



## **Human Rights Council**

**Universal Periodic Review (UPR) of Cambodia**

**18<sup>th</sup> Session (January/February 2014)**

**Joint Stakeholders' Submission on:**

### **Human Rights in Cambodia**

**Submitted by:**

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**(NGOs in Consultative Status with ECOSOC)**

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## I. INTRODUCTION

1. This stakeholders' report is a joint submission of the above-mentioned organizations. The report highlights key concerns related to Human Rights in Cambodia in the following areas: **education, economic and sexual exploitation of children and violence against them, birth registration, work, health, rights of women and right to land**. Each section conveys recommendations to the Cambodian Government.
2. The data and information obtained for this submission came from various sources and includes information from teachers, educators, and other civil society actors living and working in Cambodia. All information concerned the period from January 2010 to May 2013.
3. **IIMA** is an international NGO in special consultative status with the Economic and Social Council. IIMA is present in 93 countries where it provides education to children and adolescents, particularly the most disadvantaged and vulnerable.
4. **VIDES International** is an international NGO in special consultative status with the Economic and Social Council, which is present in 41 countries worldwide. It was founded in 1987 to promote volunteer service at the local and international levels for ensuring human rights of vulnerable groups, especially children and women.

## II. GENERAL REMARKS

5. This NGO coalition welcomes the constructive participation of Cambodia in the 1<sup>st</sup> cycle of the Universal Periodic Review (UPR). The present joint submission represents the follow-up to the UPR recommendations accepted by Cambodia in 2009, with a special focus on children-related issues such as child birth registration, sexual and economic exploitation, corporal punishment and ill treatment of children, as well as the full implementation of their right to education. The right to health, the right to land and rights of women in Cambodia are also addressed in the present report.

## III. VULNERABLE GROUPS

6. The most vulnerable group in Cambodian society consists of children in difficult situations: homeless, street children, orphans, those abandoned by parents who migrate to Thailand to find a job, children living in rural areas and those belonging to minorities especially in the provinces of Mondulkiri and Rattanakiri.
7. While welcoming the acceptance of the Recommendation No. 73<sup>1</sup> and the efforts made by the Government to implement it through the provision of more infrastructures, including roads, bridges and markets, we note with concern that especially rural areas and poor urban sectors lack of water and sanitation as well as of an electrification system.

### ***8. We recommend to the Government of Cambodia to:***

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<sup>1</sup> Recommendation No. 73: “Promote and protect the rights of vulnerable peoples, the right to education and to right to development to bring down poverty in urban and rural areas simultaneously while maintaining peace, stability and protection of the environment” (Lao People's Democratic Republic). See Report of the Working Group, p. 20, UN Doc. A/HRC/13/4 (4 January 2010).

- a) *Fully implement Recommendation No. 73 by improving the basic infrastructures in rural villages and in poor urban sectors.*
- b) *Undertake specific measure to ensure adequate education to the most vulnerable groups, especially those living in rural areas and the poorest urban sectors.*

#### **IV. CHILD BIRTH REGISTRATION**

9. We acknowledge the implementation of the Recommendation No. 84<sup>2</sup> concerning the necessity to ensure registration at birth and we welcome the Government campaigns encouraging birth registration through announcements via television and radio. However, we believe that the procedures regarding Birth Registration, Personal ID and Family Book still need to be more transparent with regard to fees. In fact, we note with concern that while birth registration is free by the law, fees are *de facto* required by some officers to complete the registration.

*10. We recommend to the Government of Cambodia to:*

- a) *Fully implement Recommendation No. 84 by ensuring free birth registration for all children.*
- b) *Continue its efforts to raise awareness on the importance of birth registration, especially among the most vulnerable groups.*

#### **V. RIGHT TO EDUCATION**

11. The NGO coalition welcomes the significant progress made by the Government of Cambodia in the area of education, especially through the construction of new schools in order to provide better access to education for all. However, this NGO coalition is deeply concerned about the fact that primary education is still not compulsory by law. We perceive that there are three main categories of children in Cambodia who still lack adequate access to education: minority children, children with disabilities and poor and vulnerable children.

12. **Minority children.** According to Recommendation No. 88<sup>3</sup> Cambodia accepted to support the education of children belonging to minorities by valuing their languages, cultures, and traditions. We note with concern that this task is not yet accomplished, since several measures still need to be undertaken to adequately respond to specific needs of children belonging to minorities, especially in public schools.

