



2021 World Congress on Justice With Children

“Ensuring access to justice for all children: towards non-discriminatory and inclusive child justice systems”

PREPARATORY MEETING REPORT CAMBODIA

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SUMMARY REPORT OF THE DISCUSSIONS

22 April 2021 – 16.15-17.15 ICT

Virtual (Zoom)

The **Cambodian Preparatory Meeting** for the 2021 World Congress on Justice With Children (“2021 World Congress”) was conducted under the broader context of the National Launch of the UN Global Study on Children Deprived of Liberty in Cambodia (“National Launch”), which was held virtually for two hours on the same day, immediately preceding the Preparatory Meeting. The two initiatives were pursued in conjunction with one another to build synergies, given the overlapping topic areas, goals, and target stakeholders. The full recording of the National Launch event is available at <http://bit.ly/GSCDLCambodiaRecording>,¹ and the Outcome Report of the National Launch is available at <http://bit.ly/GSCDLCambodiaReport>, which provides valuable input relevant to the Preparatory Meeting.

Unlike the National Launch event that was open to the public, the Preparatory Meeting was held as a closed session due to the technical nature of the discussions, and one representative per organisation or office was invited from a pre-identified list of local actors relevant to the field of child justice.

The main objectives of the meeting were to:

- Gather technical staff from the government, civil society organisations, UN agencies, academia, development partners, and child and youth-led networks to define key challenges in child justice in Cambodia;
- Foster thematic priorities and define trends related to justice for children;
- Discuss effective modes of collaboration among child justice organisations; and
- Identify promising practices in child justice, which may potentially be introduced at the 2021 World Congress.

The Preparatory Meeting had 62 registrants, of which 41 participated in the meeting. Many entities and experts had expressed their interest in the meeting but were not able to attend due to scheduling conflicts. The concept note and agenda are provided in Annex 1, and the participant list is provided in Annex 2, which only specifies entities that were able to attend the meeting.

¹This recording 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. In addition, the PowerPoint slides used during the National Launch can be accessed at <http://bit.ly/GSCDLCambodiaPPT>.

Introduction

Cédric Foussard, Advocacy and Global Learning Advisor at Terre des hommes Foundation (Tdh), opened the meeting by providing an overview of the purpose, background, and preparations for the 2021 World Congress, as well as the Global Initiative on Justice With Children (“Global Initiative”). Although the 2021 World Congress was initially scheduled to take place in Mexico, it has been converted to a virtual format due to the current COVID-19 pandemic, but still hosted by the Mexican Supreme Court of Justice. This World Congress will take place on 15-20 November 2021.

The last World Congress took place in Paris in 2018, resulting in the Paris Declaration that informed the General Comment No. 24 of the Committee on the Rights of the Child and served as a basis for consultations for the UN Global Study on Children Deprived of Liberty and other regional instruments.

The Global Initiative was established in 2019 to link together the World Congresses. It conducted a major global campaign in 2020 to accelerate the release of children deprived of liberty in times of COVID-19, resulting in a Policy and Practice Brief and operational guidelines for practitioners, combined with regional and national advocacy efforts. This campaign has been selected as a finalist for the World Justice Challenge 2021 by the World Justice Project, out of 425 submissions from 114 countries (final results to be released in May 2021).

Since 2019, Preparatory Meetings have been organised at the regional and national levels around the world. Two regional meetings were organised in person prior to COVID-19 in Mexico for North America and in Argentina for Latin America, and virtual meetings were organised for regional meetings in Central America, Europe, and the Middle East and North Africa. National meetings have also been organised in Lebanon, Singapore, Pakistan, the United States of America, and India, with additional meetings planned for China and Thailand. These meetings enabled the team to identify the trends and challenges concerning child justice, and they have discovered a common interest in the topic of equal access to justice and the right to non-discrimination for a fair child justice system. Thus, this has been selected as the theme for the 2021 World Congress.

Main findings of the pre-meeting survey

Ha Ryong Jung (Michael), Legal Officer at the Legal Aid of Cambodia, presented on the findings of the pre-meeting survey. The purpose of the survey was to identify the main challenges in child justice in Cambodia, the main priorities for reform and intervention both generally and specifically regarding the theme of the 2021 World Congress, and the best approaches to enable collaboration among child justice organisations going forward. The survey was disseminated to a wide array of actors, and responses by multiple staff from each organisation were encouraged to ensure diversity in the inputs. The actual survey and the PowerPoint slides on the main findings are provided in Annexes 3 and 4. The results presented in this report contain a more comprehensive coverage of the results than were presented during the meeting.

The survey was completed by 33 individuals divided into two groups:

- **Group 1:** 24 respondents from 9 civil society organisations, 1 UN agency, and 2 development partners
- **Group 2:** 9 respondents from 3 child and youth organisations

Main challenges in child justice in Cambodia

Challenges	# Respondents	
	Group 1	Group 2
Lack of child-friendly procedures throughout all stages of the system, and lack of enforcement of procedures that do exist	19	3
Lack of diversion and alternative measures	15	0
Lack of access to legal support within the first 24 hours of arrest	15	1
Lack of focus on reintegration and rehabilitation (e.g., vocational training)	14	1
Insufficient access to and poor quality of legal aid and support (e.g., not child-sensitive)	13	3
Weak coordination among justice system actors (e.g., police and social workers)	13	1
Corruption of justice system actors (e.g., bribery)	13	6
Insufficient number of and lack of training for social workers and agents	12	4
Insufficient access to various forms of non-legal support for children in conflict with the law (e.g., mental health and psychosocial support)	12	6
Lack of specialised justice system actors (e.g., judges with expertise on children)	11	4
Poor conditions for children in prison (e.g., access to safe food, water, healthcare, and education)	10	6

Lack of focus on inclusive procedures and measures (e.g., for children with disabilities)	9	7
Insensitivity and lack of trauma-informed approaches by justice system actors for child victims and witnesses	9	4
Violence perpetrated against children by justice system actors (e.g., physical abuse by police or prison guards), and lack of accountability	9	5
High proportion of children in the system due to petty and drug-related offences	8	1
Insufficient access to various forms of non-legal support for child victims and witnesses	7	2
Lack of a proper data collection and management system by the government	7	5
Excessive use of pre-trial detention	6	0
Lack of access to child-appropriate information for children in the system	5	6
Children being detained in prisons with adults	5	1
Arbitrary detention in drug rehabilitation or social affairs centres	3	2

Each respondent was allowed to select up to 10 options to rank their perceptions of the main challenges. In addition to the options above, a respondent in Group 1 also pointed out an additional challenge regarding the mindset of the authorities, including a lack of their willingness to enable and invest in change. The results of the responses by children and youth under Group 2 overlapped greatly with the results from the pre-session consultations with children and youth conducted for the National Launch, which had culminated in a *Joint Statement on Children Deprived of Liberty in Cambodia by Child and Youth-Led Networks*.²

However, it is interesting to note that the main challenges identified by the children and youth do not align entirely with those of Group 1. In particular, many children thought that there is insufficient access to child-appropriate information in the justice system, whereas Group 1 considered this to be a relatively lesser challenge. In addition, a greater proportion of children and youth also considered inclusivity to be a larger challenge than Group 1.

