

	<p align="center">Kingdom of Cambodia Nation Religion King</p>
<p>Ministry of Social Affairs, Veteran's Affairs and Youth Rehab. N0: 470 - s.a.k</p>	<p align="right">Phnom Penh, 25 August 2006</p>

PRAKAS
ON
THE CONDITIONS & PROCEDURES FOR ADMISSION, ADMINISTRATION & REHABILITATION OF CHILDREN AND CHILDREN OF THE AGE OF CRIMINAL RESPONSIBILITY AT THE CHOMCHAO YOUTH REHABILITATION CENTRE

Minister of Social Affairs, Veteran's Affairs and Youth Rehabilitation

- Having seen Constitution of the KOC,
- Having seen Royal Decree N0: NS/RKT/0704/124 of 15 July 2004 on the Appointment of the RGC of the KOC,
- Having seen Royal Kram N0: 02/NS/94 of 20 July 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers,
- Having seen Royal Kram N0: NS/RKM/0105/001 of 17 January 2005 promulgating the Law on the Establishment of Ministry of Social Affairs, Veteran's Affairs and Youth Rehabilitation,
- Having seen Sub-Decree N0: 55 dated 08 April 2005 on Organization and Functioning of the Ministry of Social Affairs, Veteran's Affairs and Youth Rehabilitation,
- Having seen Prakas N0:304 of 15 November 2000 on the Establishment of the Chomchao Youth Rehabilitation,
- Based on the needs of the Ministry,

Hereby Decides:

Item 1.- This Prakas determines conditions and procedures for admission, administration and rehabilitation of children and children of the age of criminal responsibility who are in conflict with the law or who affected by lesser degree of drugs at the Chomchao YRC.

Item 2.- Chomchao YRC is an open centre for admission, administration and rehabilitation of children and children of the age of criminal responsibility who are in conflict with the law or affected by lesser degree of drugs for their reintegration to their families or communities.

Item 3.- Administration of the Chomchao YRC shall be done in accordance with the Policy on Alternative Care for Children and Minimum Standards applicable to the residential centers that provide care for children.

Item 4.- Children and children of the age of criminal responsibility who are in conflict with the law or affected by lesser degree of drugs who are admitted for administration and rehabilitation in Chomchao YRC are those who are from 7 years of age to under 18 years of age who are suspected or charged with commission of

offence or who are affected by a lesser degree of drugs, but those acts are not indicted by a court or there is no judicial decision to imprison such children.

Item 5.- Rehabilitation is an educational process to better the spirit, emotion, mentality and behavior, a process of counseling as well as training on life skills and short-term vocational training before reintegration into family or community.

Item 6.- Admission of the CICL, children of the age of criminal responsibility in conflict with the law or children affected by lesser degree of drugs to the administration of the Chomchao YRC shall contain following dossier:

1- birth certificate or birth certifying document issued by local authority *01 copy*

2- document certifying that those children committed an act in conflict with the law or affected by drugs. The document shall be signed or thumb printed by children concerned and signed/thumb printed by parent or guardian or competent authority;

3- request by parent or guardian or competent authority attached with CV of children to entrust children/children of the age of criminal responsibility with the YRC
01 copy

4- letter of entrusting and reception signed by the persons who entrusted children and director of the centre *01 copy*

5- a contract giving consent to reside in the centre to get rehabilitation and to obey internal regulation of the centre signed by children/children of the age of criminal responsibility and their parents or guardian *01 copy.*

Item 7.- Children and children of the age of criminal responsibility shall receive health care, livelihood according to the state regime and assistance from other sources.

Item 8.- Following the admission of children and children of the age of criminal responsibility to the YRC, the director of the YRC shall report to the director of the Youth Rehabilitation Department.

Item 9.- The director of the Youth Rehabilitation Department shall make a written request attached with dossier set out in article 6 for the decision of the Minister of MoSVY so that the ministry issues a Prakas for accreditation.