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<sup>2</sup> Recommendation No. 84. “Ensure registration at birth of all children, including non-Khmer citizens born in Cambodia (Czech Republic)” See Report of the Working Group p.21 UN Doc. A/HRC/13/4, 4 January 2010.

<sup>3</sup> Recommendation No. 88: “Take additional measures to support access to education of minority children to help them to maintain and develop their own traditions and languages” (Morocco). See Report of the Working Group p. 21 UN Doc. A/HRC/13/4 (4 January 2010).

**13. Children and young people with disabilities.** While welcoming acceptance by the Government of Cambodia of Recommendation No. 87<sup>4</sup>, we express our deep concern for the inadequacy of the education system in addressing specific needs of children with disabilities. Cambodia is one of the worst affected countries in the world by the problem of unexploded land-mines. As reported by many international agencies such as UNICEF<sup>5</sup>, children are the group with the highest risk to land-mines, especially in rural areas. The majority of children with disabilities are composed of children victims of landmines who need special protection, especially concerning their right to education. In particular we report that a high number of these children are still excluded from the education system, while those attending school face physical obstacles in accessing the educational structures (e.g. they are forced to climb high stairs or use chairs and tables uncomfortable to them).

The poor education received combined with the general discrimination they experience prevent young people with disabilities to enter the labour market after completing their studies. As a result, the rate of unemployment among young people with disabilities is much higher compared to the rest of the population in Cambodia.

**14. Poor children.** This NGO coalition is deeply concerned by the fact that a great number of children in Cambodia abandon their studies because of the difficult economic situation of their families. Many children and adolescents in poor rural villages drop out school at high rates especially during the rice-planting and harvesting seasons: most children in rural areas are forced to work in the field due to the fact that their families cannot afford to pay other workers to do this job. We would also like to express our concern about the phenomenon of the so-called “Riyen Kuoh”: after school tutoring lessons for which children have to pay per subject - and also for academic materials daily. Those children who cannot afford it often do not pass their final exams.

15. Moreover, we report that the **quality of education** in remote rural areas and poor urban sectors is particularly poor due to lack of school materials and equipment. This is compounded by the generalized absenteeism of teachers, whose salaries are very low, especially in public schools. Due to the low salary level, most teachers engage in other economic activities such as a second job, resulting in frequent absences from classes, thereby affecting the quality of teaching and learning<sup>6</sup>. Private schools are more expensive and education is better than in public ones because teachers are better professionally prepared and motivated, thanks to the benefits and the higher salaries they receive.

**16. Human Rights Education.** We observe with concern that Human Rights Education is not part of school programs nor of teachers’ training. While recognizing that some informative campaigns on human rights have been undertaken by the Government, we note that these are not nation-wide in scope and most of the awareness-raising campaigns on human rights are conducted by NGOs.

***17. We recommend to the Government of Cambodia to:***

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<sup>4</sup> Recommendation No. 87: “*Through appropriate international assistance, seek to strengthen its educational system and education for all programmes, including for women and persons with disabilities (Philippines)*”. See Report of the Working Group p.21 UN Doc. A/HRC/13/4, 4 January 2010.

<sup>5</sup> UNICEF reported on the situation concerning landmines in its Annual reports published on the website: <http://www.unicef.org/cambodia/>

<sup>6</sup> See also the *Concluding Observations of the Committee on Economic, Social and Cultural Rights concerning Cambodia*, UN Doc. E/C.12/KHM/CO/1, paragraphs 34 – 35, 12 June 2009; and the *Concluding Observations of the Committee of the Rights of the Child concerning Cambodia*, UN Doc. CRC/C/KHM/CO/2, paragraphs 65 – 66, 20 June 2011.

- a) *Ensure free education for all children, including free after school tutoring courses.*
- b) *Fully implement Recommendations No. 87 and 88 promoting and supporting inclusive education for minority children and children with disabilities, in particular through the construction and renewal of schools and the provision of facilities for children with disabilities.*
- c) *Adopt all necessary measures to remove unexploded land-mines and provide children mutilated by land-mines with special care and assistance, including educational interventions.*
- d) *Undertake specific measures to combat unemployment among youth, especially young people with disabilities.*
- e) *Include Human Rights Education in school programs and in teachers' training programs.*

## VI. SEXUAL EXPLOITATION AND TRAFFICKING OF CHILDREN

18. This NGO coalition expresses its deepest concern about the fact that between 70 and 80% of children in Cambodia are victims of sexual violence and abuse at home, especially by alcoholic or non-working parents or step-parents. Furthermore, the practice of early marriages by parental agreement is quite common in the country.