² The Joint Statement can be accessed at <http://bit.ly/GSCDLCambodiaChildStatement>.

Main priorities for action in child justice reform and implementation in Cambodia

Priorities	# Respondents	
	Group 1	Group 2
Formally institutionalise diversion, and prioritise alternatives to detention	15	0
Build the capacity of justice system actors (e.g., police, prosecutors, judges, and prison guards)	15	5
Further develop, maintain, and effectively utilise child-friendly facilities in courts and police stations (e.g., child-friendly rooms, screens, and teleconferencing)	15	3
Accelerate the implementation of the 2016 Juvenile Justice Law	14	3
Improve legal aid services for children, including the quality and number of lawyers	14	6
Identify strategies to prevent the arrest of children for petty and drug-related offences	11	3
Reduce pre-trial detention	9	0
Improve the content and implementation of the curriculums of the Royal Academy of Judicial Professions, Lawyers Training Center, university law degrees, and Police Academy of Cambodia	9	3
Enhance government transparency and accountability, including effectively involving the civil society in developing policies and guidelines	9	4
Support children in prison with their mothers	8	2
Develop a specialised children's court	8	5
Increase the government's commitment to child justice, including proper budget allocations	7	5
Push the government to institute concrete child-friendly directives and guidance	7	4
Ensure better coordination among child justice organisations for advocacy and interventions	7	4
Ensure better coordination among justice system actors	4	0
Build additional youth rehabilitation centres besides the one in Kandal Province	3	3
Further reform the legal and regulatory framework	2	2

Each respondent was allowed to select up to 7 options to rank their opinions on the main priorities. Some respondents in Group 1 provided comments on some of the options above, including the need to properly integrate and enforce child-friendly procedures in implementing the 2016 Juvenile Justice Law and to institute common professional and operational standards in drug rehabilitation centres across the country. Another respondent suggested the establishment of an independent body to improve and monitor the child justice system.

The children and youth have placed a greater emphasis on the need for a specialised children’s court and the need to ensure the government’s commitment towards child justice. They also thought that better coordination is necessary among child justice organisations, which aligns directly with one of the purposes of the Preparatory Meeting.

Main priorities for non-discrimination and equal access to justice in Cambodia

Priorities	# Respondents	
	Group 1	Group 2
Ensure equal access to child-friendly services for child victims, witnesses, and alleged offenders	16	2
Ensure that the voices of the child are equally heard in the justice system	14	1
Address discrimination resulting from poverty, including children in street situations	13	8
Address discrimination due to drug-related offences	10	2
Provide equal services for children in rural areas	9	2
Address discrimination due to political opinion and activism	8	2
Address discrimination due to sexual and gender identity	7	4
Build resilient child justice systems in times of crises and health pandemics	7	3
Address discrimination due to disabilities or health conditions	6	5
Address discrimination due to ethnicity, race, or indigenous group affiliation	6	3
Provide age-appropriate services and communications	6	1
Provide access to justice for children affected by the digital environment	6	3
Ensure equal redress for violence within the justice system	5	2
Address discrimination due to migration, including stateless children and refugees	2	2
Provide gender-appropriate services	1	1

Each respondent was allowed to select up to 5 options to rank their opinions on the main priorities. In line with the main challenges identified by the children and youth above, they placed a higher priority on addressing discrimination due to disabilities and the need for inclusive services, which was also pointed out in a comment by a respondent from Group 1. Interestingly, although the focus on drug-related offences was not as high by the children and youth respondents, they actually indicated this to be a high priority during the pre-session consultations of the National Launch, which aligns with the opinions expressed by respondents of Group 1.

Collaboration among child justice organisations

32 of 33 respondents desired the establishment of a child justice e-mail group that will facilitate the expedited sharing of information on relevant topics, such as to spread awareness of campaigns and advocacy plans, seek input on studies and other documents, share plans on upcoming projects and new publications, and provide updates on governmental developments. This e-mail group will be open to all staff working in the field, rather than exclusive to the organisation's representatives. Google Groups will be used as the platform, and a respondent suggested the establishment of a Facebook group as well.

All respondents desired the establishment of a child justice working group, of which 29 preferred a formal working group and 4 did not have a preference between formal and informal structures.

A formal working group would require a specific Terms of Reference with a pre-specified governing and decision-making structure and regular meetings. Decisions will also need to be made as to the membership criteria, including whether it will be open to groups besides civil society organisations and UN agencies, such as development partners and the academia. Discussions will also be held around how to effectively partner with the child and youth-led networks. This group will be distinguished from the working group on the 2016 Juvenile Justice Law led by the Ministry of Justice (MoJ) with civil society participation, and it will need to be improved from the former NGO Working Group on Child Justice that is no longer functional. A respondent suggested that this group should be built on top of existing mechanisms rather than developing an entirely new one, and another respondent indicated that this group should be created only if it will have an effective framework that will not dissolve soon after creation. In addition, a respondent suggested creating a national mechanism that has local strategic partnerships in each province. A final suggestion was that the group should be formally recognised by the government.

Internal discussions will be held as to how to proceed with the follow-up to these structures before involving other organisations, so that effective discussions can be facilitated.

Additional resources

Due to insufficient time during the meeting, this document was not presented, but the Juvenile Justice Law Strategic and Operational Plan (JJLSOP) Implementation Mapping conducted in August 2020 can be downloaded at <http://bit.ly/JJLSOPMapping>. This reference document provides a rapid mapping of the main progress and gaps in the implementation of the JJLSOP 2018-2020. It was prepared by the Child Rights Coalition Cambodia and the Legal Aid of Cambodia, with input from the 5th Thematic Working Group of the coalition.

Promising practices in child justice in Cambodia

A set of organisations were coordinated ahead of the meeting to provide short 5-minute briefings on diverse promising practices in child justice. This report contains additional details that were not covered during the meeting.

Hok Mengeam, Lawyer at Hagar International in Cambodia, presented on the draft judicial guidelines for proceedings involving children. The guidelines are part of the wider efforts to promote children's rights in the justice system to ensure that cases involving children are dealt with properly in the best interests of children and in a child-friendly manner, with fair due process. The guidelines are not meant to replace the domestic laws, but rather to summarise, clarify, and provide specific guidance on laws and regulations such as the 2016 Juvenile Justice Law, in line with the Convention on the Rights of the Child and other international instruments and standards.

The draft guidelines are divided into two sections: the first section covers procedures for children in conflict with the law, and the second section covers procedures for child victims and witnesses. They encompass trial and sentencing procedures, investigative procedures, and other pre-trial and post-trial procedures (e.g., diversion) relevant for trial judges, investigating judges, and prosecutors, along with protective mechanisms and safeguards specific to the child's situation (e.g., protecting the safety of child victims and witnesses). The annex also provides guidance on child-friendly questioning.

The guidelines have been drafted in collaboration with the MoJ and other partners, along with the support of Hagar International Foundation and UNICEF since 2017, and a working group has been coordinated with a number of key line ministries, legal aid organisations, and other civil society partners for inputs. The final version of the guidelines has been endorsed by the working group, led by Her Excellency Chan Sotheavy of the MoJ. They were originally planned to be launched in 2020, but this has been delayed due to the COVID-19 situation. The guidelines will be made available to partners once they have been officially launched.

