders.

- Rehabilitation and reintegration:*

- Agir pour les Femmes en Situation Précaire (AFESIP), PADV, Hagar, Health Care Center for Children (HCC), Komar Rik Reay, Meantophum Komar, Pteah Teuk Dong, Krousar Thmey, The Cambodian Centre for the Protection of Children Rights (CCPCR), Vulnerable Children Assistance Organization (VCAO) among others, offer residential and medical care to victims for recovery, counselling, protection, vocational training and reintegration back into the community.

- The Child Assistance for Mobilization and Participation (CAMP), the Cambodian Children Against Starvation and Violence Association (CCASVA), the CHIMHRDA are implementing programmes against violence, abuse and sexual exploitation of children.

36- Describe the support provided by your government for these activities and the efforts made to coordinate civil society and government initiatives.

In general the Royal Government has facilitated the work of all organizations by allowing the importation of material and equipment for the activities duty free, and issuing the visa for expatriates free of charge.

So far the authorities contributed to the activities of NGOs by allowing them to build rescue centres and work in localities under their competency; concerned institutions and related ministries have also participated, especially in advocacy and the rescue of child victims from brothels.

The relation between NGOs and related authorities at the provincial/municipal level has been much improved as the Government has urged the establishment of a Committee to Protect Child Rights, which is an inter-departmental unit facilitating child related issues in each province/municipality.

37- Describe the role played by the media in addressing violence against children.

In Cambodia, the media comprises television and radio stations, newspapers, bulletins and magazines, which disseminate the information on politics, economics, culture, security, laws and social affairs. Violence against children has been widely disseminated through the media, and also through posters and leaflet.

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

38- Provide information on the involvement and consultation of children in designing activities, and in implementation and monitoring of programmes and policies to address violence against them. Provide details, including ages and other details of the children involved.

Children are given the opportunity to participate in special events and activities organized by governmental institutions and NGOs such as:

- The International Children's Day of 1st June each year, organized by the Royal Government in collaboration with NGOs.
- Children Forums in 2002 to enhance the awareness on child rights in 6 provinces/ municipalities involving children from rescue centres and schools aged 12 to 18.
- a National Children's Forum in 2004 on the Promotion of Anti-Trafficking Action in Cambodia with former child victims and young child rights activists aged 12 to 18 as participants. With support from adults, they chaired and facilitated sessions and discussed among themselves. Many of their recommendations were taken into consideration for inclusion in new five-year National Plan of Action against Trafficking in Persons and Sexual Exploitation (TIPSE 2005-2009). The children also elected 5 representatives to participate in the Mekong Sub-Regional Children's Forum held in Bangkok in October 2004.
- Thirty former child victims of sexual exploitation and ten child representatives from children's and youth clubs participated in a workshop organized by the NGO Coalition to Address Sexual Exploitation of Children in Cambodia (COSECAM) to raise recommendations on commercial sexual exploitation of women and children to be included in the new NPA against TIPSE 2005-2009.
- Regarding violence against children, the Children' Committee has organized a National Conference on Combating Violence against Children in 2003. Then in March 2005, 225 children participated in 15 provincial-level consultations around the country, of which 30 representatives participated in the National Children Forum and the Adult Forum in Phnom Penh. Two children, a boy and a girl, have been elected as the children's representatives to the Regional Consultation on Violence Against Children held in Bangkok in June the same year.
- Two children's representatives participated to the workshop on the preparation of the NPA against TIPSE in 2005.
- The Ministry of Tourism (MoT) has created a Bureau of Child Safe Tourism at the national level as well as at the provincial/municipal level, with the participation of the NGO Child Assistance for Mobilization and Participation (CAMP). Children from this organization were involved in the training of staff of MoT and travel agencies to raise their awareness and prevent child sex tourism.

39- Describe the involvement, if any, of children in designing special procedural or evidentiary rules applying in court proceedings with respect to hearing concerning violence against children. Provide details including age and other details of the children involved.

Children did not participate directly in the designing of special procedural or evidentiary rules applying in court proceedings, but they have participated in the development

of policy and plan of action as mentioned in point 38 above. Moreover, the child victims have testified at court.

40- Describe the amount and type of resources made available to support children’s participation in activities to address violence against children.

The financial and technical resources are sponsored to ensure the children’s participation by the Prime Minister’s Cabinet, other NGOs and privates.

For the time being we do not have a mechanism to collect data on those resources.

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

41- Does your Government have a comprehensive policy concerning violence against children? If Yes, provide details and describe any gender-specific provisions included in the policy.

Point 66 of the Political Programme of the Royal Government for its 3rd mandate has well stated the government policy related to child rights and development and the prevention of violence on children. The Government programme related to gender issues is stated in point 65, which is to uphold the role and situation of women through the implementation of gender strategy, women capacity building, social behaviour change regarding discrimination and violence against women, legal protection so as to ensure equality between man and woman as well as help women to get rid of domestic violence and sexual exploitation. Besides these, the Quadrangle Strategy of the Prime Minister, Samdach Hun Sen, has well reflected the government will to build human resources, including children and women (enclosed).

