



**UN** GLOBAL  
STUDY  
ON CHILDREN DEPRIVED OF LIBERTY

## OUTCOME REPORT

# National Launch of the UN Global Study on Children Deprived of Liberty in Cambodia

Date and time: Thursday, 22 April 2021, 2:00-4:00 pm Cambodian time  
Location: Online Zoom webinar  
Language: Khmer and English (with simultaneous interpretation)



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# INTRODUCTION

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The UN Global Study on Children Deprived of Liberty (“Global Study”), published in November 2019, provides insight into the state of children deprived of liberty around the world, along with concrete recommendations for actions to be taken to address the situation. Over the past year and a half, the Global Study has been launched in multiple regions and countries in collaboration between governments and the civil society, in order to strengthen the prevention of and response to situations leading to or involving deprivation of liberty for children.

The Global Study covers children deprived of liberty in diverse situations, including children in conflict with the law, children in prison with their primary caregivers, and children in institutions. In the context of Cambodia, this includes children in places such as prisons, residential care institutions (like orphanages), rehabilitation centers, and social affairs centers. The Global Study firmly expresses that deprivation of liberty for children is a deprivation of their childhood and a form of structural violence against children.

The National Launch of the Global Study in Cambodia was conducted with the following goals:

- To explain the main findings and recommendations of the Global Study to the Cambodian government, civil society organizations (CSOs), and the general public;
- To reflect on the situation of children deprived of liberty in Cambodia and enable space for the children and civil society to express their thoughts, needs, and recommendations to the government and other stakeholders;
- To provide an opportunity for the government to express their renewed commitment to preventing and addressing deprivation of liberty for children in Cambodia; and
- To initiate a process of discussions that will enable effective integration of the recommendations of the Global Study into the work of the government, civil society, and other relevant stakeholders.

# ORGANIZERS

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The Organizing Committee<sup>1</sup> for the National Launch of the Global Study in Cambodia consisted of domestic and international partners, including:

- UNICEF
- Child Rights Coalition Cambodia (CRC-Cambodia)
- Legal Aid of Cambodia (LAC) – member of the NGO Panel for the Global Study<sup>2</sup>
- Child and Youth-Led Networks (CYLNs) – including the Adolescent and Youth Reference Group (AYRG), Child Advocate Network (CAN), and Cambodian Children and Young People Movement for Child Rights (CCYMCR)
- Global Initiative on Justice with Children – represented by Terre des hommes (Tdh)
- Global Campus of Human Rights

<sup>1</sup> For inquiries on the National Launch or Global Study, contact the Organizing Committee at [GSCDLCambodia@gmail.com](mailto:GSCDLCambodia@gmail.com).

<sup>2</sup> The NGO Panel for the Global Study on Children Deprived of Liberty is a group of 170 civil society organizations around the world that is co-convened by Defence for Children International and Human Rights Watch. The NGO Panel has been an important partner in the initiation and completion of the Global Study, as well as in its implementation and follow-up. The Legal Aid of Cambodia is one of the few organizations in the East Asia and Pacific region that are involved in the NGO Panel.

Time (pm)	Session	Speaker
2:00-2:10	<b>Introduction</b>	Moderator: <b>Panha</b> , child representative of the CYLNs
2:10-2:15	<b>Welcoming remarks</b>	<b>Najat Maalla M'jid</b> , UN Special Representative of the Secretary-General on Violence Against Children
2:15-2:20	<b>Opening remarks</b>	<b>H.E. Thou Sun</b> , Secretary of State, Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MoSVY)
2:20-2:40	<b>Main findings of the Global Study</b>	<b>Manfred Nowak</b> , Independent Expert
	<b>Voices of the civil society</b>	
2:40-3:00	<ul style="list-style-type: none"> <li>Children deprived of liberty in the administration of justice and children in prison with their caregivers</li> </ul>	<b>Chhin Se</b> , Deputy Director, This Life Cambodia
3:00-3:20	<ul style="list-style-type: none"> <li>Children deprived of liberty in institutions<sup>3</sup></li> </ul>	<b>Leang Lo</b> , Head of Child Protection, Save the Children
	<b>Voices of children</b>	
3:20-3:30	<ul style="list-style-type: none"> <li>Story of an 18-year-old youth who was formerly deprived of liberty in prison as a child</li> </ul>	<b>Sok</b> (pseudonym)
3:30-3:40	<ul style="list-style-type: none"> <li>Joint statement by the CYLNs</li> </ul>	<b>Uy</b> , child representative of the CYLNs
3:40-3:45	<b>Voices of the government</b> Response to the voices of children	<b>H.E. Thou Sun</b> , Secretary of State, MoSVY
3:45-3:55	<b>Closing remarks</b>	<b>Forough Foyouzat</b> , Representative, UNICEF Cambodia
3:55-4:00	<b>Conclusion</b>	Organizing Committee
<b>BY INVITATION</b>		
4:15-5:15	Preparatory Meeting for the 2021 World Congress on Justice with Children	

<sup>3</sup> During the event, this presentation was held after the voices of children session due to internet connection issues of the speaker.

The overall preparations for the National Launch were coordinated by the Legal Aid of Cambodia (LAC) as a member of the NGO Panel for the Global Study, and they were largely divided into five segments supported by different members of the Organizing Committee.

## 1. Engagement with children and youth

The engagements with children and youth were led by the Child and Youth-Led Networks (CYLNs) and the Child Rights Coalition Cambodia (CRC-Cambodia). In collaboration between the steering committee of the CYLNs and the Child and Youth Support Team of the CRC-Cambodia, pre-session consultations were conducted with children and youth around the country. The target was inclusive of both those who did and did not experience deprivation of liberty as a child, in order to collect personal narratives and also to understand the perceptions held towards children deprived of liberty by other children.

The pre-session consultations took place over a period of one and a half months and involved an online survey in English and Khmer that was widely disseminated through multiple channels, along with consultations with local CSOs working with children deprived of liberty and a literature review of publications containing the voices of these children. Individual and/or focus group consultations were originally planned, but were canceled due to the COVID-19 situation, which also made it impossible to conduct direct consultations with children in prison or other places of deprivation of liberty. However, these voices were collected through the assistance of partner organizations.