More information about Hagar's work is available at <https://hagarinternational.org/>.

Keo Rachna, Project Manager at the Legal Aid of Cambodia (LAC), presented on the Child-Friendly Police Procedures (CFPP). The CFPP manual was developed in 2017 through a partnership between LAC, Plan International, Child Rights Coalition Cambodia (CRC-Cambodia), and Cambodian Children Against Starvation and Children's Association (CCASVA), in collaboration with the Police Academy of Cambodia (PAC) and UNICEF. The CFPP aims to provide a positive environment for children in contact with the law, in line with the 2016 Juvenile Justice Law. It covers four key areas, including the technical terminology, compilation of international and domestic laws and standards, criminal responsibility of children, and procedures for the police officers in relation to children in conflict with the law, child victims, and child witnesses. It also includes forms and a workbook.

The CFPP has over the years been revised and disseminated at the national and subnational levels, including integration into the national curriculum of the PAC for both their bachelor's and master's degrees. Trainings have been conducted at the Regional Schools of the National Police in various regions, along with additional trainings, monitoring, and coaching provided to the police officers and local authorities in multiple provinces.

Children have been benefitting from the implementation of the CFPP particularly in relation to the issuance of verbal or written warnings for petty offences, which could involve the signing of an agreement by the child to not commit these offences again. For a considerable number of police officers that have received training on the CFPP, there has been a general strengthening of respect for the rights of children and child-friendly procedures during arrest, custody, and questioning. There are plans to expand the dissemination of the CFPP and further its integration into the work of the police.

More information about LAC's programmes in child justice is available at <http://lac.org.kh/programs/child-justice-program/>.

Khoem Vando, Child Protection Specialist at Action Pour Les Enfants (APLE), presented on the child-friendly interview rooms that they established in police stations around the country since 2017. The interview rooms were developed to ensure that the rights of children, their best interests, and their wellbeing are respected and protected by police officers. Six interview rooms have been built in collaboration with the Anti-Human Trafficking and Juvenile Protection Units of the national and provincial police commissariats, including two in Phnom Penh (one of which is based in the Department of Social Affairs, Veterans, and Youth Rehabilitation) and one each in the provinces of Siem Reap, Kandal, Kampot, and Battambang. When the interview rooms are established, a set of guidelines are provided to the police officers to operationalise the rooms under common standards, with a focus on easing the process of forensic interviews, minimising the chances of re-traumatisation, ensuring respect for the privacy and integrity of the children, and alleviating the child's anxiety and fear.

To this end, APLE conducts capacity-building for trainers and police officers on child-friendly investigations and procedures through training manuals and workbooks. APLE in collaboration with the National Police Commissariat has also supported police officers to conduct study visits in other countries to learn good practices in the utilisation of child-friendly interview rooms. In addition, APLE collaborates with a number of organisations to expand their comprehensive service provision to a wider group of children at risk of or affected by abuse and exploitation.

Children have indicated that they feel more comfortable, safe, and confident speaking with the police in these interview rooms, both in terms of the environment and in terms of the police using appropriate procedures. Social workers have also indicated that they see noticeable changes in the practices of the police that are becoming more child-friendly. APLE plans to establish additional rooms over the next few years depending on available resources, in provinces such as Kep, Kratie, and Sihanoukville, along with continued capacity-building efforts and research around whether one-stop window services are an effective option for child victims.

More information about APLE's work in child justice is available at <https://aplecambodia.org/>.

Yan Vicheth, Senior Trial Monitor at the Cambodian Center for Human Rights (CCHR), presented on the criminal trial monitoring of juvenile cases at the Phnom Penh Court of Appeal. The CCHR has been conducting fair trial monitoring since 2009, focused on the Courts of First Instance until 2013 and on the Phnom Penh Court of Appeal since 2013. The CCHR has an MoU with the Phnom Penh Court of Appeal, and it conducts monitoring activities every morning for all types of criminal cases, including those involving children. They utilise a checklist when conducting these monitoring activities, which was developed with input from the courts and other criminal justice specialists. The data from the completed checklist is then entered into a database, which is made available on <https://www.sithi.org/>.

The checklist explains the rights of the accused as provided for in various international and domestic laws, and for cases involving children in conflict with the law, there is a special annex for recording elements specific to children, including their age at the time of offence, use of detention, and protection of the child's privacy. There was a rise in cases involving children in 2018 and 2019 due to the anti-drug campaign, given that most children are charged for drug-related offences and petty theft.

CCHR issues four trial rights monitoring newsletters every year, along with an annual report, that contain these data points, analyses, and recommendations.³ The reports are completed in consultation with the President of the Phnom Penh Court of Appeal. The recommendations made by the CCHR have contributed to changes in practices and procedures by judges and the courts. For example, all hearings involving children in the past were held publicly, with no protection for their privacy, but with CCHR's interventions, these hearings are increasingly held in camera. Unfortunately, decisions on the cases are still announced publicly, but the CCHR has been actively advocating for a change in this practice. In addition, the President of the Phnom Penh Court of Appeal has made a commitment to mobilise resources to ensure the use of screens for cases involving children, among others.

More information about CCHR's work is available at <https://cchrcambodia.org/>.

Chhin Se, Deputy Director at This Life Cambodia (TLC), presented on their holistic intervention in child justice, including support for children and families before, during, and after coming into conflict with the law. Among other target beneficiaries, TLC has for the past decade specifically assisted children in conflict with the law. TLC currently supports children in the provincial prisons of Siem Reap and Banteay Meanchey and the Correction Center II in Phnom Penh, focusing on comprehensive case management, vocational training and personal development, access to legal and non-legal support, drug and alcohol counselling, reintegration assistance (e.g., job placement and financial assistance for entrepreneurship), and family support (e.g., regular visitation), among others. According to an initial baseline study conducted by TLC before implementing the This Life Beyond Bars programme in Siem Reap, around 60% of children ended up reoffending within six months post release, but for children who have participated in TLC's programmes, the recidivism rate has been less than 2%.

³ The fair trial rights newsletter pertaining to children in conflict with the law, issued in January 2019, can be accessed at <https://sithi.org/tmp/publication/view/2019-01-24-fair-trial-rights-of-juveniles>. The 2018-2019 annual report on fair trial rights monitoring, covering November 2018 to October 2019, can be accessed at <https://sithi.org/tmp/publication/view/2020-10-07-fair-trial-rights-in-cambodia-monitoring-at-the-court-of-appeal-annual-report-1-november-2018-31-october-2019>. The 2021 annual report is expected to be completed this summer and will be available on CCHR's website.

TLC also supports children at the time of arrest, including referrals to legal services, provision of various forms of support for both the child and the family, and explanation of the legal process in a child-friendly manner. TLC conducts trainings for the justice system actors, including police officers at the district levels. It has been advocating for the use of diversion and will be piloting a new diversion programme in cooperation with the Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MoSVY), based on the strong expertise and experience that TLC has accumulated over the years. The Ministry has shown strong commitment and interest towards this end.