19. In addition to this, many children are sold with the consent of the parents to foreign paedophiles looking for virgins and "AIDS free-sex". Sex tourism and child prostitution are common, especially in Siem Reap and the beaches of Siha-noukville in Kompong Saom Province.

20. This NGO coalition welcomes the acceptance of Recommendation No. 32<sup>7</sup> concerning the necessity to contrast sexual exploitation and human trafficking, as well as the establishment by the Municipality of Phnom Penh of a joint committee for the "*Implementation of Policy Guidelines on the Prevention of sexual exploitation of women and children*". We acknowledge the establishment of special corps in national police and their cooperation with Interpol to fight human trafficking. The attention brought by media to this topic is also a positive achievement.

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<sup>7</sup> Recommendation No. 32. "(a) Intensify its effort to improve human rights for women and to combat key problems such as human trafficking, sexual violence, domestic violence and exploitation of women and children (Norway); (b) continue to fight discrimination and sexual exploitation of women and girls, especially through enhancing efforts to combat trafficking in persons (Philippines); (c) strengthen and amend when necessary its Second National Plan on Human Trafficking and Sex Trafficking, 2006-2010, as well as the law on anti-trafficking passed in 2008, and ensure their due implementation (Slovakia); (d) fully implement the Second National Plan on Human Trafficking and Sex Trafficking, with particular emphasis on measures to support victims, such as legal, medical and psychological support and provision of shelters (Italy); (e) intensify its efforts to combat trafficking in persons and eliminate violence against persons (Belarus); (f) intensify its fight against trafficking, including by addressing the root causes of the problem such as gender-based poverty (Malaysia); (g) strengthen the role of its police and other enforcement authorities in dealing with trafficking in women and children (Malaysia); (h) deepen its actions in fighting against child prostitution and trafficking of minors (Spain); (i) continue to take the necessary measures for effectively fighting human trafficking and child labour (Germany)" See Report of the Working Group pp.15-16 UN Doc. A/HRC/13/4, 4 January 2010.

21. Nevertheless, we remain concerned that sexual exploitation of children in Cambodia is as serious as four years ago. The victims are generally very poor children who may live on the streets, be school drop-outs, have disabilities, or be children of migrant families or young uneducated women. The perpetrators are usually foreign tourists and family members, while traffickers are mostly Cambodian people working for Chinese and Vietnamese agents.

22. Moreover, generalized corruption and bribery among public officers in practice endanger the positive results achieved. For instance, while about 60% of traffickers are prosecuted and convicted and foreign paedophiles are banished from Cambodia, we report that many offenders serve only 10-20% of their sentence due to money bribery.

**23. We recommend to the Government of Cambodia to:**

- a) Monitor and fight against the practice of sex tourism and the selling of children for sexual exploitation.**
- b) Take appropriate measures to eradicate sexual exploitation by prosecuting and imposing appropriate sanctions on perpetrators of the alleged violations.**
- c) Expand national programs aimed at protecting and rehabilitating vulnerable children from sexual exploitation and trafficking.**
- d) Ensure adequate human rights training for police forces and combat corruption among public officers.**

## **VII. ILL TREATMENT AND CORPORAL PUNISHMENT**

24. Children are often victims of ill treatment by their own parents. In particular, it has been shown that those adults who have undergone trauma during the Pol Pot Genocide are more prone to anger and violence against their children. Due to lack of financial resources, parents who cannot pay their debts often pass their children to serve in homes or business places of creditors who mistreat them. Episodes of violence against children perpetrated by police and detention officers were also reported. We also note with concern that corporal punishments are still practiced in school, where some teachers pinch or throw chalk and erasers at children. Although corporal punishment is prohibited by law, we regret that article 1045 of the Civil Code allows a “parental power holder to personally discipline the child to the extent necessary” and that article 8 of the Prevention of Domestic Violence and Protection of the Victims Law implicitly authorizes corporal punishment of children for disciplinary purposes.<sup>8</sup>

**25. We recommend to the Government of Cambodia to:**

- a) Modify existing legislation in order to prohibit corporal punishment in the family, school and penal institutions, without any exception.**

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<sup>8</sup> See also *Concluding Observations of the Committee of the Rights of the Child concerning Cambodia*, UN Doc. CRC/C/KHM/CO/2, paragraphs 40 – 41, 20 June 2011.