The online survey focused on the challenges faced by children deprived of liberty, any elements that helped them overcome the difficulties, the lasting

impact of deprivation of liberty, and aspects they would like the government to help change, among others. The survey was completed by 89 children and youth, of which 11 self-identified as having experience with deprivation of liberty and 25 indicated that they personally knew someone who was deprived of liberty as a child. Half of the respondents were children under the age of 18, while the remaining half were youth between the ages of 18 and 25. A little less than a third of respondents were female, around two-thirds were male, and the remaining respondents preferred not to identify their gender. The respondents were based in at least nine provinces around the country, distributed among the municipality of Phnom Penh and the southern, northwestern, and northeastern regions of Cambodia.

The literature review was conducted on diverse publications that touched upon issues faced by children deprived of liberty, of which nine publications were selected for incorporation into the Joint Statement as described below. These publications were prepared by This Life Cambodia, the Cambodian League for the Promotion and Defense of Human Rights (LICADHO), and the Chab Dai Coalition, and a majority of them were published within the past five years, with the oldest being from 2013. These publications highlighted the voices of at least 237 children deprived of liberty in various settings, including prisons, centers, and restrictive shelters.

All of these voices culminated into a *Joint Statement on Children Deprived of Liberty in Cambodia by Child and Youth-Led Networks* that was read in Khmer during the National Launch by a child representative of the CYLNs. The full Joint Statement was published following the National Launch and is attached in the annex.

In addition, a short film was produced by This Life Cambodia for the National Launch, highlighting the story of Sok (pseudonym), an 18-year-old youth who was formerly deprived of liberty in prison as a child. Based on a guidance note provided by the Organizing Committee, This Life Cambodia produced the film using strict safeguarding principles. Sok was provided with sufficient time to answer the guiding questions himself, and This Life Cambodia worked with him over the span of a month to prepare, film, and edit the video in a manner that tells his story in an authentic, powerful, sensitive, and safe manner.

Ahead of the National Launch, the child moderator Panha and the child speaker Uy were both supported in their preparations for their participation in the event, so that they fully understood the child safeguarding protocols and felt ready to undertake their roles.

## 2. Engagement with the government

The engagements with the key line ministries and government entities were led by UNICEF. An inter-ministerial *Joint Statement of Commitment for Children Deprived of Liberty in Cambodia* was drafted in English and Khmer and submitted to the Ministry of Interior (MoI), Ministry of Justice (MoJ), and Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MoSVY) for endorsement. This was accompanied by a letter of request from Independent Expert Manfred Nowak who led the Global Study, on behalf of the Global Campus of

Human Rights and the Organizing Committee. UNICEF submitted a follow-up letter requesting MoSVY to coordinate with the two other ministries to endorse the statement. In response, MoSVY assigned the responsibility to the Cambodia National Council for Children (CNCC) to coordinate among the three ministries.

Although the endorsement process could not be completed prior to the National Launch due to delays brought about by COVID-19, the three ministries have agreed to review the statement and request approval from the Prime Minister, as explained in the Opening Remarks at the National Launch by His Excellency Thou Sun of MoSVY. Ahead of the event, they were provided with a copy of all relevant documents concerning the Global Study and the National Launch, including the Joint Statement by the CYLNs, so that the Opening Remarks and the response to the voices of children can be prepared by the government. UNICEF also coordinated with each individual ministry and government entity to ensure proper government representation at the National Launch.

## 3. Engagement with the civil society

The engagements with the civil society were led by LAC. In addition to the consultations held with partner organizations as identified above during the pre-session consultations with children and youth, detailed conversations were held with three CSOs who were strategically identified as being in the best position to provide their inputs during the National Launch. They were provided with guidance notes containing the scope and suggestions for topics to be covered in their presentations, in order to collectively address the areas of children deprived of liberty in the administration of justice, children in prison with their caregivers, and children deprived of liberty in institutions. One of the organizations was

unable to continue their participation due to the COVID-19 situation, so the civil society was represented by one local CSO (This Life Cambodia) and one international CSO (Save the Children) at the National Launch.

In addition, the *Joint Statement of Civil Society Support for Children Deprived of Liberty in Cambodia* was prepared in English and Khmer, with the purpose of expressing support and commitment towards concerted efforts in working to prevent and address situations resulting in deprivation of liberty for children and to protect the rights and wellbeing of children already in those situations. Ahead of the National Launch, the Joint Statement was endorsed by all civil society members of the Organizing Committee, the two civil society representatives to speak at the National Launch, and the NGO Panel for the Global Study. Following the National Launch, it was disseminated to a number of local CSOs working on relevant topic areas to seek their endorsement, and the final version was published on 5 May 2021. The full Joint Statement is attached in the annex and is also available at <http://bit.ly/GSCDL-CambodiaCivilSocietyStatement>.

#### 4. Planning of the Cambodian Preparatory Meeting for the 2021 World Congress

The planning for the Cambodian Preparatory Meeting for the 2021 World Congress on Justice with Children was led by Terre des hommes (Tdh) on behalf of the Global Initiative on Justice with Children, along with LAC. The invitations to this closed meeting were disseminated to specific organizations and entities working in the field of child justice, and attendance was restricted given the technical nature of the meeting. A pre-meeting survey was developed to identify the main challenges and priorities in child justice in Cambodia, and the findings of the survey were presented

during the meeting. A number of partner organizations were also identified and coordinated to prepare short 5-minute briefings on diverse promising practices in the area of child justice in Cambodia.

#### 5. Administrative preparations

All members of the Organizing Committee supported the overall strategic designing and planning of the initiative, which took place over a span of several months. Administrative preparations included the development of work plans, adjustments of the agenda, mapping of relevant actors in the field, preparations of technical and logistical guidance notes, management of invitations and registrations, translations of documents, and development and implementation of a public outreach and branding strategy, among others. The invitees were strategically selected considering the broader landscape impacting children deprived of liberty, including the government, CSOs, coalitions, UN agencies, development partners, academia, law firms and legal professionals, independent experts, and the press. Children and youth were invited through the CYLNs, along with members of the public in Cambodia and abroad through widespread dissemination of posters and information.

