

BRIEFING FROM GLOBAL INITIATIVE
TO END ALL CORPORAL PUNISHMENT OF CHILDREN

**BRIEFING ON CAMBODIA FOR THE COMMITTEE AGAINST TORTURE – November
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CAMBODIA (second report – CAT/C/KHM/2)

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, provisional 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 in the Marriage and Family Law (1989), the Constitution (1993), the UNTAC (UN Transitional Authority in Cambodia) law and the Transitional Criminal Law (1992) are not interpreted as prohibiting all corporal punishment in childrearing.

In research into the experiences of over 500 children, over 80% reported being punished in the home. Physical punishments mentioned included being hit with a variety of implements, including a stick, cane, “whip” made of electric cable, belt, whip, chain; the use of sharp implements (knife) and sharp-edged domestic items (brooms, shoes), kicking, punching, pinching, pulling, and twisting joints.¹ In a questionnaire survey of over 1,300 children, half the boys (50.5%) and over a third of the girls (36.4%) reported having been beaten by their parents; 82.4% of girls and 81.1% of boys reported witnessing other children being beaten by their parents.² A comparative study of children across East Asia and the Pacific by UNICEF and Research International Asia (Thailand) in 2001 found that of 500 school children aged 9-17 years, 44% reported having been beaten by their parents.³ According to other statistics from UNICEF, relating to the period 2001-2007, of girls and women aged 15-49, 55% think that a husband is justified in hitting or beating his wife under certain circumstances.⁴

Corporal punishment is prohibited in **schools** and in the **penal system**. It is lawful in **alternative care settings** under article 1044 of the Civil Code (see above).

We hope the Committee Against Torture will urge the Government of Cambodia to explicitly prohibit corporal punishment of children in all settings, including the home, and to support law reform with appropriate public education and professional training on positive, participatory and non-violent forms of discipline.

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

³ UNICEF (2001), *Speaking Out! Voices of Children and Adolescents in East Asia and the Pacific*

⁴ UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF