



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Ninetieth session

### Summary record of the 2588th meeting

Held at the Palais Wilson, Geneva, on Thursday, 5 May 2022, at 3 p.m.

*Chair:* Ms. Otani

## Contents

Consideration of reports of States parties (*continued*)

*Combined fourth to sixth periodic reports of Cambodia*

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports of States parties** (*continued*)

*Combined fourth to sixth periodic reports of Cambodia* (CRC/C/KHM/4-6; CRC/C/KHM/Q/4-6; CRC/C/KHM/RQ/4-6)

1. *At the invitation of the Chair, the delegation of Cambodia joined the meeting.*
2. **Mr. An** (Cambodia), recalling that Cambodia was a signatory to all but one of the core human rights treaties, said that discussions regarding States' human rights agendas should be genuine, non-confrontational, non-politicized, fact-based and mindful of national specificities, priorities and historical circumstances. There were no one-size-fits-all solutions. His Government looked forward to a constructive, balanced dialogue that took account of the countries' achievements in spite of a legacy of 3 decades of civil war and 12 years of being subject to a blockade.
3. **Ms. Chou** (Cambodia) said that, as a result of her country's complex and violent history, the Cambodian people and Government were keenly aware of the crucial importance of human rights. As elsewhere in the world, the economic, social and political repercussions of the coronavirus disease (COVID-19) pandemic had posed challenges in terms of the implementation of those rights. Special efforts had been made to uphold children's rights in that context, including by granting financial support to returning migrant workers and their families and by administering COVID-19 vaccines free of charge to children over 3 years of age. Maternal, infant and under-5 mortality rates had declined significantly over the past 15 years thanks to improved coverage and access to health care.
4. Far-reaching reforms had been undertaken to improve the quality and quantity of education, build human resources for education and align the education policy with Sustainable Development Goal 4. Expenditure on education had increased to 18 per cent of total government spending, with emphasis on upgrading teacher qualifications, developing education infrastructure, strengthening technical and vocational training and research, and providing scholarships to girls, students with disabilities and students in disadvantaged areas. Public-private partnerships were also being used to improve the quality of education.
5. During pandemic-related school closures, the focus had been on guaranteeing access to digital and distance learning in all parts of the country. Inclusive education across public, private, formal and non-formal settings and across all levels of education had been made a priority. Students in rural areas without access to the Internet had been taught in small groups in venues that allowed for social distancing. Civil society organizations had developed and promoted online learning platforms and programmes to expand access to remote learning. COVID-19 vaccinations for teachers and students had also been prioritized to permit an early return to in-person teaching formats.
6. Great importance was attached to protecting children from abuse, violence, labour exploitation, trafficking and discrimination, with particular emphasis on vulnerable groups of children. Implementation of the Law on the Suppression of Human Trafficking and Sexual Exploitation was overseen by the National Committee for Counter-Trafficking, with a particular focus on combating the trafficking of women and children. Another key child protection instrument was the National Action Plan on the Reduction of Child Labour and Elimination of the Worst Forms of Child Labour 2016–2025. In order to protect children's rights in the context of court proceedings, guidelines on child-friendly court procedures had been developed, and judicial police officers, judges and prosecutors were trained accordingly.
7. The Law on Juvenile Justice provided for non-custodial sentences for juvenile offenders. The 1,356 juveniles currently in custody would be transferred to a newly established youth rehabilitation centre in Kandal Province, which was a more suitable facility; more than half of those children were in pretrial detention.
8. Special emphasis was placed on the protection of children from online sexual exploitation, and the Government was working with other members of the Global Partnership to End Violence against Children in that regard. Extensive research had been conducted to determine the extent of sexual, physical and mental violence against children. The Action

Plan to Prevent and Respond to Violence Against Children 2017–2021 had been developed on the basis of the results of the survey undertaken as part of that research. Human resource development was a primary objective across all national policies and plans.

9. A national social protection policy had been launched in June 2020 which comprised a social assistance scheme for poor and vulnerable population groups, including children, and a social security scheme to protect people from economic hardship associated with unemployment and old age. Cash transfers in the amount of US\$ 31 million had been disbursed to poor families across the country, and pregnant women and women with children under 2 years of age had access to direct cash transfers when attending maternity health checks, at the time of delivery and for the purpose of nutrition support for their young children. Since June 2020, 265,000 women and 101,400 children had benefitted from the programme. The National Child Protection System Policy 2019–2029 and the Action Plan to Prevent and Respond to Violence Against Children 2017–2021 had supported targeted action to protect children's rights in the context of the COVID-19 pandemic.

10. The involvement of stakeholders, especially children themselves, in the implementation of the Convention was highly valued. Children's comments and suggestions were taken on board in the development of all child rights-related action plans and policies. Efforts to promote child rights were underpinned by the notion that investment in children was key to poverty reduction and long-term sustainable development.

11. In its future work, the Cambodian National Council for Children would focus on enhancing the implementation of national child protection policies, strategies and action plans; promoting the adoption of legislation on child rights, disability, social protection and cybersafety for children; establishing a national child rights information system; developing a national parenting online curriculum on child protection; improving child protection in the educational environment; and promoting the comprehensive implementation of the Convention and other relevant international instruments.

12. **The Chair** (Coordinator, Country Task Force) said that the State party's commendable efforts to update and amend its child rights legislation might provide an opportunity to integrate some of the Committee's previous recommendations. It would be useful to know whether draft laws were published and whether members of civil society, in particular children, were entitled to comment on them. She wondered what progress had been made towards the establishment of a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Given that the State party had no comprehensive child rights legislation as of yet, the delegation might wish to provide examples of cases where the Convention had been applied directly in court and indicate whether judges and lawyers were trained in the domestic application of the Convention. Updated information on the follow-up given to the National Action Plan on Child Development 2016–2018 would also be appreciated.

13. Given that resource shortages continued to pose challenges in terms of the implementation of children's rights, she was curious to know whether the new comprehensive child protection information management system would allow for tracking budget allocations for that purpose. Were civil society organizations and children consulted on budgeting for child protection measures?

14. She would be grateful for information about the outcome of the State party's efforts to raise awareness of the Convention. Had any surveys been conducted to find out whether children, parents, teachers, relevant professionals and the general public were aware of its provisions?

15. Clarification was needed on the impact of the Law on Associations and Non-Governmental Organizations (NGOs) on the activities of civil society organizations and human rights defenders working in the area of children's rights. She wished to know whether it was true that child human rights defenders and children of human rights defenders had been arrested, whether alleged acts of violence, harassment and intimidation aimed at human rights defenders or their children were properly investigated and whether the suspected perpetrators of such offences were prosecuted.

16. It would be interesting to learn more about the impact of the economic crisis caused by the COVID-19 pandemic on the availability of resources for child protection and progress in legislative reform. She wondered whether school closures had affected children's mental health and whether any specific measures had been taken to protect children in institutions and in detention in that regard.

17. Updated information would be appreciated on the progress made towards ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

18. **Mr. Chophel** (Country Task Force) said that it would be useful to know whether the State party planned to amend article 948 of the Civil Code to repeal exceptions to the minimum legal age of marriage of 18. It would also be helpful to find out whether the State party had adopted or envisaged adopting a national plan of action to eliminate child, early and forced marriage. In his view, priority should be given to the elimination of such harmful practices, and the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices ([CEDAW/C/GC/31-CRC/C/GC/18](#)) could provide useful guidance in that regard.

19. He wondered what had been done to protect vulnerable and minority children from discrimination and to eliminate the discriminatory gender stereotypes reflected in the traditional code of conduct known as "*Chbab srey*". It would be useful for the State party to provide more detailed information about the steps it had taken to combat discrimination and report on the results of those efforts in its next report.