In addition, the Global Campus of Human Rights prepared the presentation for the Global Study and supported the invitation to the UN Special Representative of the Secretary-General on Violence Against Children to deliver the welcoming remarks at the National Launch. The closing remarks were prepared by UNICEF.

Additional details regarding the preparations for the National Launch are provided in a separate toolkit developed based on the experience in Cambodia to assist organizations in other countries to pursue their own initiatives.

The recording of the National Launch can be viewed at <http://bit.ly/GSCDLCambodiaRecording>, which contains the original audio of the Khmer and English speakers. The video's written description provides information about the links to access separate recordings with the Khmer and English interpretations. The PowerPoint slides used during the National Launch can be accessed at <http://bit.ly/GSCDLCambodiaPPT>. In addition, this post-event outcome report can be accessed at <http://bit.ly/GSCDLCambodiaReport>.

The National Launch was moderated by **Panha, a child representative of the CYLNs**.

## 1. Welcoming remarks

The welcoming remarks were provided by **Dr. Najat Maalla M'jid, UN Special Representative of the Secretary-General on Violence Against Children**. In her remarks, she congratulated the crucial gathering of key stakeholders that will enable the strong and effective collaboration to implement the recommendations of the Global Study in Cambodia. Highlighting that deprivation of liberty is one of the most harmful violations of children's fundamental rights, she indicated that leaving behind children deprived of liberty undermines the achievement of the 2030 Agenda for Sustainable Development. She stressed that detention must only be used as a measure of last resort for children, in exceptional circumstances and for the shortest possible period of time, and that alternatives to deprivation of liberty shall be given greater priority.

The Special Representative also commended the Cambodian government for the progress it has made in safeguarding the rights of children, especially in the areas of justice for children and child protection, and she encouraged the government to translate its renewed commitment into concrete action to prevent and put an end to all forms of deprivation of liberty for children. She furthermore congratulated all children who participated in the process and encouraged stakeholders to continue involving them in decision-making processes. Lastly, she indicated her hopes that the National Launch will "mark a turning point in ending the invisibility and overcoming the vulnerability, stigmatization, and social exclusion of children deprived of liberty in Cambodia."

The video of the welcoming remarks can be viewed at <http://bit.ly/GSCDLCambodiaSRSG-VAC>.

## 2. Opening remarks

The opening remarks were provided by **His Excellency Thou Sun, Secretary of State of MoSVY**. In his remarks, he confirmed the receipt of an executive summary of the Global Study in Khmer that contains recommendations for states, as well as the draft Joint Statement of Commitment submitted by the Independent Expert on behalf

of the Organizing Committee, for consideration by the three key line ministries. He also explained that he received the request by UNICEF for MoSVY to lead the review and endorsement process in coordination with the MoI and MoJ, and that the CNCC was subsequently tasked with reviewing the draft so that it is comprehensive and in line



with the situation of Cambodia. He indicated that the three ministries agreed to first seek approval from the Prime Minister in order to have the full support from the Royal Government, which will enable the effective implementation of the commitment as laid out in the Joint Statement.

His Excellency then explained that the relevant ministries have been striving to improve the situation for children deprived of liberty in Cambodia, including for children in conflict with the law, children accompanying their mothers in prison, and children living in residential care institutions. He indicated that the Juvenile Justice Law is the foundational law for reducing the number of children in conflict with the law, and that the ministries are collaborating to reduce the congestion in the prisons through implementation of non-custodial measures like judicial supervision.

He also explained that the three ministries will step up their collaboration to ensure the highest consideration for the best interests of children on cases involving female suspects with young children and on improving the living conditions for children in prison with their mothers.

Regarding children living in residential care institutions, His Excellency indicated that MoSVY has exerted a large amount of effort to reduce the number of institutions and the number of children in the institutions through reintegration. He explained that MoSVY is currently leading the drafting of the new Child Protection Law that focuses on all issues faced by children in vulnerable situations.

### 3. Main findings of the Global Study

The presentation on the Global Study was provided by **Dr. Manfred Nowak, Independent Expert that led the Global Study and the Secretary General of the Global Campus of Human Rights**. He began by providing a brief background and timeline on the development of the Global Study and explained that the Global Study was necessary because despite the protections provided for in the

Convention on the Rights of the Child, there continued to be far too many children deprived of liberty, and there were no reliable sources of statistical data. He explained that the Global Study was a joint effort among governments, UN agencies, NGOs, research groups, academic institutions, and children themselves.

He continued to explain that the Global Study covers six key focus areas:

1. Children deprived of liberty in the administration of justice;
2. Children living in prisons with their primary caregivers;
3. Children deprived of liberty for migration related reasons;
4. Children deprived of liberty in institutions;
5. Children deprived of liberty in the context of armed conflict; and
6. Children deprived of liberty on national security grounds.

He indicated that the Global Study found that more than 7.2 million children are currently deprived of liberty every year. He then proceeded to explain the situation of each category of children identified above and provided targeted recommendations, such as adopting comprehensive policies for deinstitutionalization and non-custodial solutions, implementing diversion, decriminalizing behaviors of children, building the capacity of justice system actors, and preventing immigration detention. In highlighting the main recommendations, he stressed the need to reduce the number of children deprived of liberty and to ensure that detention is used only as a measure of last resort and only for the shortest appropriate period of time.

He then explained the follow-up process initiated by the Global Campus of Human Rights, including the international, regional, and national launches with key stakeholders around the world; conceptualization of an executive summary translated into the common languages of the UN; development of toolkits, massive online open courses, and child-friendly versions of the Global Study in the form of text and an animated video; and commissioning of further in-depth research throughout the academic network.

In response to a written question as to whether the Global Study looked into the root causes leading to deprivation of liberty for children in the administration of justice, the Independent Expert answered that the Global Study looked closely into these causes, including tough on crime policies, restrictive migration policies, poverty, and lack of support to families and the child welfare system. In response to another question regarding

recommendations for young children in prison with their caregivers, he answered that alternatives to detention like house arrest and restorative justice measures should be considered by the justice system actors. Another question was posed as to what types of residential care institutions or situations of children in alternative care are considered to be deprivation of liberty, to which he answered that although formal distinctions are difficult to make, the crucial question is whether or not the children in the facilities are able to leave them at their own free will. To better understand this concept, a close review of the relevant chapter of the Global Study is necessary.

