



APLE²⁰

LEGAL PROTECTION FOR CHILD VICTIMS OF SEXUAL ABUSE AND EXPLOITATION

Knowing Your Rights in
the Justice Process



HUMAN RIGHTS AND THE RIGHTS OF THE CHILD

Every person from the moment they are born until the moment they die have rights. Human rights express what a person is entitled to both morally and legally, regardless of their age, race, gender, nationality, ethnicity and religion. Human rights are one way of making sure every person has access to basic necessities such as food, education, and shelter, that they are protected from abuse and receive help and justice when needed.





Children have rights just as adults do. As children require different care and attention than adults, there are specific rights that are unique for children and are designed to meet their own needs. They emphasize the duties adults have in the protection of children's best interests.

CHILD RIGHTS RELATED TO THE PROTECTION FROM CHILD SEXUAL ABUSE AND EXPLOITATION

Child sexual abuse and exploitation is an extreme violation of children's rights.

Child sexual abuse is a form of sexual violence against children for the sexual pleasure of another. It may or may not involve force and can be executed with other elements such as abuse of authority, power and manipulation. It can involve physical touch between the offender and the child, but can also involve no touch at all

such as taking sexual pictures of a child.

If a child or another person involved receives something in return for the sexual act, it will be considered child sexual exploitation. Examples include payment for sexual encounters, giving toys, or providing basic needs to children such as food and shelter in return for sexual favors.



One of the most important rights of the child that was defined by the UN to protect children, states that every child has the right to be protected from sexual abuse and exploitation.

Cambodia has ratified the UN Convention on the Rights of the Child and committed within the Constitution of the Kingdom of Cambodia to protect children's rights, including the right to be safe and free from sexual abuse and exploitation, and the right for reparation (for instance by receiving compensation).



WHAT HAPPENS IF SOMEONE VIOLATES CHILDREN'S RIGHTS?

No one is allowed to violate children's rights, no matter if they are a family member of the child like a parent or an uncle, a respected elder like a teacher, a community chief or a religious leader, or even another child. Everyone, regardless of their status or age should respect children's rights.



Violations of children's rights are illegal and can be punishable by law. This is particularly true in regards to acts of sexual violence against children.

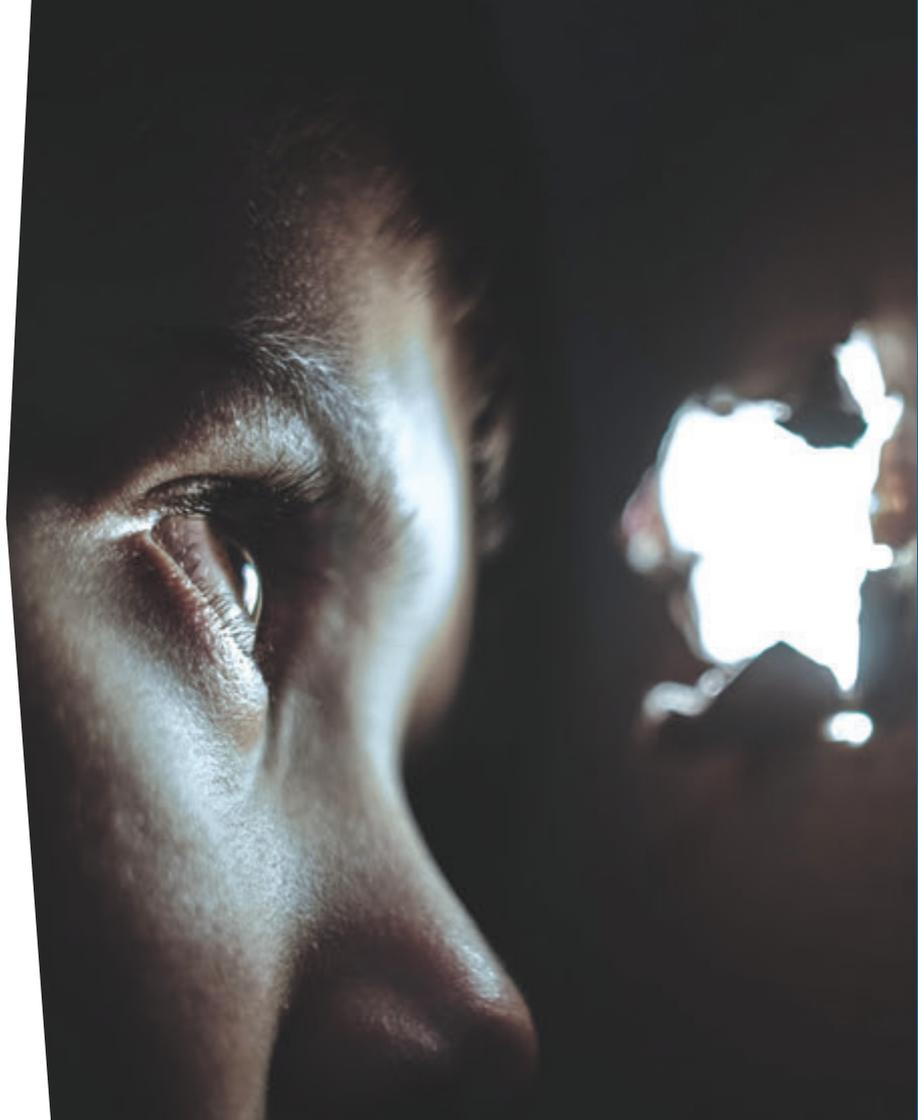
Both the Criminal Code and the Law on Suppression of Human Trafficking and Sexual Exploitation of the Kingdom of Cambodia criminalizes child sexual abuse and exploitation, and those who break these laws may face time in prison and/or be made to provide financial compensation to the child and their family for the harm they inflicted. This includes different forms of child sexual abuse and exploitation that happen both online and offline or whether there was physical touch between the offender and the child, or not.