Item 10.- For CICL, children of the age of criminal responsibility in conflict with the law or children affected by lesser degree of drugs who were sent to the YRC but their identifications have not been able to determine yet, the YRC shall trace their parents, families, guardians, and shall prepare the plan for their rehabilitation and reintegration.

Item 11.- CICL, children of the age of criminal responsibility in conflict with the law or children affected by lesser degree of drugs who were admitted to the YRC shall receive rehabilitative services include: informal education, health education, moral

education, education concerning good conduct, counseling, exercise, sport, leisure, life skills and short-term vocational training, etc.

Item 12.- The YRC shall have internal regulation approved by MoSVY in order to ensure security and order and conform to policies and minimum standards on alternative care for children.

Item 13.- Children and children of the age of criminal responsibility residing in the centre shall be classified into residential groups according to their sex, age, types of offences and duration spent in the centre.

Item 14.- Duration residing at and for rehabilitation in the Chomchao YRC shall be at the minimum of 6 months and maximum of 12 months.

Item 15.- Following 6 month period, based on the opinion of counselor, instructors and the management of the YCR, YRC shall examine and do evaluation in order to reintegrate children into their families or communities.

Item 16.- Reintegration of children and children of the age of criminal responsibility into their families or communities shall be done unless children have been well rehabilitated and obtained appropriate vocations.

Item 17.- In case where children and children of the age of criminal responsibility have not been well rehabilitated within 12 month period at the maximum, the director of the YRC shall make written request to Minister of SVY to extend the during to reside in the centre for an appropriate length of time.

Item 18.- Before carrying out reintegration, the centre shall communicate and facilitate with children's families, guardian and local authorities in order to prepare for reception of children and children of the age of criminal responsibility to live in families or communities in order to avoid discrimination.

Item 19.- In case where children and children of the age of criminal responsibility are orphans who have no parent, no families and no guardian, the centre shall look for foster parents, adoptive parents or humanitarian organizations to continue the administration of the children. If foster parents or humanitarian organizations could not be found, the director of the centre shall make written request to Minister of SVY for authorization to continue residing in the centre to get education, with proper agreement/contract, until they reached 18 years of age.

Item 20.- Habitation of children and children of the age of criminal responsibility in the centre may be terminated prior to the expiry date of their habitation in case there is a petition of guarantee by their families, guardian or NGOs with the consent of the concerned children in order to take over their administration and education.

Item 21.- Person who guarantees to take children and children of the age of criminal responsibility out of the centre prior to the expiry date shall make a written request to the ministry attached with a copy of ID card, letter of guarantee, a copy of promise/contract to continue with a better education and a letter of consent by the concerned children.

Item 22.- Following reintegration, the centre shall follow-up and continue the facilitation with families and local authorities for a duration from 6 months to 12 months to prevent any potential re-offending.

Item 23.- Admission of children and children of the age of criminal responsibility to the centre and their discharge from the centre shall be determined a Prakas of the Minister of SVY upon request of the centre.

Item 24.- Chomchao YRC may receive contribution from families or guardians of the victims in an amount conforming to their possibilities in the interests of the functioning and for the development of the centre.

Item 25.- Director of the Chomchao YRC has duties to manage the use of this fund in accordance with the existing provisions and with transparency.

Item 26.- Any normative regulations contradict this Prakas shall be deemed null and void.

Item 27.- Director of the Cabinet, General Director of the General Directorate of Administration and Finance, General Director of the General Directorate of Technical Affairs, Director of the Youth Rehabilitation Department, Director of the Chomchao YRC and provincial/municipal DoSVY have respective duties to implement this Prakas as of the date of signature.

Minister

Ith Samheng

c.c:

- Office of the Council of Ministers
- Ministry of Interior
- Ministry of Economy and Finance
- Ministry of Justice
- Cabinet of Samdech Prime Minister
- Cabinet of H.E. Deputy Prime Minister Tea Banh
- National Authority for Combating Drugs
- Offices of Provincial/Municipal Authorities
- “for information “
- as indicated in article27 “for implementation “
- documentation-chronicles.