20. In order to ensure that the best interests of children were a primary consideration in the development of practices, policies and services, the State party would be well advised to develop procedures and criteria for best interest assessments and eliminate any practices that ran counter to children's best interests.

21. The State party might wish to provide greater clarity on the current status of the child protection law and on financial and other measures taken to ensure that child-related policies and action plans translated into meaningful action. Additional details on monitoring and evaluation frameworks, stakeholder engagement and the incorporation of children's views would be appreciated, preferably by way of examples.

22. Urgent action was needed to combat the reported abuse and ill-treatment of children with disabilities in institutions and places of detention. Was access provided to confidential, child-friendly complaints mechanisms? With regard to the issue of corporal punishment in general, he wished to draw the delegation's attention to the recommendations contained in paragraph 40 of the Committee's concluding observations on the combined second and third periodic reports of Cambodia ([CRC/C/KHM/CO/2-3](#)) and to the importance of raising awareness and promoting attitudinal change regarding such practices.

23. Information would be appreciated on the measures taken to address underreporting of sexual exploitation of children. What steps had been taken to prohibit grooming, incest and non-physical sexual abuse and provide adequate support for victims?

24. **Ms. Aho** (Country Task Force) said that it was unclear why the State party's efforts to promote birth registration had thus far failed to produce the desired effect. It appeared that registry staff sometimes charged an unofficial fee although registration was supposed to be free of charge, and she wondered whether the Government was aware of that practice and had done anything to address the problem. It would also be useful to find out whether the drive to attain universal birth registration by 2026 was back on track after interruptions due to the COVID-19 pandemic. Updated information on the progress made towards the adoption of legislation on civil status and identity would be welcome. She wondered whether special measures were in place to promote the registration of minority children and children of stateless persons and whether the State party planned to ratify the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons.

25. The Committee would be grateful for further details on the status and content of legislation on surrogacy and on measures taken to shield children of surrogate mothers from

discrimination. An update was also needed on the progress made in the development of legislation on adoptions.

26. Further information would also be appreciated on measures taken to uphold children's right to freedom of association. Were there any plans to amend the existing law in order to grant children the right to establish their own associations?

27. Details on the laws and policies developed to safeguard children's privacy and safety in the digital environment, including in the context of the COVID-19 pandemic, would be helpful to the Committee. It was unclear whether the law on cybercrime afforded special protection to children, what type of content was considered harmful and what kinds of mechanisms were in place to protect children from such content. Additional information on measures envisaged to improve digital literacy among children, teachers, parents and social workers would also be appreciated.

28. **Ms. Skelton** (Country Task Force) said that it would be useful to know whether extended families who cared for children whose parents had migrated were entitled to State support. She was curious to find out how the State party had achieved the significant reduction in the number of children in residential care and what measures were being taken to prevent the placement of babies in institutions. It would be useful to know how many children were currently in foster care, whether the expansion of foster care was part of the deinstitutionalization strategy and whether foster care was family-based. Clarification would be appreciated on the difference between a "foster care facility" and an institution. She wondered whether the State party planned to make additional funding available to increase the number of social workers.

29. She would be interested to learn whether the State party's efforts to improve the intercountry adoption framework had been accompanied by measures for building capacity for domestic adoption. It seemed somewhat premature to recommence intercountry adoption before the domestic care and protection system was fully operational. The Committee was aware of cases in which children had been adopted in a manner that was inconsistent with international law and would like to know what was being done to help reunite the families in question with their children. Clarification was also needed on the State party's laws and policies on surrogacy. Was it true that some surrogate mothers had been arrested because surrogacy was illegal in the State party? If that was the case, what had happened to their children?

30. Additional information would be appreciated on the measures being taken to bring the living conditions of children under 3 years of age who were residing with their imprisoned mothers in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules). It was unclear whether the financial resources allocated to the prisons in question for the care of such children were sufficient and whether steps were being taken to promote non-custodial alternatives to imprisonment for mothers and pregnant women.

