



Global Initiative to
**End All Corporal Punishment
of Children**

CAMBODIA

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 6th session, 2009

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Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment, setting a goal of 2009.

Summary

This briefing describes the legality of corporal punishment of children in Cambodia, despite having ratified the Convention on the Rights of the Child. We hope the Review will highlight the importance of prohibition of corporal punishment of children, and strongly recommend that the government introduce legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including the home.

1 Legality of corporal punishment in Cambodia

1.1 Corporal punishment is lawful in the **home**. The Civil Code states that “a person who has parental authority may discipline his/her child by himself/herself within necessary scope” (article 1044, unofficial translation). Article 8 of the Law on the Prevention of Domestic Violence and the Protection of Victims states that traditional discipline of children should not be considered as violence or domestic violence. Provisions against violence and abuse under the Marriage and Family Law (1989), the UNTAC (UN Transitional Authority in Cambodia) law and the Transitional Criminal Law (1992) are not interpreted as prohibiting all corporal punishment in childrearing.

1.2 Numerous research studies have found a high prevalence of corporal punishment of children. For example, in a large scale comparative study in the region, qualitative research with over 500 children in Cambodia revealed that over 80% were punished in the home, commonly with implements including sticks, electric cables, belts, and chains.¹ In Government sponsored research involving 1,314 children aged 12-15, 51% of the boys and 36% of the girls reported being beaten by their parents; 35% of the boys and 24% of the girls reported being beaten by their teachers.²

1.3 Corporal punishment is prohibited in **schools** and the **penal system**.

1.4 There is no explicit prohibition of corporal punishment in **alternative care settings**.

2 Recommendations by human rights treaty monitoring bodies

2.1 The Committee on the Rights of the Child has not yet made specific recommendations on corporal punishment.

¹ Beazley, H., S. Bessell, et al. (2006), *What Children Say: Results of comparative research on the physical and emotional punishment of children in Southeast Asia and Pacific, 2005*, Stockholm, Save the Children Sweden

² Miles, G. & Varin, S. (2005), “*Stop Violence Against Us!*” *A preliminary national research study into the prevalence and perceptions of Cambodian children to violence against children in Cambodia, Summary report*, Tearfund