- b) Undertake education campaigns to educate parents and educators on alternative forms of discipline.*

## **VIII. RIGHT TO HEALTH**

26. We highlight the acceptance of Recommendation No. 91<sup>9</sup> regarding the necessity to seek international cooperation for the improvement of the health care system in Cambodia. At present, many countries such as Italy, Japan, Russia, South Korea, Switzerland, and France provide technical and professional assistance to some Cambodian hospitals: these hospitals have good services but unfortunately are not sufficient for all people needing health care. In fact, we note lack of health care infrastructures and inappropriate hygienic conditions in many of existing hospitals in Cambodia.

27. Poor people are discriminated in the access to health services: if they cannot afford them they are deprived of treatments or made “last in line” even if their cases are urgent. There is no health insurance available for the poorest sections of the population.

28. We note with concern that the rate of drug and alcohol addiction among young people is quite high, especially boys. Infrastructures and centres for drug and alcohol addiction are insufficient to provide adequate assistance.

*29. We recommend to the Government of Cambodia to:*

- a) Reduce the disparities in access to health care by providing poorest sections of the population with adequate financial aid.*
- b) Adopt all necessary measures to improve the quality of public health services, including the provision of adequate infrastructures and qualified medical staff especially in poor areas.*
- c) Contrast drugs and alcohol addiction, especially among youth, by developing a system for prevention and assistance as well as specialized centers for rehabilitation.*

## **IX. CHILD LABOUR AND RIGHT TO WORK**

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<sup>9</sup> Recommendation No. 91. “(a) Continue to cooperate and seek technical assistance, if and where necessary, in improving democracy and ensuring the protection and promotion of the human rights of all Cambodians (Pakistan); (b) cooperate with and seek the support of the international community in devising its plans and strategies and in the area of capacity-building to be able to implement them (Egypt); (c) continue its positive efforts in fighting poverty, with the assistance of international community, in particular the more developed countries, which should redouble cooperation with this small developing country (Cuba); (d) continue to put in place with international assistance effective programs aimed at reducing poverty, especially in the rural areas which host 80 percent of the whole population (Azerbaijan); (e) strengthen its partnership with the international community with a view to improving public health of the country (Angola)” See Report of the Working Group p.21 UN Doc. A/HRC/13/4, 4 January 2010.

30. We appreciate the acceptance of Recommendation No. 33<sup>10</sup> aiming to fight child labour. Nevertheless, we note with concern that economic exploitation of children is still very common in Cambodia, where many children are illegally employed in various general labour positions such as cleaners in restaurants, private homes and gasoline stations.

31. We welcome the acceptance and implementation of Recommendation No. 59 concerning the establishment of Labour Courts<sup>11</sup> and the creation of factory workers' unions. However, despite its raise to 75 USD per month, we note with concern that the minimum wage for factory workers is still very low and thus insufficient to ensure decent living standards.

**32. We recommend to the Government of Cambodia to:**

- a) Further strengthen its efforts in eradicating all forms of illegal child labour, especially in its worst forms.**
- b) Promote the independence of labour courts and workers' unions and to raise the minimum wage for factory workers.**

## **X. RIGHTS OF WOMEN**

33. We welcome the acceptance of Recommendation No. 50<sup>12</sup> concerning the political participation of women, as well as equal work conditions and access to the labour market. We appreciate the presence of some women in the Government public offices and also in the private sector. Nevertheless, gender inequality in the labour market is still very rampant as well as women's participation in politics and in the decision making process is still inadequate.

34. Violence against women is still a very common practice at home and in workplaces. There are also reports of female prisoners being raped in prison by penitentiary officers and in *wat* temples by monks. In general, we note that poor uneducated women, along with wives of frequently drunk and unemployed men, are exposed to violence and abuse at a much higher rate. Many of these women do not seek assistance due to lack of education and general lack of means to seek legal consul.

**35. We recommend to the Government of Cambodia to:**

- a) Strengthen its efforts in contrasting domestic violence against women and ensure that perpetrators are brought to justice and punished.**
- b) Ensure free education, especially for poor women to make them more competitive in the labour market and to enhance their participation in public and political life.**

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<sup>10</sup> Recommendation No.33 “Intensify its fight to eliminate forced labour and the severest forms of child labour (Congo)” See Report of the Working Group p.16 UN Doc. A/HRC/13/4, 4 January 2010.