*The meeting was suspended at 4.15 p.m. and resumed at 4.40 p.m.*

31. **Ms. Chou** (Cambodia) said that the issue of surrogacy was closely related to the Government's efforts to combat trafficking in children. When the problem had first emerged in 2016, the mothers had been considered victims. Over time, it had nevertheless transpired that some surrogate mothers were trafficking the newborns without identity documents in order to sell them abroad. While poverty could certainly drive desperate action, the sale of another human being was unacceptable. The Government's efforts to raise awareness of the problem had thus far failed to yield the desired results. Draft legislation to respond to the risk of child trafficking and abuse in the context of surrogacy was currently being prepared, but discussions had been suspended temporarily on account of the COVID-19 pandemic. Few countries had surrogacy laws, and the Government looked to the international community for guidance in that respect. Some of the children born of illegal surrogacy arrangements were provided with support by the Ministry of Social Affairs.

32. Intermittent school closures and the need to shift to distance and online teaching formats during the pandemic had been both a challenge and an opportunity. Within six months of the closure of the country's schools, the shift towards blended learning formats

had been achieved and a broad range of new education infrastructure had been put in place with assistance from development partners.

33. **Mr. Dy** (Cambodia) said that, within six months of the schools' closing as a result of the pandemic, the Ministry of Education had, with the assistance of other government departments, the private sector and development partners such as the United Nations Children's Fund (UNICEF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), deployed digital tools and developed a great deal of digital content to allow students in kindergarten through twelfth grade to continue their studies using distance and online learning formats. The content that they had developed had been delivered over a variety of platforms, including social media, YouTube and digital television channels. Programmes broadcast on digital television channels were also aired on the radio to reach students who did not have access to an Internet connection.

34. Digital skills were promoted at school and in teacher training institutions. The Ministry of Education had redefined its education strategy to place greater emphasis on the use of online learning platforms and twenty-first century teaching methods at teacher training institutions. The new strategy also focused on the expanded application of school-based management systems, which allowed communities and parents to take part in the management of schools and afforded an opportunity for parents to learn more about the use of online platforms to enable at-home study both during and after the pandemic. In June 2020, the Ministry of Education had launched a centre for digital and distance education that was tasked with developing interactive, innovative and inclusive content and providing capacity-building support for schools.

35. **Ms. Sambath** (Cambodia) said that paragraph 62 of the State party's combined fourth to sixth periodic reports contained information regarding articles 1045 and 1079 of the Civil Code. A mechanism was in place to monitor intercountry adoptions, and follow-up reports had been received on such adoptions from such countries as Italy, Austria, the Netherlands, France and Belgium. An office was being set up to implement the Civil Code provisions on domestic adoptions and to monitor them. The Government was providing training for judges, prosecutors and other staff at all levels of the criminal justice structure in order to improve the juvenile justice system. The Government had taken various steps to provide social assistance to children and increase social protection, including by developing support measures for persons with disabilities, expanding a scholarship programme for students from first to twelfth grade and providing opportunities for vocational training. There had been annual increases in the budget for cash transfers, including during the COVID-19 pandemic. The Government was strengthening its monitoring and evaluation system and used the Child Protection Information Management System to compile the data relating to children's issues, including data on child protection and child participation, that it collected from government ministries.

36. **Mr. An** (Cambodia) said that consultations were being held with all stakeholders, including civil society organizations, trade unions, institutions of higher learning, government agencies and both houses of the legislature, on a bill for the establishment of a national human rights institution. That bill had been drafted by the Cambodian Human Rights Committee with technical assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Asia Pacific Forum of National Human Rights Institutions. Assistance would be sought from the Asia Pacific Forum in determining how to reflect the results of the consultations in the bill.