Recently the Ministry of Interior has put in action the Plan No 023 dated 13 July 2005 on Combating human trafficking, smuggling and exploitation, and commercial sexual exploitation on women and children. This plan has already been disseminated.

The Ministry of Women’s Affairs has set up its second Five-Year Strategy “**Neary Rattanak II**” in order to improve women’s image in the society. Neary Rattanak II considers women as major contributors to the family, society and the economy. Yet, women and girls are the main targets of the violence in the family. To combat violence in the family, the Ministry is committed to promoting women’s rights and helping them to have an active role in society and family, with focus on their rights to legal protection.

Regarding violence at school, the Ministry of Education has adopted the Five-Year National Plan in Education 2004-2008. According to this plan, some strategies would contribute indirectly to the fight against violence on children in school as follows:

- Firstly, the “**Child Centered Approach**” strategy encourages the student to work more than the teacher. Usually, the Cambodian teacher works more than the student. By following this strategy, students must work hard on sharing their opinions between them. This strategy engenders cooperation and good relations among students. The more they work, the more they develop. So violence among children is expected to decrease.
- Secondly, the “**Child Friendly School**” policy is adopted amid the amount of violence in school. This policy aims to improve the feeling of the children toward their school. To achieve this, teachers must build a good environment and persuade the children that school is the best place to be.

- Children's rights and human rights are incorporated into the National Education Program. Students start being exposed to child rights since their third grade (in primary school).

As for trafficking in person and sexual exploitation (TIPSE), the Government has adopted the 5Y NPA on TIPSE 2000-2004 comprising 4 main parts: prevention, protection, recovery and reintegration back into the community. As this plan has well finished, the Cambodian national Council for Children is now developing a second one.

With support from UNICEF, the Community-based Child Protection Networks were developed in Banteay Meanchey, Battambang, Prey Veng, Svay Rieng and Phnom Penh, with the community social helpers, teachers, monks, health workers and the district social workers as the main actors, to prevent trafficking and sexual exploitation of children and promote early detection and referral of victims. The model is now revised and streamlined into the duties of the Commune/Sangkat Council with focus on the use of community services.

42- Does your Government deliver, or provide direct support for delivery by other agencies, or specific programmes aimed at preventing and responding to violence against children? If Yes, provide available summary reports, or URLs, of these programmes, and indicate, using the table below, which setting and type of violence are addressed by these programmes:

The previously-mentioned Community-based Child Protection Networks, supported by UNICEF, are aimed at preventing and referring cases of child abuse, exploitation and trafficking, including violence against children, to appropriate services, e.g. police, hospital or governmental and NGO recovery services. The Ministry of Interior's Anti-human Trafficking and Juvenile Protection Department responds to cases of sexual abuse, exploitation and trafficking through reporting and investigation of cases, arrests of offenders and referral of victims to appropriate services or their families.

Cambodia does not have URLs yet.

	Physical	Sexual	Psychological	Neglect	HTPs	Other
Family/home	√	√	√	√		
Schools	N/A	N/A	N/A	N/A	N/A	
Institutions	N/A	N/A	N/A	N/A	N/A	
Neighbourhood/ Community	√	√	√	√	N/A	
Workplace	N/A	N/A	N/A	N/A	N/A	
Law enforcement	√	√	N/A	√	N/A	
Other						

43- Does your Government monitor the impact of these policies and programmes directed toward violence against children? If Yes, describe the monitoring systems and provide a URL or other reference where the system and outcomes are described in greater details.

In terms of TIPSE, the assessment of the impact of the policies and programs is currently limited. In order to increase understanding on the impacts of the policies, monitoring and evaluation must be key components in all relevant ministries / institutions and programs. Management Information System is now created in some ministries to collect, analyse and disseminate information on child protection issues including violence, policy and different programmes.

44- Does your Government participate in any internationally coordinated activities concerning violence against children? If Yes, provide details

Cambodia has signed extradition treaties, memorandum of understanding and has collaborated with neighboring countries as follows:

- Extradition treaties with the Lao PDR, Thailand and China.
- The MoU between Cambodia and Thailand on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking, in 2003.
- The Agreement between Cambodia and Vietnam in October 2005 and early discussions have been started with Malaysia on the same issue.
- During the 8th ASEAN Summit, held in Phnom Penh on 4-5 November 2002, ASEAN leaders, including from Cambodia, signed a Framework Agreement on ASEAN Cooperation in Tourism, which contains a provision: "Steps will also be made to deter tourism-related abuse of the cultural heritage and natural resources of regional countries, especially the exploitation of women and children".
- The MoU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region, as a follow up of the programme of the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT). Cambodia has established a national task force for this.
- Has participated in the adoption the Resolution on the Prevention and Eradication of the Worst Forms of Child Labor in the 25th General Assembly of the ASEAN Inter-Parliamentary Organization (AIPO), held in Phnom Penh in September 2004.
- Has participated in the adoption of the Siem Reap – Angkor Declaration on a Region Fit For Children '**TOWARDS A REGION WHERE EVERY CHILD COUNTS**' during the 7th Ministerial Consultation on Children in the East Asia and Pacific Region in March 2005. The Declaration has determined the main issues and proposed the basic principles for action, including the needs to solve violence against children and the participation in the UN Secretary General's Study on Violence Against Children.