In response to a final question regarding whether the child-friendly version is already ready, **Mr. Manu Krishan, Global Study Programme Manager at the Global Campus of Human Rights**, responded that their e-learning department is working closely with Tdh and Coda Story to develop the child-friendly animation, which will be accompanied by a child-friendly summary that is currently under final review by the Child Participation Working Group of the Global Study. Both of these resources will be available in the website provided below when they are complete.

Additional details are provided in the PowerPoint slides, and a more detailed video explaining the Global Study can be viewed at <http://bit.ly/GSCDLPresentation>. The complete Global Study and its executive summary in multiple languages can be accessed at <https://omnibook.com/Global-Study-2019> or <https://nochildbehindbars.com>.<sup>4</sup>

<sup>4</sup> This website was recently launched by the Global Campus of Human Rights, containing all relevant information relating to the Global Campus' work related to the Global Study, ranging from its current projects that support the implementation of the Study's recommendations to information on events where the Global Study Team is involved. Additional details about the Global Study can also be obtained through a free online course developed by the Global Campus at <https://gchumanrights.org/education/e-learning/moocs/children-deprived-of-liberty-learning-from-the-un-global-study/about.html>.

#### 4. Voices of the civil society

The first presentation was provided by **Mr. Chhin Se, Deputy Director of This Life Cambodia**, highlighting two research studies about children deprived of liberty in the administration of justice and children in prison with their mothers. The first study, entitled “No Place For A Child: Alternatives to imprisoning children in Cambodia”, was completed in early 2021. He explained that despite the stipulation of detention as a measure of last resort in the Juvenile Justice Law that came into force in 2017, the number of children in prison almost tripled within the subsequent three years, mainly due to the use of drugs in urban and rural areas. He explained that the majority of child convictions are for non-violent offences. 64% of the children This Life Cambodia interviewed for the study indicated that the use of drugs had led them to commit their respective offenses.

He then explained that a majority of the community members they interviewed thought that prison is bad for children and that children should receive proper education rather than spending time in prison. Their interviews of local authorities also showed that the authorities hope to see the Juvenile Justice Law and diversion being properly implemented. He concluded that although diversion measures may be costly in the short-term, there are clear positive results in the long-term, and that this should be pursued in the best interests of the child.

A participant from the Office of the UN High Commissioner for Human Rights (OHCHR) agreed in the chat that many children are being held in pre-trial detention for misdemeanors like petty theft in Cambodia, and he requested that the courts avoid holding children in pre-trial detention for misdemeanors or offenses that do not cause any serious harm to society.

The Deputy Director then proceeded to speak about the 2019 study, entitled “Why Children Accompany Mothers into Prison: An insight into

factors influencing this decision in Cambodia”. He explained that factors such as discrimination, poverty, availability of other caregivers, opportunity for the child to receive education, and the age of the child affected the mother’s decision to bring their children into prison up to the legally authorized age of three. In concluding, he urged the authorities to use non-custodial sentences for mothers of young children, to enable mothers to make informed decisions, to build the capacity of the law enforcement officers to better understand the specific needs of children accompanying their mothers to prison, and to develop child-friendly spaces and services in prisons for these children.

He explained that This Life Cambodia has been supporting children in conflict with the law since 2010 in three provinces, and that it also supports mothers through short-term services prior to incarceration to seek options for family preservation, as well as through long-term family support during incarceration to help children to continue their education and maintain contact with their mothers.

These two studies, along with other reports by This Life Cambodia and information about their holistic programs can be accessed at <https://thislife.ngo/research>.

The second presentation was provided by **Mr. Leang Lo, Head of Child Protection at Save the Children**, who spoke about children deprived of liberty in institutions. He began by explaining that well-coordinated multi-stakeholder efforts, including by MoSVY, CSOs, and UNICEF, have reduced the number of residential care institutions by 43% from 406 in 2015 to 232 in 2019, and the number of children in institutions by 59% from 16,579 in 2015 to 6,778 in 2019. He proceeded to explain that around 80% of children in institutions have at least one parental member who is still alive, and that the main reasons for this family separation include poverty, family illness, and child abandonment. Girls are less likely to be sent

to institutions because they are perceived to be easier to care for and to be able to help with the house chores, whereas boys are normally sent to institutions as a result of domestic violence and behavioral issues such as drug and alcohol use.

He explained that parents tend to hold a variety of perceived benefits of placing their children in institutions, such as basic care, education, reduction of the family's financial burden, ability to live in a safer environment, and others. A participant in the chat expressed their dismay at the fact that some parents think of their children as burdens and send them to live in institutions for this reason, urging parents to think twice before doing so.

The Head of Child Protection then proceeded to highlight the various legal reforms in the area of child protection over the years. With the understanding of the benefits of family-based care, the government has resorted to placement in institutions as a measure of last resort, while providing guidance as to the various forms of alternative care. In line with this, he explained that the Family Care First (FCF) | REACT is a large-scale network led by MoSVY and facilitated by Save the Children that involves more than 60 member organizations to support the Cambodian children to live in

safe, nurturing family-based care. Among other achievements, the initiative up until the last reporting period has provided case management to 2,250 children and provided services to 18,720 beneficiaries, of which 343 children have been reintegrated with their families, 153 children have been placed in kinship care, and 123 children have been placed in foster care. In addition, 17 residential care institutions have been engaged in the process of transition or closure.

He explained that Save the Children provides sub-grants to implementing partners, builds the capacity of partners and the social workforce, shares knowledge across partners, and coordinates with MoSVY, among other roles. He recommended the expedited finalization of the draft Child Protection Law and key policies and guidance documents on elements such as kinship and foster care, the implementation of the social workforce training strategy, and the completion of the child protection sector plan at the national and subnational levels.

Additional information on the FCF | REACT and promising practices under the project can be found in the PowerPoint slides and at <https://www.fcf-react.org/>.