37. He wished to challenge allegations that the country's civic space was shrinking, allegations that were being made primarily by a handful of heavily politicized, foreign funded NGOs. In fact, the number of newly registered NGOs continued to rise and now stood at nearly 6,000. The country's law on NGOs, which had been inspired by laws in force in Western countries, was needed to address the lack of transparency in those organizations' funding and activities. A working group established by the Government to amend the law had thus far reviewed 11 of the 14 articles proposed by civil society organizations, which could also consult with the Government regarding their operations at a biannual forum.

38. He also wished to challenge the allegations that human rights defenders, including children, were targeted for harassment in Cambodia. Individuals were not entitled to break

the law because of their affiliation with a political party or a civil society organization; all persons must exercise their rights within the bounds of the law. Cambodian courts reached their decisions based on the evidence before them, not the accused's family background, and had regularly convicted individuals who supported the ruling party when they had committed offences. Defendants' due process rights included the opportunity to be heard and the right to counsel.

39. **Ms. Aho** said that she wished to learn more about the birth registration system in Cambodia.

40. **Ms. Skelton** said that she wished to know how many children were in foster care, what constituted a foster care facility and whether the Government had considered discontinuing the practice of placing babies in care facilities. It would be helpful to know what steps the Government had taken to improve the quality of alternative care and to arrange for the services of social workers. She would also appreciate information on the situation of the children of imprisoned mothers.

41. **Mr. Chophel** said that he wished to know what steps had been taken to ensure that the digital platforms being used in online education were safe for children and could not be used to abuse or exploit them.

42. **The Chair** said that she wished to know whether the data collected from government ministries was disaggregated by the children's sex, age and place of residence and by other factors relating to their background and social situation. She also wished to know whether a comprehensive system was in place to track budget allocations relating to child rights, apart from the allocations for cash transfers, and, if so, whether the system had a data-collection component. It would be helpful to learn whether the data were used to develop targeted measures for ensuring that every child had access to all appropriate public services. She would appreciate an update on the Government's efforts to counter corruption and provide training in that area to law enforcement officials and the judiciary.

43. **Mr. Dy** (Cambodia) said that the Ministry of Education had issued a directive instructing teachers how to steer students away from possible sources of online abuse. The Government had also used the results of surveys and other research that it had conducted to design, in cooperation with development partners, measures to ensure students' safety online. In addition, parents and community members were educated about online abuse so that they could help prevent it, and workshops were held to disseminate information about the risk of such abuse.

44. **Ms. Skelton** said that she wished to know what support, in terms of both financial assistance and services, was provided to parents of children with disabilities to help prevent those children from being abandoned in hospitals and to enable the parents to care for their children at home. It would be helpful to know whether the draft law on the protection of the rights of persons with disabilities could be revised to bring it into line with the Convention on the Rights of Persons with Disabilities. She would appreciate information on any awareness-raising campaigns aimed at eradicating prejudice against children with disabilities. She also wished to learn about any measures to train staff and make the necessary accommodations in schools with a view to integrating children with disabilities into the education system.

45. **Ms. Aho** said that it would be helpful to have an update on the plan introduced in August 2019 to combat malnutrition. She also wished to know whether any assessments had been conducted of that plan and whether it had continued to be implemented during the COVID-19 pandemic. She wished to learn about the health-care and nutrition services available to mothers and children, especially in indigenous communities and in rural areas. She would like to know whether malaria prevention programmes were in place, whether pregnant women had access to intermittent presumptive treatment and how the State party ensured that treated mosquito nets were used properly.

46. She wished to know what the under-5 mortality rate was nationwide, including in rural areas. Information would be appreciated on the state of repair of health facilities in rural areas, the availability of paediatric services in all hospitals and the measures taken to prevent nosocomial infections. She wished to learn whether the State party allowed the exportation

of breast milk from the country or the distribution of powdered milk packages in maternity hospitals and whether any agencies were charged with monitoring such practices. Given some of the misconceptions surrounding the use of colostrum, she wished to know how the Government ensured that mothers gave colostrum to their babies.

