



# General Assembly

Distr.: General  
6 September 2016

English only

---

## Human Rights Council

Thirty-third session

Agenda item 10

Technical assistance and capacity-building

### **Written statement\* submitted by the International Catholic Child Bureau, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2016]

---

\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-15452(E)



\* 1 6 1 5 4 5 2 \*

Please recycle



## Child Sexual Abuse, A Challenging Reality in Cambodia

1. According to the 2014 UNICEF report, “more than 4% of females and 5% of males aged 18 to 24 reported at least one incident of sexual abuse before the age of 18” and “more than 6% of females and 5% of males aged 13 to 17 reported at least one experience of sexual abuse prior to the age of 18”<sup>1</sup> in Cambodia. In addition, the report revealed that “among those aged 18 to 24 years who experienced sexual abuse prior to age 18, almost 7 in 10 females and 9 in 10 males experienced multiple incidents of sexual abuse”<sup>2</sup>. Perpetrators are very often people the victim knows: family members, neighbors, friends, teachers, supervisors or care-givers<sup>3</sup>. Affected children barely evaluate the impact of sexual abuse if it happens in circles of trust, including families and schools, until psychosomatic disorders appear or post traumatic amnesia is over, or until the victim is rescued. As a result, victims suffer silently and may lose the opportunity to properly recover from the abuse.

2. Sex tourism is another hideous phenomenon that impacts sexual abuse in Cambodia. Despite the high number of unreported cases, sex tourism has also generated harmful and adverse consequences on children, including on boys. Indeed, sexual abuse is growing around main tourist sites, including Sihanoukville white-sand beaches, Tonlé Sap Lake, Royal Palace in Phnom Penh, Kratie central marketplace, Koh Ker’s buildings and Angkor Wat. It is therefore important to address sex tourism through partnerships with Cambodian airport offices, embassies, airline companies, hotels and tour operators for prevention campaigns and judicial cooperation<sup>4</sup>.

### 3. Recommendation

- a) **Build the capacity of police officers, caregivers, professional organizations and the community members for the identification of all type of sexual abuse and their perpetrators to alert judicial, social and other designated services for victim support and investigations;**
- b) **Ensure that the legislation is broad enough to allow for investigations and punishment of all kind of perpetrators’ activities, including the storage, exchange and distribution of images, videos and other child-related pornography materials.**

### Education as a Tool for Violence Prevention

4. The policy requiring 1’020 families in a village before opening a school limits their access to education. This policy, which is not in compliance with article 13 of the International Covenant on Economic, Social and Cultural Rights and article 28 of the Convention on the Rights of the Child, undermines the fundamental principles of availability, accessibility and adaptability of education, including in remote geographical regions. Children belonging to ethnic minorities living isolated in mountains, especially in the North and East, have limited access to education. Despite commendable efforts acknowledged by the CRC in 2011<sup>5</sup>, Cambodia fails to achieve the Basic Formal Education (Education for All National Plan 2003-2015) of good quality defined as the “priority of priorities”, since free and compulsory primary education, universal access to education as well as the elimination of gender disparities goals and objectives have not been fully met.

5. It is worthwhile to underline that the majority of the recommendations of UN monitoring bodies addressing various challenges, including the worst forms of child labour, child sexual abuse, poverty and gender-based discrimination, called on the Cambodian authorities to increase access to education and vocational training. Indeed, in 2009, the Committee on Economic, Social and Cultural Rights recommended that Cambodia “extend[s] the coverage of the Education Law to ensure the right to education to all Cambodian children”<sup>6</sup>, and emphasized to combat gender-based

<sup>1</sup> Findings from Cambodia’s Violence Against Children Survey 2013, p. 47, October 2014, Phnom Penh.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Op.cit.*, p. 21.

<sup>4</sup> In 2015, Battambang-City-based ONG, *Opérations Enfants du Cambodge* (OEC) with other partners, legally monitored the case of Philippe Broaly, a convicted child sex offender from France. See also the International Catholic Child Bureau (BICE) and OEC written statement to the HRC30 in September 2015 (A/HRC/30/NGO/107).

<sup>5</sup> CRC/C/KHM/CO/2-3 (2011), § 65.

<sup>6</sup> E/C.12/KHM/CO/1 (2009), § 34.

discrimination prevailing practices, tradition and stereotypes, including those contained in *Chhap Srey* (didactic code) and to provide equal access to education for boys and girls, Khmer and non Khmer children, and therefore “expand[s] non-formal education programmes, particularly for out-of-school girls”<sup>7</sup>.

6. Most of the victims of child sexual abuse are vulnerable isolated children with no parental or alternative care, children who drop out from schools or who cannot afford further studies due to financial problems or children who cannot move from village to town to continue studies to another level available in towns only, with associated costs they are unable to pay for. Victims often belong to poor families with children striving to survive by selling sundries and clothes in the street or working in the sex industry<sup>8</sup>.