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## 5. Voices of children

The session opened with the screening of a short film produced by This Life Cambodia for the National Launch. **Sok (pseudonym), an 18-year-old youth**, was arrested at the age of 16 for drug-related offenses and spent two years in prison. He described his warm family environment and his upbringing full of love, but that everything changed when his family moved to a new town. Shortly after, his family was separated because his father left, which was the main factor that led Sok to use drugs, in addition to peer influence and depression.

Sok spent six months in prison before receiving his sentence. He felt deep regret and immense fear during his time there. He still vividly remembers his first day in prison, when he received a "welcome" beating from some of the other inmates, who only targeted areas of his body that would be covered by clothing so that the bruises would be unnoticeable. Sok described his difficulty sleeping because he had hardly enough space for his body and could not move around. Sok indicated that prison presents horrifying times. He was lonely, did not get enough food, faced constant threats, and was frequently unable to

take a shower. There are various things he would like to see changed in the prisons, including improving the quality and hygiene of the meals, separation of children from adults, and better management of violence.

The first thing Sok desired to do upon release was to return to his studies and get a job to regain his family's honor. He expressed his interest in studying electrical engineering. During his time in prison, he missed his mother the most. He explains that she never abandoned him during his time in prison and did not blame him either. She encouraged Sok to accept his mistake and make up for it, and she consistently told him that his family would continue to love him no matter what. Sok expressed that this family was what helped him endure his time in prison. He says, "They always provided me with hope and smiles." Upon release, he knew that he would face stigma and gossip and that other parents would not allow their children to play with him. He had difficulty leaving his house. When he returned to school, he did not tell others about his past for fear of discrimination against him and his family. As a result of his imprisonment, he lost his opportunity to study, learn skills, and to have a good future. But he indicated that nothing changed within his family, who still love him.

Sok ended by saying that he would like the government to use other methods rather than sending children to prison, which would provide them with an opportunity to continue their studies, feel the warmth of their families, and prevent the impact on mental health brought about by imprisonment. He also indicated that he would like to see the establishment of libraries and literature classes within prisons that are appropriate for children, as well as the continuation of child-friendly programs, while ensuring control over the violence in prison to ensure a safer environment for children.

The participants expressed their gratitude, indicating that the short film was incredibly powerful, inspiring, and moving. A participant expressed

their hopes that all relevant stakeholders will take into account the different issues raised by Sok to improve the situation in the best interests of children. Another participant indicated that the short film provided much to reflect about and to take immediate actions on in order to prevent detention, promote diversion, ensure legal aid, and improve the situation for those children already in prison. Another participant raised a question regarding the mental health impact of deprivation of liberty, as mentioned by Sok, to which the Independent Expert responded that many children suffer serious trauma and post-traumatic stress disorders, in addition to economic and other negative consequences as a result of detention, and that this makes it incredibly difficult for children to find a successful way back into society.

The short film of Sok can be viewed at <http://bit.ly/GSCDLCambodiaSok>, and it is also available at the Youtube channel of This Life Cambodia at <https://www.youtube.com/c/ThisLifeCambodia>.

The short film was followed by the reading of the *Joint Statement on Children Deprived of Liberty in Cambodia by Child and Youth-Led Networks by Uy, a child representative of the CYLNs*. The Joint Statement highlighted the findings of the pre-session consultations with children and youth, including the myriad of challenges faced by children deprived of liberty, such as the lack of proper access to basic education; hindrance of social, cognitive, and behavioral development; lack of sufficient and nutritious food; mental health complications; and concerns over personal safety and the lasting impact after release. The Joint Statement also highlighted certain elements that helped children to endure the difficult times, such as vocational training, regular interactions with positive role models, and routine contact with family and community members. It indicated that children and youth who have never been deprived of liberty "overwhelmingly held the perception that deprivation of liberty should be prevented for children and that these children should be protected", while also asserting their desire to have their voices heard by the government.

Through this, the CYLNs made a set of ten requests to the government. This covered areas such as ensuring equal access to proper education for all children deprived of liberty, improving health care and food options, providing them with opportunities to partake in decision-making, strengthening measures to prevent deprivation of liberty, using diversion and alternative measures to detention, and instituting robust child-friendly standards across all facilities, among others.

The participants expressed their deep appreciation for the children who shared their voices during

the event and for the meaningful Joint Statement that raised the voices of children to be heard and be taken into account. In response to the Joint Statement, a participant noted the difficulty for lawyers to access children who are in police custody and urged the government to provide measures that better facilitate access to lawyers for children.

The full statement is available at <http://bit.ly/GSCDLCambodiaChildStatement> and is also attached to this report in the annex.

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## 6. Voices of the government

The response to the voices of children was provided by **His Excellency Thou Sun, Secretary of State of MoSVY**. He indicated that he has reviewed the ten requests made by the children and youth, some of which are directly relevant to MoSVY. He declared that he accepts all ten requests on behalf of MoSVY and that he will discuss each item with the relevant ministries

to identify methods for implementation based on the available resources. He expressed his hopes to receive support in the form of funding, materials, and technical expertise from UN agencies, CSOs, and other stakeholders, and he indicated that he hopes to exert efforts together to seek solutions step-by-step for the problems identified by the children and youth.

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## 7. Closing remarks

The closing remarks were provided by **Ms. Forough Foyouzat, Representative of UNICEF Cambodia**. She indicated that the rights of children are violated in various manners when they are deprived of liberty, which has a lasting impact beyond that period, including stigmatization. She reemphasized the Global Study's finding of the conservative estimate of 7.2 million children around the globe that are deprived of liberty each year in various contexts.

She indicated that the Royal Government of Cambodia has taken solid steps to reduce the unnecessary placement of children in institutions and to improve the justice system for children, including the adoption of the Juvenile Justice Law in 2016. She also mentioned that the

government has additionally shown its commitment by becoming a Pathfinding Country to end violence against children. She encouraged the government to fully implement the Juvenile Justice Law, including its provisions that stipulate measures for the application of diversion and alternative measures to detention. She also pointed out that in the current context of the surge of COVID-19 cases in Cambodia, the crowded conditions of prisons and institutions pose high risks for children, and thus requested that the government seek possible measures to release these children.