The Criminal Code of the Kingdom of Cambodia states that any person who has knowledge on the mistreatment or sexual abuse of a minor under 15 years old is obligated to inform the court or administrative authorities about it. Failing to do so is considered a crime and can be punishable by law.



FILING A COMPLAINT

If a child under 18 years old is harmed by sexual abuse and exploitation, a parent or a legal guardian of the child can file a complaint on their behalf to ensure they receive legal justice. They are also entitled to file a civil action to claim compensation for damage from the offender (s).



It is your right to file a complaint against the offender and pursue justice if you have evidence of abuse. The law recognizes the importance of compensation for the victim in the rehabilitation and restoration of the victim.

A complaint is best when filed as close as possible to the event of the abuse in order to prevent deterioration of evidence and collect sufficient evidence that can assist in the prosecution of the offender.



CHILD RIGHTS IN THE LEGAL SYSTEM

Within the legal process, children and their families should be aware that they can demand their rights are met in order to receive a fair and just trial, while ensuring the protection and safety of children at all times.



KNOW YOUR RIGHTS WHEN YOU PURSUE FOR JUSTICE



You have the rights for free legal assistance and representation at court.



You have the legal right to claim and receive compensation.



You have the right to safety.



You have the right to be heard and participate in the proceeding, or the right to keep silent if you choose.





You have the right to privacy and confidentiality.



You have the legal right to be informed about the proceedings.



You have the right to be treated with dignity and compassion, and to be protected from discrimination.



You have the right to appeal the decision of the court.



THE JUSTICE SYSTEM WORKS!

Bona* was only 12 years old when he was sent to an organization to live in a shelter. His mother passed away when he was very young and his father struggled financially to take care of the family as a single parent. He believed that he was offering his son a brighter future by sending him to the shelter where he will receive better education and support. It was only years later when several reports revealed that instead of supporting the children, the director of the organization would sexually abuse the boys. The abuse was then investigated by the police in collaboration with APLE. With evidence, the director of the organization was arrested and brought to trial. During the trial, Bona received on-going legal support and assistance from APLE to bring his offender into legal account. The offender was found guilty and was sentenced to 3 years in prison, fined 8 million Riels and ordered to pay 30 million Riels compensation to his 11 victims, including Bona.

illustration purposes only.



MAKE SURE YOU SETTLE IN COURT AND FOLLOW THE LEGAL PROCEDURE

Participating in a legal case in court may be intimidating, especially after suffering the trauma of the abuse and exploitation. However, your participation in the legal procedure has several benefits for you and your child:

- 1.** By taking the offender to court, you are enforcing your child's rights under the law, including for protection and compensation.
- 2.** You are ensuring your child received the necessary help and support, including legal and social support.
- 3.** Your child may be entitled to financial compensation if the offender is found guilty.
- 4.** Your child will receive justice, and the offenders will be held accountable for their actions and punished accordingly (e.g. by going to prison and paying compensation).
- 5.** Finally, you will help to prevent the offender from potentially committing other acts or hurting other children in the future.



If you need social support and legal assistance in case of child sexual abuse and exploitation, contact APLE at 092 311 511.



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