More information about TLC's holistic programmes, including both prevention and response interventions, is available at <https://thislife.ngo/>.

Lim Vanna, Child Protection Officer at UNICEF, presented on the draft diversion guidelines and other updates. UNICEF has been collaborating with Children's Rights International since 2018 for the development of the diversion guidelines for children in conflict with the law, so that the procedures for diversion can be appropriately operationalised and institutionalised in the country. UNICEF has additionally been collaborating with Hagar International in Cambodia since 2017 for the development of the judicial guidelines for proceedings involving children, as explained above. The MoJ this year will be launching both of these guidelines, along with another operational guideline supported by UNODC that compares the juvenile justice procedures to ordinary criminal procedures. In addition, with the conclusion of the JJLSOP 2018-2020, mentioned in a previous section of this report, MoSVY has requested a three-year extension to the MoJ and the Ministry of Interior, with details to be confirmed.

UNICEF has also supported the National Police to conduct a number of training sessions on child protection for a number of select provincial, district, and commune police officers in five target provinces. The trainings focused on the prevention of and response to cases involving children in contact with the law, in compliance with the relevant laws and in a child-friendly manner in line with the CFPP, as explained above. Furthermore, UNICEF has supported MoSVY to develop and approve the social inquiry reporting form, which has been introduced to all provincial social agents, including a number of prosecutors and judicial police officers in many provinces. The form will also be introduced to officials in charge of social affairs at the district level in the coming months.

More information about UNICEF's work is available at <https://www.unicef.org/cambodia/>.

Concluding remarks

Cédric Foussard, Advocacy and Global Learning Advisor at Tdh, closed the meeting with his reflections. He expressed that he was glad to see the interest among the child justice community in Cambodia to work together and create synergies, which the Global Initiative would be able to support. The Global Initiative is currently developing a platform to build a global community of child justice practitioners and experts, which can be a useful tool for actors in Cambodia.

He also expressed his interest particularly regarding the element of the child-friendly police and the priority that has been placed on this topic in Cambodia. He noted that Tdh is currently working on a global position paper on child-friendly policing that is being developed with a group of international experts and pro bono support from the law firm Baker McKenzie. He indicated that he could share the latest draft with partners in Cambodia to review the content and potentially integrate the Cambodian experience as an example in the paper.

He concluded by thanking all participants and inviting them to meet again at the 2021 World Congress in November, where Cambodian partners may decide to facilitate a specific session.

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Co-organised by:



With the support of:



**Baker
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Organising Committee for the National Launch of the UN Global Study on Children Deprived of Liberty in Cambodia:



For more information on the World Congresses: www.justicewithchildren.org

Annex 1: Concept Note and Agenda

WORLD CONGRESS ON JUSTICE WITH CHILDREN

A one-week online event on child justice

15 to 20 November 2021

“Ensuring access to justice for all children: towards non-discriminatory and inclusive child justice systems”

ABOUT THE WORLD CONGRESSES ON JUSTICE WITH CHILDREN

World Congresses on Justice With Children provide dedicated and **interactive spaces for children and youth, policy makers and justice system stakeholders, academics, civil society and UN representatives**, and other experts and practitioners. They are designed to:

- **Promote fair and appropriate justice systems** for and with children worldwide.
- Provide space for professionals to **exchange best practices, foster scientific cooperation, formulate policy recommendations, and raise awareness of** justice for children.
- **Support the operational implementation of international instruments and standards** related to the rights of children and young people in conflict with the law.



The **last World Congress** took place at the UNESCO headquarters, in Paris-France (May 2018), with the theme “**Strengthening Justice Systems for children: Challenges, including disengagement from violent extremism**”.



Over 3 days, nearly 1,000 people from 100 different countries participated in 28 workshops and more than 10 plenary sessions. A key output was the Paris Declaration on the prevention of child involvement in violent extremism. See: <https://justicewithchildren.org/world-congress/>. Previous Congresses were held in Geneva (2015), co-organised by the Swiss Federal Ministry of Justice, and in Lima (2009), focusing on restorative justice for children.

The World Congresses are organised by the **Global Initiative on Justice With Children** to address the most current issues related to **children in contact and/or conflict with the law**. The **Global Initiative is led by** a consortium of international organisations, including **Terre des hommes, Penal Reform International, International Association of Youth and Family Judges and Magistrates** and **International Institute for the Rights of the Child (IDE)**. The Global Initiative is articulated through a double-pronged approach:

- a Justice With Children Global Milestone through the **World Congresses on Justice With Children**
- a global community of practitioners mobilised through the [Justice With Children online platform](#)

The next World Congress will take place online from the 15th to 20th of **November 2021** and is hosted by the federal Mexican Supreme Court of Justice, with technical support from UNICEF, the Office of the Special Representative of the Secretary-General on Violence Against Children (OSRSG-VAC), The Office of the High Commissioner for Human Rights (OHCHR); and the United Nations Office on Drugs and Crime (UNODC). The Congress receives Pro-bono support from Baker Mackenzie and is held under the auspices of the Council of Europe. Its theme is **“Ensuring access to justice for all children: towards non-discriminatory and inclusive child justice systems”**

“State Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”

- Article 2, United Nations Convention on the Rights of the Child

Context:

Children in contact with justice systems – as victims, witnesses, or offenders – need special care and protection. These children are amongst those who are the most vulnerable to having their rights violated. They may face deprivation of liberty that harms their physical and psychological well-being; be denied the right to legal representation and fair judicial proceedings; be separated from their parents, family, or guardians; and experience stigma from the communities that prevent their reintegration and healing. In addition, they may experience **discrimination from the justice system itself.**

Many children across the globe, in diverse contexts and settings, face multiple and intersecting forms of discrimination due to a range of factors, including ethnic and/or religious origins; disability; socio-economic status; gender, gender identity, and/or sexual orientation; migrant status; or their status as survivors of human trafficking. Discrimination typically results in social exclusion and the lack of access to services and resources.

Both the Universal Declaration of Human Rights (UDHR) and United Nations Convention on the Rights of the Child (UNCRC) identify equality and non-discrimination as fundamental principles for respecting, fulfilling, and protecting the rights of children. Non-discrimination is a common principle and foundation for almost all legal instruments, in both national and international law. However, structural discrimination, inequalities, and power dynamics act to constrain or restrain equitable access to rights for all children. This is a daily reality for many children, who – not only excluded from basic services – are significantly more likely to be caught up in justice systems

with weaker procedural safeguards, undermining the principles of equality and exposing them to a vicious cycle of social exclusion.

Discrimination also profoundly impacts children's rights to have their voices heard and their opinions listened to, particularly in matters that affect them. There is very little information about **children's perspectives or voices** in justice systems, on how they see or cope with discrimination and address it, and to what extent such discrimination impacts their ability to be treated equally with dignity and respect. Interviews with children undertaken to inform the UN Global Study on Children Deprived of Liberty revealed that children are acutely aware of discriminatory practices, with many reporting that they had faced harassment, stigmatisation, low self-esteem, and exclusion, all of which have negative consequences for the child's holistic development.