She acknowledged that the remaining tasks are big and that they require collective efforts and widespread partnerships, but she expressed her

sense of encouragement with the commitment shown by the government, civil society, UN agencies, and children and youth at the National Launch. She indicated that the key recommendations from the Global Study present clear pathways to make further progress in protecting and promoting children's rights and to contribute to the principles of the Sustainable Development

Goals. In concluding, she expressed that the National Launch is a major step in Cambodia's journey towards ending deprivation of liberty for children, and she voiced her confidence that through collective efforts, Cambodia can have some of the best practices in the region that can serve as a model for others to follow suit.

## 8. Preparatory Meeting for the 2021 World Congress on Justice with Children

Immediately following the National Launch, a technical group Preparatory Meeting was held with technical personnel of child justice organizations, UN agencies, the government, development partners, and children and youth. The purpose was to define the key challenges and priorities for child justice in the country, identify promising practices, and discuss modes of more effective collaboration among relevant stakeholders.

The results of the pre-meeting survey were presented, which identified some of the main challenges as the lack of child-friendly procedures throughout all stages of the justice system, lack of diversion and alternative measures, lack of access to legal support within the first 24 hours of arrest, and lack of focus on reintegration and rehabilitation. Children and youth identified challenges such as the lack of focus on inclusive procedures and measures and the lack of access to child-appropriate information for children in the system. Priorities included the formal institutionalization of diversion and prioritization of alternatives to detention, building of capacity of the justice system actors, development and utilization of child-friendly facilities in courts and police stations, and enhancement of legal aid services for children.

Specifically with regards to the topic of non-discrimination and equal access to justice, which underlines the theme of the 2021 World Congress on Justice with Children that will take place virtually on 15-20 November 2021, the survey respondents identified priorities including the need to ensure equal access to child-friendly

services for child victims, witnesses, and alleged offenders; ensure that the voices of children are equally heard throughout the justice system; address discrimination resulting from poverty and drug-related offenses; and provide equal services for children in rural areas. The children and youth also agreed, further indicating that it is important to address discrimination due to disabilities or health conditions; sexual and gender identity; and ethnicity, race, or indigenous group affiliation.

Following this presentation, a set of briefings was provided by local organizations on promising practices. Hagar International spoke about the new judicial guidelines for proceedings involving children that will soon be adopted by the MoJ, LAC spoke about the Child-Friendly Police Procedures, Action Pour Les Enfants spoke about the child-friendly interview rooms established in police stations, the Cambodian Center for Human Rights spoke about the criminal trial monitoring of juvenile cases at the Phnom Penh Court of Appeal, and This Life Cambodia spoke about the holistic intervention they are undertaking in child justice, including support for children and families before, during, and after coming into conflict with the law. In addition, UNICEF provided updates on the draft diversion guidelines being finalized for adoption by the MoJ, trainings on child protection to provincial and district police officials in five target provinces, and adoption of a social inquiry report form by MoSVY.

Additional details regarding the Preparatory Meeting are available in a separate summary report.

The National Launch had over 250 registrants, of which 188 accounts connected to the event. Considering that some accounts were joined by multiple individuals using the same screen, the National Launch was attended by roughly over 200 individuals, including high-level representation from all three key line ministries. Of the 188 account owners, 76 were female, 108 were male, and 4 preferred not to disclose. In addition, 7 of the account owners were children under 18 years old, 41 were youth between the ages of 18 and 24, and 140 were adults over the age of 24.

Registrants also had the option of specifying their affiliation if desired. Based on self-identification, participants who attended the event represented at least 31 local CSOs and 8 foreign CSOs, 4 UN agencies, 6 development partners, and various child and youth-led organizations; educators and administrators from 7 academic institutions; 2 members of the press; and numerous lawyers and legal professionals, independent experts, students, volunteers, private sector employees, and members of the public in Cambodia and abroad.

From the government, the following individuals participated in the event:

<b>MoJ</b>	<ul style="list-style-type: none"> <li>• Secretary of State of Justice in charge of coordination with the prosecution unit, judicial police, amnesty and sentence reduction, and prisons</li> <li>• Secretary of State of Justice in charge of both criminal and civil affairs</li> <li>• Director of the Department of Criminal Affairs and Juvenile Protection</li> <li>• Judge at a Court of First Instance</li> </ul>
<b>MoI</b>	<ul style="list-style-type: none"> <li>• Secretary of State in charge of juvenile justice</li> <li>• Under-Secretary of State in charge of juvenile justice</li> <li>• Director General and Deputy Director General of the General Department of Prisons</li> <li>• Directors of Correction Center II and of Provincial Prison of Siem Reap</li> </ul>
<b>MoSVY</b>	<ul style="list-style-type: none"> <li>• Secretary of State in charge of juvenile justice</li> <li>• Director General of the Directorate of Technical Affairs</li> <li>• Director of the Department of Child Welfare</li> <li>• Director of the Department of Youth Rehabilitation</li> </ul>
<b>Bar Association of the Kingdom of Cambodia</b>	<ul style="list-style-type: none"> <li>• Deputy Secretary General</li> <li>• Deputy Director of the Department of Protection for the Poor</li> </ul>

Other interested personnel also attended from the Ministry of Education, Youth, and Sports and the Ministry of Industry, Science, Technology, and Innovation, among others.



The National Launch was a positive step towards collective action towards preventing and addressing deprivation of liberty for children, but there remain important next steps. The following are the main action points that will be pursued by the Organizing Committee with multi-stakeholder collaboration:

1. Follow up with MoSVY, MoI, MoJ, and the CNCC on the government's *Joint Statement of Commitment for Children Deprived of Liberty in Cambodia*, including its approval, a potential commemorative forum led by the government, and integration of the agreed upon action points into the work of the ministries;
2. Follow up with the three ministries on their long-term plan to respond to the ten requests made by children and youth, as accepted by His Excellency Thou Sun during the National Launch;
3. Follow up with CSOs and other partners regarding strategies for the establishment of a formal working group and e-mail group on child justice, as discussed at the Preparatory Meeting; and
4. Discuss with interested parties on how to better link domestic efforts with those at the regional and international levels to share and learn from promising practices and improve the child justice system in Cambodia, including participation in the 2021 World Congress on Justice with Children.



