

Child rights extracts from the following report:

Report of the Special Rapporteur on the situation of human rights in Cambodia
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56. In the exercise of its powers, the Cambodian Constitutional Council has delivered some decisions with far-reaching implications, such as its ruling on the Law on Aggravating Circumstances for Felonies in July 2007 (see footnote below) drawing on international standards. However, the scope of its work is limited by the fact that private citizens have no direct opportunities to challenge the constitutionality of the laws enacted by Parliament. The citizens of Cambodia have to go through their Members of Parliament to the Council and the Members of Parliament seem to rarely exercise their powers to request the Council to review a piece of legislation that they themselves adopted in the first place.

footnote:

This law, passed in 2002, removed both the discretion that judges previously had to consider the age of an offender in mitigation and the obligation judges had to halve any prison sentence for persons under 18 years of age. The Constitutional Council, in 2007, ruled that the Law was constitutional but on the basis that the Law was not intended to abrogate the protections provided to child offenders in the 1992 Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia during the Transitional Period (United Nations Transitional Authority in Cambodia law), since that would have violated both the Constitution and the Convention on the Rights of the Child. It further clarified in its decision that international human rights treaties to which Cambodia was party were part of domestic law and directly applicable by judges in the courts. (See A/HRC/7/56, paras. 24-26).