47. She would be grateful for information on any efforts being made to provide holistic health care to adolescents, address their reproductive health needs and raise awareness of the inadvisability of early pregnancy. It would also be helpful to have details on the programmes in place for the treatment of obstetric fistulas and for the provision of support in cases of abortion. She wished to learn about measures taken to address suicide, obesity and the mental health issues faced by children, including during the COVID-19 pandemic, and about the availability of child psychiatrists, including in remote areas. She would be interested to learn about the forms of support offered to children with autism and would appreciate further information about poor children's access to health-care services.

48. She was curious to find out more about the measures being taken to prevent drug addiction and the role that pagodas played in providing treatment. She wished to know what the rate of HIV prevalence was among teenagers, what steps had been taken to prevent mother-to-child transmission, what was done to help children who lost a parent to HIV/AIDS and how the State party planned to meet its targets in terms of having people find out their HIV status, providing treatment to HIV-positive individuals and achieving suppressed viral loads in persons receiving treatment. She wished to learn about the steps being taken to address the impact of climate change, including natural disasters, on the health of children. She would appreciate information on measures designed to ensure access to clean drinking water and to put an end to the practice of outdoor defecation. It would be helpful to know how the Government ensured that the poorest families had access to social security programmes.

49. **The Chair** said that she wished to know whether primary education had been made compulsory in Cambodia, in line with article 28 (1) (a) of the Convention, and, if not, what the obstacles were. She also wished to learn about any hidden costs of school attendance – for example, those related to school uniforms or transportation – and any vocational training opportunities available to students who had dropped out of school or were living in street situations. It would be helpful to know whether climate change was addressed in school curricula. Information would be appreciated on the prevalence of bullying in schools, particularly the bullying of children from minority groups, and on measures to prevent it. Details on the leisure and recreational activities available to children in the State party would also be helpful.

50. She wished to know whether children from minority groups had access to all appropriate education, health, housing and social protection services. She would appreciate an update on the State party's efforts to eliminate child labour, particularly hazardous child labour. It would also be helpful to know what training on the problem of child labour was being provided to labour inspectors and law enforcement personnel and how the Government ensured that companies assessed the impact of their activities on children's rights. She also wished to know whether the Government planned to adopt a new national action plan on business and human rights or to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). It would be helpful to know how the Government protected children in street situations, whether such children were placed in institutions and what was done to help them to reintegrate into society and be reunited with their families. She wished to know whether a new national action plan on trafficking in persons had been adopted.

51. She would appreciate information on any new plans for implementing the Law on Juvenile Justice and on any juvenile diversion programmes. It would be helpful to have details about the specialized training provided to the judiciary and the resources made available for the application of community-based non-custodial measures. She wished to know whether any judges specialized in juvenile justice and whether the Government planned to work with United Nations agencies or donor countries to establish juvenile courts or a system of specialized judges. The Committee was concerned about the placement of children in pretrial detention and the use of detention as a punishment for children. She wished to know whether children in contact with the justice system received free legal aid, whether



children were detained only as a last resort and only briefly, whether children in detention were completely separated from adults and what forms of support were provided to children who were being released from detention. She would be interested to learn more about the youth rehabilitation centre that she understood had opened in December 2021.

52. It would be helpful to have an update on the State party's efforts to establish specific offences covering all the conduct described in articles 2 and 3 of the Optional Protocol on the sale of children, child prostitution and child pornography. She wished to know how child sexual abuse material was defined under the relevant law and whether any national action plans had been adopted to combat the conduct described in the Optional Protocol.

53. With respect to the Optional Protocol on the involvement of children in armed conflict, she wished to know whether domestic law explicitly criminalized the recruitment and use in hostilities of children under 18 years of age by the armed forces of the State party, armed groups or private security services. She would also be interested to learn what mechanisms were in place to identify children vulnerable to such recruitment or use, including asylum-seeking, refugee or migrant children, and what forms of support were available to victims of the acts described in the Optional Protocol.

*The meeting rose at 6 p.m.*