## 7. Recommendations

- a) **Develop violence prevention programmes in schools’ curriculum so as to early sow the seed of violence prevention in small children, by organizing training courses on pedagogical techniques for human rights education enabling teachers to effectively integrate human rights in general, and Child Rights in particular, in daily lessons;**
- b) **Pursue the universal access to education and compulsory primary education goals, and make Child-Friendly Schools available to children, including in isolated zones where there is even a limited number of children.**

## Access to Justice Denied and Prejudices on Children

8. Alleged corruption among State law enforcement officials, especially police officers, and the ensuing impunity are of a paramount concern as Cambodians, including children victim of violence and sexual abuse, cannot access justice properly. Child sexual abusers are accused by communities for often bribing police officers to botch investigations and end up with a sort of private disadvantaging deal to victims despite the criminal nature of the offence. Hence, the population loses confidence in the justice system, which leads to “*somroh samruol*” for sexual abuse case settlement. This situation guarantees perpetrators with a total impunity and leaves victims unprotected. The Cambodian justice system still struggles to properly identify, investigate and prosecute child abuse cases because of corruption, lack of resources and inadequate training<sup>9</sup>.

9. Notwithstanding the serious concerns expressed by a number of UN bodies, Cambodia does not have an effective comprehensive national strategy and program dealing with violence against children, including child sexual abuse and multidisciplinary services for victims. Despite the regional commitments under ASEAN Network of Social Service Agencies (NOSSA), as well as a treatment and counseling of sexual violence survivors policy for women and their children, which includes free forensic medical certificate, resources have not been adequately allocated to address recovery challenges. Therefore, the victims’ access to justice is jeopardized by the high cost of forensic medical certificates that parents or care-givers cannot afford, as well as by the lack of legal assistance and the insufficiency of rehabilitation facilities. Alleged corruption within police forces encourages impunity and lays down a breeding ground for further abuses.

## 10. Recommendations

- a) **Effectively guarantee free forensic medical certificate to child sexual abuse victims so as to promote their access to justice;**
- b) **Create within the police, mechanisms to receive, investigate and treat complaints from child sexual abuse victims, and provide for specific training courses on how interviews/hearings of victims by police officers and other care-givers should be carried out;**
- c) **Fight corruption in the police, ease and speed-up judicial proceedings for victims, and enforce victim protection mechanisms against reprisals from perpetrators; therefore provide the Bar Association of the Kingdom of Cambodia (BACK) with suitable resources for legal assistance;**
- d) **Ensure cooperation between local authorities, community leaders, community-based organizations and local police for investigations of child sexual abuse cases.**

<sup>7</sup> *Ibd.*

<sup>8</sup> Anyone can be victim of sexual abuse, rich or poor, isolated or not.

<sup>9</sup> BICE 20014-2017 Child Sexual Abuse Programme, Year 1 Narrative Report.

### **Care, Support and Rehabilitation Insufficiency**

11. Support facilities and services to girls and boys who survived sexual abuse are crucial for their recovery. To help victims work through their pain and trauma, care, support, rehabilitation centers should assess their needs and provide them with apposite multidisciplinary and adapted services<sup>10</sup>. Most of the existing counseling, care and assistance centers are concentrated in the capital city Phnom-Penh and run by civil society organizations (CSOs). Without accessible, available and affordable costs, they cannot benefit from medical, health and physical treatments and psychosocial counseling and care.

### **12. Recommendations**

- a) Ensure effective State leadership on counseling, care, support and rehabilitation operations with adequate resources, and, in the meantime, provide required support to CSOs involved in rehabilitation endeavors;**
- b) Extend counseling, rehabilitation and reintegration services to all provinces;**
- c) Provide for psychosocial support and required therapies as well as protective measures while pursuing proceedings, so as to avoid further harms and irreversible prejudices for the victims;**
- d) Fully implement child sexual abuse related national legislations, policies and relevant practices, and address sexual abuse root-causes, including poverty, corruption, inadequate housing and loneliness.**

### **Lack of a Specific Legal, Policy and Multi-sectoral Services Framework to Fight Against Child Sexual Abuse**

13. The 2014-2018 National Action Plan to Prevent Violence Against Women (NAPVAW II)<sup>11</sup> addresses domestic violence and rape and sexual violence described as a growing concern but does not cover children as a whole like the 2014 Guidelines for legal protection of women's and children's rights in Cambodia. The fight against sexual abuse towards children - boys and girls, victim or potential victim - as a specific category with specific needs and challenges in a difficult context, requires apposite specific legal, policy and multidisciplinary and complementary services framework.

### **14. Recommendation**

- a) Adopt a specific legal, policy and multi-sectoral services framework to fight against child sexual abuse and provide the implementation and monitoring mechanisms with adequate resources.**

Opérations Enfants du Cambodge NGO (s) without consultative status, also share the views expressed in this statement.

---

---

<sup>10</sup>For the list of NGOs running support centres, see footnote n°5 in BICE and OEC's written statement submitted to the 30<sup>th</sup> session of the UN Human Rights Council in September 2015 (A/HRC/30/NGO/107).

<sup>11</sup> The Ministry of Women's Affairs of Cambodia conducted in 2014 a "Violence Against Women and Girls, Cambodia Gender Assessment".