VI. DATA COLLECTION, ANALYSIS AND RESEARCH

For the subject related to questions 45, 46, 47, 48, 49, 50, 51, 52 and 53 of this chapter VI, Cambodia does not have yet an accurate information system for the collection, analysis and research of data for formal use.

VII. AWARENESS, ADVOCACY AND TRAINING

54- Over the past five years has your Government conducted or commissioned any campaigns for raising awareness of and preventing violence against children? If Yes, please describe any recent campaigns, including the settings and types of violence that were the subjects of the campaigns and the target audience (general public, caregivers, teachers, etc)

Every year the CNCC and all related ministries / institutions, NGOs and the Children Committee organize the International Children Day of 1st June and the International Day against Child Labor in the whole Cambodia. The topic for the 2005 International Children Day was “Combating Violence against Children”. This campaign aims to raise the awareness of the civil servants as well as the public and children on the rights and problems of children related to violence, including the worst forms of child labor.

On the other hand, the Ministry of Women Affairs (MoWA) has collaborated with NGOs conducting the White Ribbon Campaign against Domestic Violence in Phnom Penh and in some provinces, to suppress violence against women and children.

With support from the Ministry of Foreign Affairs of Finland and USAID, MoWA has collaborated with IOM from 2000 to 2005 implementing the *Prevention of All Forms of Trafficking in Women and Children in Cambodia* project, which consists in the information dissemination and awareness raising campaign in 19 provinces/municipalities. Around 300,000 people and 4,000 civil servants have participated.

The Ministry of Interior has developed a video film called "**The Victim**," initially produced as part of a training material for the police through the LEASEC project, which was aired in major television networks throughout the country. Awareness-raising on the consequences of human trafficking at schools in Phnom Penh has been launched since 2004 will continue in 3 provinces (Kampomg Cham, Siem Reap, Banteay Mean Chey) in 2006.

With support from ILO/IPEC the Child Protection Committees of Battambang, Banteay Meanchey, Prey Veng and Sihanouk Ville have implemented the projects on the prevention of trafficking in women and children.

With support from the United Nations Inter-Agency Project in the Mekong Sub-Region (UNIAP), the Department of Non-formal Education of the Ministry of Education Youth and Sports has produced two national non-formal education books with contents on suppression of trafficking and sexual exploitation. 56 trainers were invited from 5 provinces and cities to a National Workshop on Training Methodology in August 2002. 5,000 books were distributed nationwide and 1,200 villagers were trained.

The Committees on Child Safe Tourism of the Ministry of Tourism (MoT) have collaborated with related governmental institutions, NGOs and IOs providing training to direct and indirect target groups, participated in different national and international meetings and workshops, produced and disseminated several IEC materials including leaflets, pamphlets, posters and handbooks, and put signboards on cross-roads and at tourist sites to promote child safe tourism.

55- How were the campaign messages and information disseminated (check all that apply)?

Print media	√
Radio	√
Television	√
Theatre	√

Schools	√
Others	√

56- Over the past five years, has your Government provided, commissioned or sponsored training programmes in the area of violence against children? If Yes, indicate which of the following areas were addressed by the last such training programmes and which provider group receives training (check all that apply).

	Prevention	Protection	Recovery	Rehabilitation	Penalties
Medical professionals (including paediatricians, nurses, psychiatrists and dentist)	√	√	√	√	√
Public health practitioners	√	√	√	√	√
Social workers and psychologists	√	√	√	√	√
Teachers and other educators	√	√	√	√	√
Court officials (including judges)	√	√	√	√	√
Police	√	√	√		√
Prison officers	√	√	√	√	√
Juvenile offenders personnel (lawyers only)	√	√	√	√	√
Institution personnel					
Parents/guardians					
Other (please specify)					

In 2004, with technical and financial support from UNICEF, the Lawyer Training Center and Legal Professional Improvement has conducted a Training of Trainers on Child Rights and Protection. The first training for lawyer students was conducted in June 2005. Similar training is planned to be provided to the Royal Academy and the Lawyer Training Centre as follows:

- Child rights are included into curricula of magisterial formation,
- Training of 5-8 trainers who will train Judge and prosecutor students,
- Training of current Judge and prosecutor.