### **Joint Statement on Children Deprived of Liberty in Cambodia by Child and Youth-Led Networks**

22 April 2021

On this day of the Cambodian National Launch of the United Nations Global Study on Children Deprived of Liberty, we express our support for all children around the country who are facing deprivation of liberty.

Children are deprived of liberty in various situations and types of facilities in Cambodia, including prisons, police stations, residential care institutions (such as orphanages), rehabilitation centers, and social affairs centers. Notable progress is being made by the government towards addressing the situation of children deprived of liberty, enhancing child protection, and safeguarding the rights of children in Cambodia, but there remains important work that must be done.

We cannot speak on behalf of the children deprived of liberty who do not have the opportunity to join us today, but we were able to hear directly from some of them, and we wanted to elevate their voices to this national discussion.

Over the past two months, we conducted consultations with children formerly deprived of liberty, as well as children and youth without this experience, including many who had a personal relationship with someone who was deprived of liberty as a child. We also consolidated the direct voices of children deprived of liberty that were highlighted in recent studies conducted by local civil society organizations.

Based on these results, children face various pressing challenges during and after their deprivation of liberty.

One of the main concerns expressed was the lack of proper access to basic education and academic materials in the facilities, along with the poor quality of programs that do exist. This was closely linked to the negative impact on future employability, along with the lack of freedom and opportunities for play and personal time. The children and youth point out that deprivation of liberty seriously hinders the social, cognitive, and behavioral development of the child, along with their self-esteem, sense of morality, understanding of society, and overall joy and motivation in life. In addition, a lack of sufficient and nutritious food often leads to malnutrition, while inadequate sanitation and healthcare services further affect their physical health. They also suffer from mental health complications, including emotional distress, depression, trauma, and even suicidal thoughts.

Children and youth illustrate that they are often not provided with appropriate information as to what is going on and what will happen to them going forward, and that they are not given enough opportunities to participate and have their voices heard in decision-making, including the planning processes for reintegration. They indicate that separation from family has a significant impact on familial relationships and livelihoods, and some expressed their worries of being forgotten by their family members. The facilities lack a feeling of warmth and

meaningful interactions, with many that are overcrowded and shared with adults, which can lead to bad influence and quarrels. Children and youth express their concern for their safety and fear over the various forms of violence committed by the staff and adults in the facilities, including physical and verbal assaults, discrimination, and neglect.

Furthermore, children and youth are troubled by the lasting impact of deprivation of liberty. The stigma in schools and communities can lead to isolation and fear of interacting with others, which intensifies the child's inability to easily and effectively reintegrate into society. Children convey that they face emotional instability, and that the lost opportunities for education and employment have a personal consequence and a negative impact on both their own and their family's financial situations.

But children deprived of liberty also indicate that there were elements that helped them endure the difficult times. Vocational training and personal development programs have not only been helpful for children in building their skills, but the programs also improve their social and emotional health, along with hopes for a better future. Regular interactions with positive role models outside of the facilities through such programs have been beneficial for the wellbeing and reintegration of children. Similarly, they share that routine contact with family and community members can help develop concrete support networks both during and after the child's deprivation of liberty.

Children and youth who have never been deprived of liberty overwhelmingly held the perception that deprivation of liberty should be prevented for children and that these children should be protected. In addition, children overall have strongly expressed their desire to have their voices heard by the government and to take part in decision-making processes.

Accordingly, based on the inputs received from children and youth, we request the relevant ministries of the Cambodian government to:

1. **Ensure equal access to proper education** for all children deprived of liberty, including vocational training and skills-building opportunities.
2. **Improve healthcare and access to sufficient and nutritious food** for children deprived of liberty, including psychosocial support and counseling services.
3. **Empower** children deprived of liberty to speak up, and **provide them with regular opportunities to partake in decision-making** in a manner that actually influences change on an individual or systemic level.
4. **Strengthen measures to prevent** deprivation of liberty for children, including the reinforcement of child protection mechanisms, enhancement of the overall education system, and strengthening of family support.
5. **Use diversion and alternative measures to detention** for children in conflict with the law.
6. **Institute a robust standard of child-friendly procedures** for the different facilities where deprivation of liberty for children take place, and **build the capacity of the directors and staff** of these facilities to enhance the quality of their operations in a child-friendly manner and to ensure their respect for children's rights.

7. **Prevent violence** against children deprived of liberty, including the reduction of discipline and physical punishment in the facilities and the prohibition of discrimination, and **pursue accountability** for violence that does happen.
8. **Provide individualized services and attention** to children deprived of liberty according to their specific needs, including children with disabilities, girls and pregnant children, children from rural areas, children with less education, and children suffering from drug and substance abuse.
9. **Supply facilities with appropriate financial and material support**, including study materials and recreational equipment.
10. **Enact a child protection law** that places an emphasis on the reunification of children with their families, and **raise awareness about children's rights** and relevant laws to children, caregivers, communities, and all facilities where deprivation of liberty for children take place.

This statement has been jointly prepared by the Adolescent and Youth Reference Group (AYRG), Child Advocate Network (CAN), and Cambodian Children and Young People Movement for Child Rights (CCYMCR), with the support of the Child Rights Coalition Cambodia (CRC-Cambodia).



## **Joint Statement of Civil Society Support for Children Deprived of Liberty in Cambodia**

Phnom Penh, 5 May 2021

We, the undersigned organizations, congratulate the successful National Launch of the United Nations Global Study on Children Deprived of Liberty (“Global Study”) in Cambodia.

We appreciate and respect the voices of children deprived of liberty that were raised at the National Launch through the sharing of personal experiences and the joint statement by the Child and Youth-Led Networks, which highlighted the challenges faced by these children and their requests to the Cambodian government. We empathize with the troubles, concerns, and pain expressed by the children, and we fully support their ten concrete requests made to the government for preventing situations that deprive the liberty of children and for protecting the rights and wellbeing of children already in those situations.

We agree with the Global Study that deprivation of liberty for children is a deprivation of their childhood and a form of structural violence against children. We underscore the importance of framing our understanding of deprivation of liberty to be inclusive of children in a wide array of situations, including children in conflict with the law, children in prisons with their primary caregivers, and children living in institutions and centers. We affirm that children deprived of liberty are entitled to the same rights as all other children, but also recognize that they are in particularly vulnerable situations with specific needs that require specialized attention.