2021 World Congress Preparatory Meetings:

A total of 13 Preparatory meetings were held between 2019 and 2021, in person and virtually, both at the Regional level (including in North America, the Middle East and North Africa, Europe) and at the National level (including in Cambodia, China, India, Lebanon, Pakistan, Singapore, Thailand and the United States of America) to discuss and define the main topics and priorities for the 2021 World Congress. Participants demonstrated a particular interest in **the implementation of Article 2 of the UNCRC**, which focuses on the child's right to non-discrimination and equality. This will be the focus of the 2021 World Congress, which will explore the situation of children in contact with the law in the most vulnerable situations, such as children from religious and ethnic minorities, LGBTQIA+ children, girls, migrant children, children with disabilities, and all those who experience discrimination in the administration of justice.

2021 World Congress Main Objective:

To address this complex issue, the 2021 World Congress will focus on **exchanging practice-oriented strategies to:**

- Reduce discrimination that undermines access to – and the quality of – justice systems; and
- Ensure that all children are guaranteed equal treatment in the eyes of the law.

It will share **promising practices** from diverse contexts and settings that tackle discrimination, prevent situations that lead children and youth to commit offences, and reduce child and youth contact with the justice system. It will showcase examples of effective responses to prevent recidivism through programmes focused on restorative justice, rehabilitation, and reintegration.

The 2021 World Congress will offer a dedicated space for **policy makers and justice system stakeholders, academics, civil society and UN representatives, children and youth** and other experts and practitioners to explore these challenging issues and to enhance our knowledge of – and commitment to the creation of – fair and appropriate child justice systems globally. It will provide technical expertise to support the operational implementation of international laws and standards related to the rights of children and youth in conflict with the law.

2021 World Congress Agenda:

Co-organised by the federal Mexican Supreme Court of Justice, the 2021 World Congress expects thousands of experts and child delegates to participate from all across the world. Over five days, academics, policy makers, judges and magistrates, and civil society representatives will participate in and contribute to global and regional plenary sessions and action-oriented workshops consisting of panel discussions, certified trainings, and policy-oriented working group meetings. Based on the results of the different Preparatory Meetings, the 2021 World Congress will focus mainly, but not exclusively, on the following sub-themes:

- Systemic racism and the disproportionate criminalisation of children from indigenous, ethnic, and other minority groups;
- Discrimination due to gender, sexual orientation, and gender identity: fostering a gender justice approach;
- Discrimination experienced by children and young people affected by migration, including refugees, unaccompanied foreign children, and children of foreign parents;
- Discrimination due to disability and health conditions;
- Discrimination due to substance use and abuse;
- Criminalisation of children's online behaviour;
- Age limits and status offences;
- Ensuring that the voice of the child is heard in child justice systems;
- Fulfilling children's rights in the contexts of legal pluralism;
- Building resilient child justice systems in times of crises and pandemics; and
- Tackling violence within child justice systems and ensuring child-friendly approaches for child victims, offenders, and witnesses.

Specific topics of the sessions will be defined in collaboration with the Scientific Committee and the Child and Youth Advisory Group of the World Congress. The call for abstracts was launched in the summer of 2021.

How to Participate

For the first time, access to the Congress will be possible online, which will provide greater access to the programme for professionals who cannot travel and will facilitate greater participation of children. We hope to reach a wider audience and to allow greater participation and involvement via digital tools. A recording will also be made available.

Partners

Terre des hommes Foundation – Helping children worldwide



Terre des hommes Foundation (Lausanne) is the largest Swiss organisation for child relief. With delegations in over 30 countries and its expertise in the domains of health and child protection, Terre des hommes offers practical solutions and a better future for over one million children and their mothers each year. This engagement is financed by individual and institutional support, of which more than 85% flows directly into the programs. Terre des hommes was founded in Lausanne in 1960.

Penal Reform International



Penal Reform International (PRI) is an independent nongovernmental organisation that develops and promotes fair, effective and proportionate responses to criminal justice problems worldwide. It promotes the rights of detainees to fair and humane treatment, and campaigns for the prevention of torture and the abolition of the death penalty and works to ensure both just and appropriate responses for children and women who come into contact with the law.

International Association of Family and Youth Judges and Magistrates



IAYFJM is a worldwide organisation, dating to before the first World War and formally established in Belgium in 1928. It is dedicated to the study and exchange of information on issues concerning children and young people in need of care and protection and/or in conflict with the law, and their families. It aims to identify, publicise and promote best practice in these fields. The languages of the Association are French, English and Spanish.

International Institute for the Rights of the Child



The International Institute for the Rights of the Child (IDE) was created in 1995. It is a recognized training centre in children's rights for all professionals working for and with children in Switzerland and abroad. The IDE is active in numerous awareness-raising activities to promote children's rights and to enforce the Convention on the Rights of the Child. As a scientific centre, it is solicited by numerous networks of experts and institutions working for the respect of children's rights.

With technical support from:



The Special Representative of the Secretary-General on Violence Against Children is an independent global advocate in favour of the prevention and elimination of all forms of violence against children, mobilizing action and political support to achieve progress across the world. The mandate of the SRSG is anchored in the Convention on the Rights of the Child and other international human rights instruments and framed by the UN Study.



UNICEF is mandated by the United Nations General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. UNICEF is guided by the Convention on the Rights of the Child and strives to establish children's rights as enduring ethical principles and international standards of behaviour towards children.

UNICEF works in the world's toughest places to reach the most disadvantaged children and adolescents – and to protect the rights of every child, everywhere. Across more than more than 190 countries and territories, we do whatever it takes to help children survive, thrive and fulfil their potential, from early childhood through adolescence.

Before, during and after humanitarian emergencies, UNICEF is on the ground, bringing lifesaving help and hope to children and families. Non-political and impartial, we are never neutral when it comes to defending children's rights and safeguarding their lives and futures.

And we never give up.

unicef | for every child



The Office of the High Commissioner for Human Rights (UN Human Rights) is the **leading UN entity on human rights**. The OHCHR represents the world's commitment to the promotion and protection of the full range of human rights and freedoms set out in the [Universal Declaration of Human Rights](#).

The mission of the OHCHR is to work for the protection of all human rights for all people; to help empower people to realise their rights; and to assist those responsible for upholding such rights in ensuring that they are implemented.



The United Nations Office on Drugs and Crime (UNODC) is a global leader in the fight against illicit drugs, transnational organised crime, terrorism and corruption, and is the guardian of most of the related conventions. UNODC has the mandate to support Member States in preventing and responding to crime and violence and strengthening their justice systems, including the specific mandate to support Member States in ensuring that children are better served and protected by justice systems. Under the framework of the Global Programme to End Violence Against Children, UNODC provides technical assistance to Member States at global, regional and country levels in the areas of crime prevention, child victims and witnesses, juvenile justice as well as children recruited and exploited by terrorist and violent extremist groups.



The Organisation for Economic Co-operation and Development (OECD) is an international organisation that works to build better policies for better lives. Its goal is to shape policies that foster prosperity, equality, opportunity and well-being for all.

Together with governments, policy makers and citizens, the OECD works on establishing evidence-based international standards and finding solutions to a range of social, economic and environmental challenges.