<sup>11</sup> Recommendation No. 59. “Establish labour courts in an effort to guarantee respect for worker rights and to provide legal and efficient solutions to labour disputes, and revise the law on trade unions (United States)” See Report of the Working Group p.18 UN Doc. A/HRC/13/4, 4 January 2010.

<sup>12</sup> Recommendation No.50 “Continue making efforts to increase the political participation of women, the percentage of women and young people in positions at all levels of society and the participation of women in the labour market under equal conditions (Bosnia and Herzegovina)” See Report of the Working Group p.18 UN Doc. A/HRC/13/4, 4 January 2010.



***c) Further promote participation of women in the decision-making process.***

## **XI. RIGHT TO LAND**

36. While acknowledging the acceptance of Recommendation No. 65<sup>13</sup> on land evictions regarding indigenous people, we note with concern that land-titling projects in the rural areas approved by the Government - including places where cultural minorities and tribal people live - often result in the loss of their ancestral lands. Indigenous people are often displaced without their consent and sent to areas where they cannot work the land: this causes an increase in the number of poor and vulnerable people.

***37. We recommend to the Government of Cambodia to:***

***a) Protect the right to land of all Cambodians, especially indigenous people, as stated in Article 8 and 10 of the UN Declaration on the Rights of Indigenous People<sup>14</sup>, adopted by Cambodia in 2007.***

## **XII. HUMAN RIGHTS DEFENDERS**

38. While welcoming the acceptance of Recommendations No. 51, 52, 53, 54, 55 and 56<sup>15</sup> we note with concern that many human rights defenders and representatives of Civil Society in Cambodia have continued to live in an atmosphere of intimidation and threat, fearing for their lives. In 2012 it was reported that a group of human rights defenders was attacked during public protests and land disputes resulting in several casualties and injuries, as stated in the Report of the UN Special Rapporteur on the situation of human rights in Cambodia<sup>16</sup>.

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<sup>13</sup> Recommendation No. 65. “Continue to prioritize the issue of land evictions and to work with the Special Rapporteur to ensure an end to forced evictions and fulfil its obligations to respect and protect the human rights of all Cambodians, including individuals belonging to indigenous groups (Ireland); See Report of the Working Group p.19 UN Doc. A/HRC/13/4, 4 January 2010.

<sup>14</sup> Article 8. “1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture. 2. States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources [...]”; Article 10. “Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.”. From: [http://www.un.org/esa/socdev/unpfiu/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfiu/documents/DRIPS_en.pdf)

<sup>15</sup> Recommendation No. 51. Strengthen efforts to protect freedom of expression and the right of all human rights defenders, including those working on land rights issues, to conduct their work without hindrance or intimidation, including by way of safeguarding freedom of assembly and association (Sweden); Recommendation No. 52. Facilitate the work of non-governmental organizations and other relevant civil society groups in the country (Italy); Recommendation No. 53. Develop a policy to protect human rights defenders (Brazil); Recommendation No. 54. (a) In line with a previous recommendation made by the Committee on Economic, Social and Cultural Rights, adopt effective measures to combat the culture of violence and impunity and to better protect human rights defenders, including indigenous leaders and peasant activists (Germany); (b) publicly speak out on reported cases of intimidation and violence – including murder – of trade unionists, the staff of non-governmental organizations and journalists and to ensure effective investigations and accountability for perpetrators (Austria); (c) effectively investigate and prosecute crimes and violations against human rights defenders and punish those responsible (Norway); (d) investigate and prosecute any attacks on – or false allegations in relation to – human rights defenders, in particular those working with communities to protect land, houses and access to natural resources and prevent forced displacement, an issue that has been reported on by the Special Rapporteur and the Committee on Economic, Social and Cultural Rights (Ireland); Recommendation No. 55. Adopt appropriate measures to disseminate widely and ensure full observance of the Declaration on Human Rights Defenders (Norway); Recommendation No. 56. Ensure that the draft law on non-governmental organizations does not make their working conditions more difficult and respect their freedom of expression and association (France). See Report of the Working Group p.18 UN Doc. A/HRC/13/4, 4 January 2010.

<sup>16</sup> As stated in the Report of the Special Rapporteur on the situation of human rights in Cambodia. UN Doc. A/HRC/21/63, 16 July 2012.

***39. We recommend to the Government of Cambodia to:***

- a) Implement the above mentioned recommendations by ensuring and protecting freedom of expression to all human rights defenders and civil society activists.***