We acknowledge that Cambodia has made significant progress over the years in establishing a child justice system, enhancing child protection mechanisms, actively deinstitutionalizing children, and fighting to end violence against children, including as a Pathfinding Country. However, there is still work to be done, and the Global Study can provide helpful guidance to support the government’s ongoing efforts.

We as members of the civil society feel a responsibility to support children around the country who are facing deprivation of liberty. We will join forces and collaborate with the communities to study and address the root causes resulting in deprivation of liberty for children at the individual and systemic levels, as well as to improve the diverse conditions faced by children currently deprived of liberty in a rights-based and child-friendly manner. We will pursue a holistic and interdisciplinary approach, encompassing child justice, child protection, social protection, education, and more.

We declare our firm commitment to work closely with the government, in meaningful partnership with children, to achieve positive outcomes for all children in Cambodia, both as a measure of prevention and of response to deprivation of liberty for children. To best prioritize and strategize our efforts, and to find the best and most promising solutions, we will engage both domestically and internationally, including through the 2021 World Congress on Justice with Children.

We are determined to advance and bolster our collective efforts to work for and with children, fully respecting their voices and pursuing an inclusive and effective approach that is sensitive to the needs and circumstances of children deprived of liberty.

*This statement has been jointly prepared by the following civil society members of the Organizing Committee for the National Launch of the Global Study in Cambodia:*

1. Adolescent and Youth Reference Group
2. Cambodian Children and Young People Movement for Child Rights
3. Child Advocate Network
4. Child Rights Coalition Cambodia
5. Legal Aid of Cambodia – member of the NGO Panel for the Global Study
6. Global Campus of Human Rights
7. Global Initiative on Justice with Children – represented by Terre des hommes

*This statement is joined by the following civil society speakers at the National Launch:*

1. Save the Children
2. This Life Cambodia



Save the Children



*This statement is endorsed by the following civil society organizations in Cambodia:*

1. Buddhism for Social Development Action
2. Cambodia Against Child Trafficking Network (Cambodia ACTs)
3. Cambodian Center for Human Rights
4. Cambodian Center for the Protection of Children's Rights
5. Cambodian Human Rights Action Coalition
6. Cambodian Human Rights and Development Association (ADHOC)
7. CARE International in Cambodia
8. Chab Dai Coalition
9. Children In Families Organization
10. Children's Rights International
11. Community Council for Development Organization
12. Community Legal Education Center
13. First Step Cambodia
14. Gender and Development for Cambodia
15. Hagar International in Cambodia
16. Italian Association for Aid to Children
17. Krousar Thmey
18. Legal Support for Children and Women
19. Phare Ponleu Selpak Association
20. Plan International Cambodia
21. SOS Children's Villages International
22. Terre des Hommes Netherlands
23. The Cambodian NGO Committee on CEDAW (NGO-CEDAW)
24. Women Organization for Modern Economy and Nursing



*This statement is also endorsed by the NGO Panel for the Global Study on Children Deprived of Liberty, a group of 170 civil society organizations around the world that is co-convened by Defence for Children International and Human Rights Watch. The NGO Panel has been an important partner in the initiation and completion of the Global Study, as well as in its implementation and follow-up.*



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The National Launch of the United Nations Global Study on Children Deprived of Liberty in Cambodia was held on 22 April 2021 through an online platform, attended by children and youth, government officials, civil society organizations, United Nations agencies, academia, development partners, and members of the public in Cambodia and abroad. Preparations involved pre-session consultations with children and engagement with the key line ministries. These voices, along with the voices of the civil society were highlighted during the National Launch, as a method of sharing information, recommendations, and commitments.

The Cambodian Preparatory Meeting for the 2021 World Congress on Justice with Children was also held immediately following the National Launch, resulting in productive discussions around the challenges, priorities, and promising practices in the field of child justice in Cambodia, and paving the way for better coordination among child justice organizations.

For more information, please contact the Organizing Committee at [GSCDLCambodia@gmail.com](mailto:GSCDLCambodia@gmail.com). The Global Study can be accessed at <https://omnibook.com/Global-Study-2019> and <https://nochildbehindbars.com>.



# NATIONAL LAUNCH OF THE UN GLOBAL STUDY ON CHILDREN DEPRIVED OF LIBERTY IN CAMBODIA



THURSDAY, 22 APRIL 2021 | **2:00-4:00 pm ICT** (Cambodian time)  
9:00-11:00 am CEST / 5:00-7:00 pm AEST

**Language:** Khmer and English (interpretation provided)

**Location:** Online (Zoom)

Deprivation of liberty for children is a deprivation of their childhood. Children are deprived of liberty in diverse situations, but are often left invisible, despite the significant impact it has on children and society as a whole.

The United Nations Global Study on Children Deprived of Liberty provides insight into the state of these children around the world, along with concrete recommendations for actions to be taken to address the situation. The National Launch event will provide an opportunity to hear about the findings from the Independent Expert who led the Global Study, the thoughts of Cambodian children deprived of liberty, the experiences of local organizations working in this field, and the renewed commitment of the government.

This event is open to all interested individuals.

## Program:

- **Welcoming remarks** | by Najat Maalla M'jid, UN Special Representative of the Secretary-General on Violence Against Children
- **Main findings of the Global Study** | by Manfred Nowak, Independent Expert
- **Voices of the civil society** | by This Life Cambodia and Save the Children
- **Voices of children** | by Child and Youth-Led Networks
- **Voices of the government** | by Ministry of Social Affairs, Veterans, and Youth Rehabilitation
- **Closing remarks** | by UNICEF

A technical group preparatory meeting for the 2021 World Congress on Justice with Children will be held following the National Launch event.

► **Please register** at <http://bit.ly/GSCDLCambodianLaunch>

### Co-organizers:

- UNICEF
- Child Rights Coalition Cambodia
- Global Campus of Human Rights
- Legal Aid of Cambodia (member of the NGO Panel for the GSCDL)
- Child and Youth-Led Networks (AYRG, CAN, and CCYMC)
- Global Initiative on Justice with Children (represented by Terre des hommes)