Hosted by:



The Supreme Court of the Nation of Mexico is one of the depositary bodies of the Judicial Power of the Federation, in terms of the provisions of Article 94 of the Political Constitution of the United Mexican States and the Organic Law of the Judicial Power of the Federation.

It is the highest Constitutional Court of the country and heads the Judicial Power of the Federation. One of its responsibilities is to defend the order established by the Political Constitution of the United Mexican States; to maintain the balance between the different branches and spheres of government, through the judicial resolutions it issues; in addition to resolving, in a definitive manner, matters of importance to society.

Under the Auspices of:



The Council of Europe is the continent's leading human rights organisation. It works with its 47 member states to strengthen human rights, democracy and the rule of law throughout the continent and beyond.

It has successfully developed a rights protection system, the best-known mechanism of which is the European Court of Human Rights. The Court was established under the European Convention on Human Rights which has been ratified by all the member states of the Council of Europe.

With pro-bono support from:



Baker McKenzie is an international law firm present in 47 countries. Its pro-bono department aims to deliver first-class legal services to the underserved and disadvantaged by fostering an environment that encourages and promotes service and promotes and sponsors activities that provide opportunities for all Firm personnel, independently, and in partnership with clients, in order to contribute to the well-being of the communities in which they practice and live.

Contact:

Cedric Foussard, – Global Initiative and World Congresses Coordinator cedric.foussard@tdh.ch

Internet: www.justicewithchildren.com | Twitter: @with_initiative

WORLD CONGRESS PREPARATORY MEETING CONCEPT NOTE

Cambodia

22 April 2021 – 16.15-17.15 ICT

Virtual (Zoom)

Context:

Throughout 2019 and 2020, several preparatory meetings have been conducted, primarily to identify the most relevant topics and recommendations for the **2021 World Congress on Justice With Children**. Regional Preparatory Meetings have been conducted in Merida, Mexico for North America; in Buenos Aires, Argentina for Latin America; and virtually for Europe, Central America, and the Middle East and North Africa. National Preparatory Meetings have been conducted in Lebanon and Singapore, in addition to virtual meetings in the United States of America, Pakistan, and India, with further meetings planned in China and Thailand.

The Cambodian Preparatory Meeting aims at:

- Gathering technical staff from the government, civil society organisations, UN agencies, academia, development partners, and child and youth-led networks to **define key challenges in child justice** in Cambodia;
- Fostering **thematic priorities** and defining trends related to justice for children;
- Discussing **effective modes of collaboration** among child justice organisations; and
- Identifying **promising practices** in child justice, which may potentially be introduced at the 2021 World Congress.

Agenda:

16.15 – 16.25: Introduction

Cédric Foussard, Advocacy and Global Learning Advisor, Terre des hommes Foundation

16.25 – 16.45: Main findings of the pre-meeting survey

Ha Ryong Jung (Michael), Legal Officer, Legal Aid of Cambodia

16.45 – 17.10: Promising practices in child justice in Cambodia

Hok Mengeam, Lawyer, Hagar International

Keo Rachna, Project Manager, Legal Aid of Cambodia

Khoem Vando, Child Protection Specialist, Action Pour Les Enfants

Yan Vicheth, Senior Trial Monitor, Cambodian Center for Human Rights

Chhin Se, Deputy Director, This Life Cambodia

Lim Vanna, Child Protection Officer, UNICEF

17.10 – 17.15: Concluding remarks

Cédric Foussard, Advocacy and Global Learning Advisor, Terre des hommes Foundation

Annex 2: List of Participants

Type	Organisation
Organisers	Terre des hommes Foundation (Tdh)
	Legal Aid of Cambodia (LAC)
Government	Department of Youth Rehabilitation of the Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MoSVY)
UN Agencies	OHCHR
	UNICEF
Civil Society Organisations	Action Pour Les Enfants (APLE)
	Cambodian Center for Human Rights (CCHR)
	Cambodian Women's Crisis Center (CWCC)
	Child Rights Coalition Cambodia (CRC-Cambodia)
	Children's Rights International (CRI)
	Hagar International
	Raoul Wallenberg Institute (RWI)
This Life Cambodia (TLC)	
Development Partners	ERIKS Development Partner
	Finn Church Aid (FCA)
Child and Youth-Led Networks	Adolescent and Youth Reference Group (AYRG)
	Cambodian Children and Young People Movement for Child Rights (CCYMCR)
	Child Advocate Network (CAN)
Academic Network	Global Campus of Human Rights (GCHR)
Law Firm	Baker McKenzie

Annex 3: Pre-Meeting Survey



CAMBODIAN PREPARATORY MEETING FOR THE 2021 WORLD CONGRESS ON JUSTICE WITH CHILDREN

Pre-Meeting Survey

Please have this survey completed by multiple staff members in your organization who work in the area of child justice. We ask that it be completed by as many people as possible, regardless of whether or not they will be attending the preparatory meeting. The inputs will serve as the basis for discussions both during and after the meeting, so it is important to get as many diverse responses as possible.

Please complete this survey before Tuesday, 13 April. Thank you for your participation!

I. Basic Information

1. Name: _____
2. Organization: _____
3. Job Title: _____
4. E-mail: _____

II. Challenges and Priorities in Child Justice

The inputs you provide will be used to identify the direction for advocacy and concerted action in child justice, and they will also contribute to the priorities for the World Congress.

What do you think are the main challenges for child justice in Cambodia?

Select up to 10 options.

- Lack of child-friendly procedures throughout all stages of the system, and lack of enforcement of procedures that do exist (e.g., Child-Friendly Police Procedures)
- Lack of focus on inclusive procedures and measures (e.g., for children with disabilities)
- Lack of diversion and alternative measures
- Insufficient access to and poor quality of legal aid and support (e.g., not child-sensitive)
- Lack of access to legal support within the first 24 hours of arrest

- Insufficient number of and lack of training for social workers and agents
- Insufficient access to various forms of non-legal support for children in conflict with the law (e.g., mental health and psychosocial support)
- Insufficient access to various forms of non-legal support for child victims and witnesses
- Lack of access to child-appropriate information for children in the system
- Lack of specialized justice system actors (e.g., judges with expertise on children)
- Insensitivity and lack of trauma-informed approaches by justice system actors for child victims and witnesses
- Violence perpetrated against children by justice system actors (e.g., physical abuse by police or prison guards), and lack of accountability
- Weak coordination among justice system actors (e.g., police and social workers)
- Corruption of justice system actors (e.g., bribery)
- High proportion of children in the system due to petty and drug-related offenses
- Excessive use of pre-trial detention
- Children being detained in prisons with adults
- Poor conditions for children in prison (e.g., access to safe food, water, healthcare, and education)
- Lack of focus on reintegration and rehabilitation (e.g., vocational training)
- Arbitrary detention in drug rehabilitation or social affairs centers
- Lack of a proper data collection and management system by the government
- Other: _____

What do you think are the main priorities for action in child justice reform and implementation? (Select up to 7 options).

- Accelerate the implementation of the Juvenile Justice Law
- Formally institutionalize diversion, and prioritize alternatives to detention
- Identify strategies to prevent the arrest of children for petty and drug-related offenses
- Improve legal aid services for children, including the quality and number of lawyers
- Reduce pre-trial detention
- Build the capacity of justice system actors (e.g., police, prosecutors, judges, and prison guards)
- Improve the content and implementation of the curriculums of the Royal Academy of Judicial Professions, Lawyers Training Center, university law degrees, and Police Academy of Cambodia
- Support children in prison with their mothers
- Further develop, maintain, and effectively utilize child-friendly facilities in courts and police stations (e.g., child-friendly rooms, screens, and teleconferencing)
- Develop a specialized children's court
- Build additional youth rehabilitation centers besides the one in Kandal Province
- Increase the government's commitment to child justice, including proper budget allocations
- Further reform the legal and regulatory framework
- Push the government to institute concrete child-friendly directives and guidance
- Enhance government transparency and accountability, including effectively involving the civil society in developing policies and guidelines
- Ensure better coordination among justice system actors
- Ensure better coordination among child justice organizations for advocacy and interventions
- Other: _____

Would you be interested in joining a child justice e-mail group?

- Yes No

Would you like to see the establishment of a child justice working group?

- Yes No

If yes, should the working group be formal or informal?

- Formal Informal No preference

Comments (if any):

IV. Promising Practices in Child Justice

During the preparatory meeting, participants will be given the opportunity to briefly share promising practices, projects, or strategic approaches in child justice that have had positive outcomes in Cambodia (the length and level of detail to be shared will be decided according to the number of submissions we receive). This will also be a chance for us to identify interesting practices that may be presented globally at the World Congress in November. If you indicate your interest below, we will follow up with you separately.

Would you like to share any promising practices during the preparatory meeting?

- Yes No

If yes, please provide a brief description (1-2 sentences).

Annex 4: Presentation of Pre-Meeting Survey's Main Findings

CAMBODIAN PREPARATORY MEETING FOR THE 2021 WORLD CONGRESS ON JUSTICE WITH CHILDREN

Pre-Meeting Survey Results

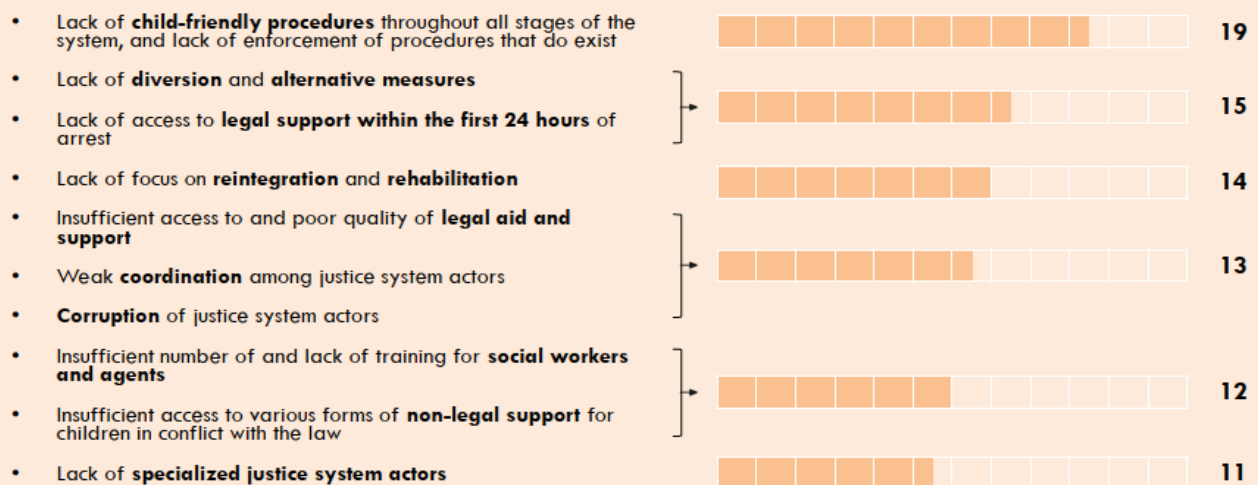
33 responses

CSOs: 9 organizations
 UN: 1 agency
 DPs: 2 offices
 CYLNs: 3 organizations



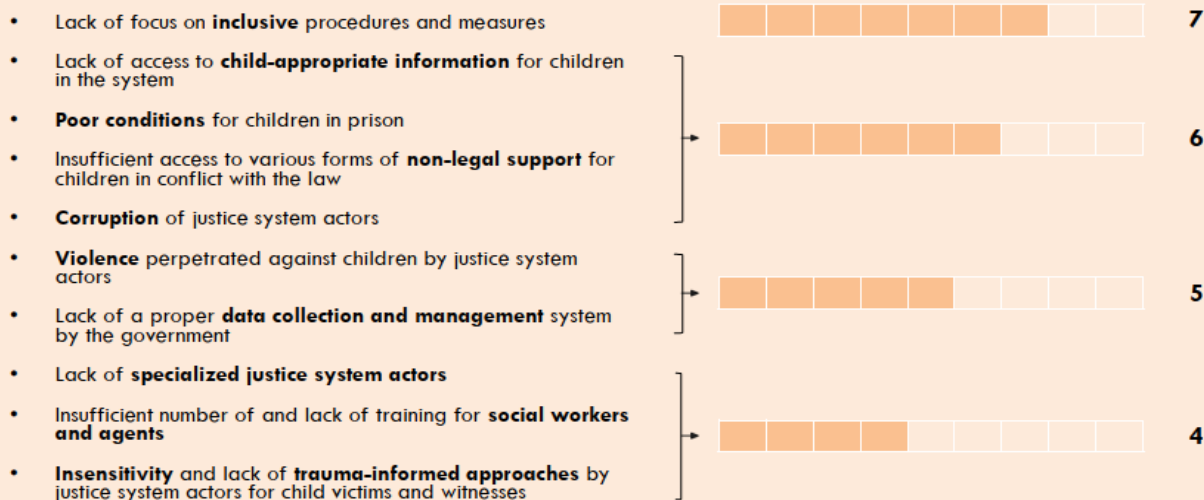
MAIN CHALLENGES FOR CHILD JUSTICE IN CAMBODIA

CSOs, UN, and DPs (24 responses)



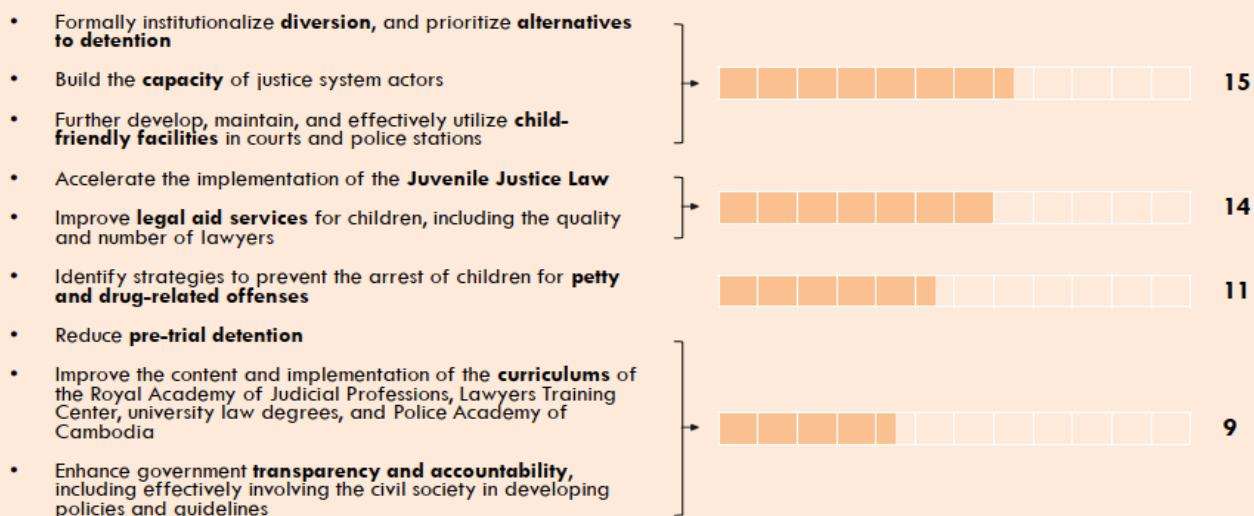
MAIN CHALLENGES FOR CHILD JUSTICE IN CAMBODIA

CYLNs (9 responses)



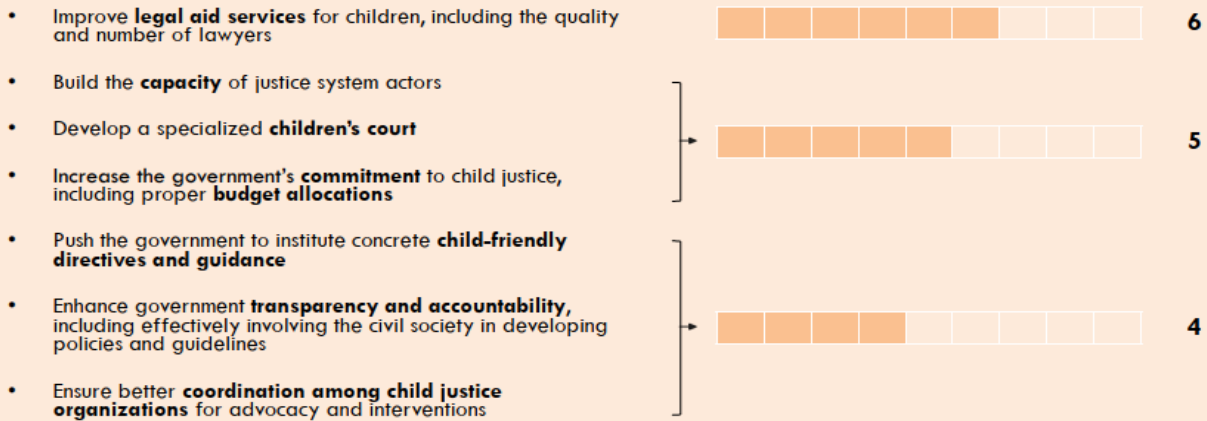
MAIN PRIORITIES

CSOs, UN, and DPs (24 responses)



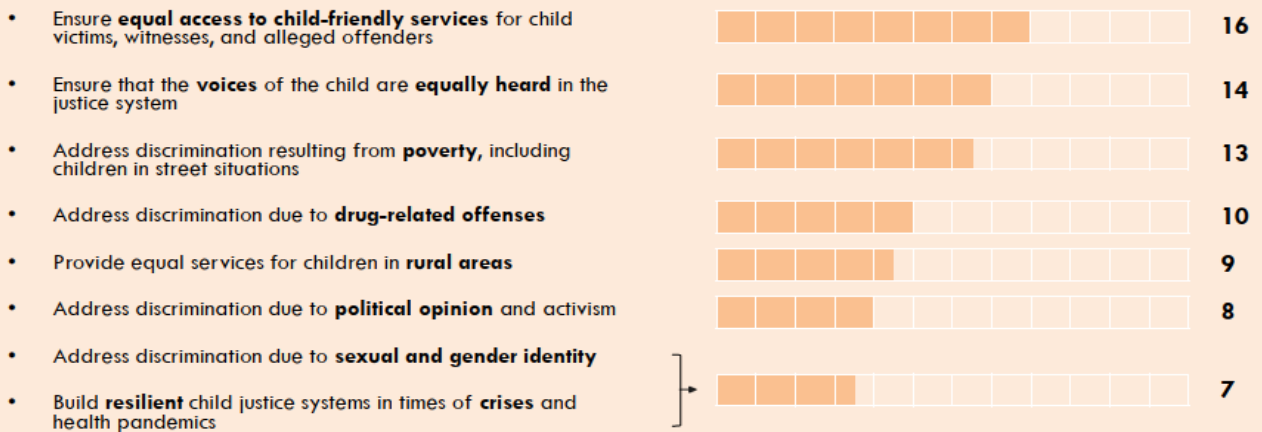
MAIN PRIORITIES

CYLN (9 responses)



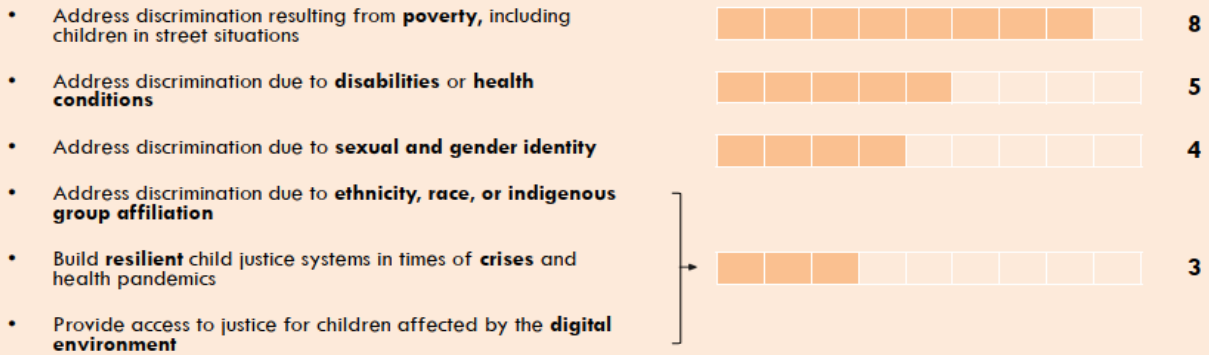
MAIN PRIORITIES FOR NON-DISCRIMINATION AND EQUAL A2J

CSOs, UN, and DPs (24 responses)



MAIN PRIORITIES FOR NON-DISCRIMINATION AND EQUAL A2J

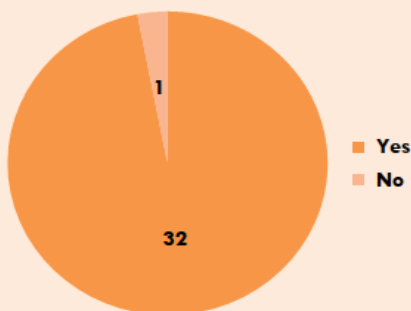
CYLNs (9 responses)



COLLABORATION

All respondents (33 responses)

Child justice e-mail group



Child justice working group

