Legal Analysis: Sexual harassment in Cambodia

Research annexes

Annex A. Key Informants and Focus Group Summary

<table>
<thead>
<tr>
<th>Key Informants</th>
<th>Number Interviews</th>
</tr>
</thead>
<tbody>
<tr>
<td>MoWA</td>
<td>1</td>
</tr>
<tr>
<td>MoLVT</td>
<td>1</td>
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<tr>
<td>MoT</td>
<td>1</td>
</tr>
<tr>
<td>MOI (Sangat and Khan police)</td>
<td>3</td>
</tr>
<tr>
<td>Garment Factory Managers/HR</td>
<td>3</td>
</tr>
<tr>
<td>Garment Factory workers</td>
<td>8 (from 4 factories)</td>
</tr>
<tr>
<td>Guesthouse workers</td>
<td>2</td>
</tr>
<tr>
<td>Guesthouse Admin/HR</td>
<td>1</td>
</tr>
<tr>
<td>SABC</td>
<td>1</td>
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<tr>
<td>CBCA</td>
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<table>
<thead>
<tr>
<th>FGD</th>
<th>Number of FGD</th>
</tr>
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<tbody>
<tr>
<td>Garment Factory Workers</td>
<td>1 (9 female workers of 6 garment factories)</td>
</tr>
</tbody>
</table>
Annex B. Legal Frameworks Reviewed

**International Legal Framework**

<table>
<thead>
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<tbody>
<tr>
<td>UN TIP Protocol/UN Convention on the Rights of the Child (CRC) 1989 Nothing specific on Sexual Harassment</td>
</tr>
<tr>
<td>The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography</td>
</tr>
<tr>
<td>The ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor Nothing specific on Sexual Harassment</td>
</tr>
<tr>
<td>The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children and The Protocol Against the Smuggling of Migrants by Land, Sea, and Air supplementing the UN Convention Against Transnational Organised Crime</td>
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This is not involved in SH at all but related to Trafficking in persons.

**Convention on the Elimination of All Forms of Discrimination against Women (1979)**

Cambodia Became a party of CEDAW in 1992

**Article 6:**
States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

**Article 11**
1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
   
   (a) The right to work as an inalienable right of all human beings;
(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetised sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counseling and services in family planning;
(c) To benefit directly from social security programs;
(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
(e) To organise self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;
(f) To participate in all community activities;
(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
   (a) The same right to enter into marriage;
   (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
   (c) The same rights and responsibilities during marriage and at its dissolution;
   (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

**Article 24**

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognised in the present Convention.

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Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against women (1999)

**Article 1**

A State Party to the present Protocol (“State Party”) recognises the competence of the Committee on the Elimination of Discrimination against Women (“the Committee”) to receive and consider communications Submitted in accordance with article 2.

**Article 2**

Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the rights set forth in the Convention By that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, this Shall be with their consent unless the author can justify acting on their behalf without such consent.

**Article 3**

Communications shall be in writing and shall not be anonymous. No communication shall be received by The Committee if it concerns a State Party to the
Article 4

1. The Committee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted unless the application of such remedies is unreasonably prolonged or unlikely to bring effective relief.

2. The Committee shall declare a communication inadmissible where:
   a) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;
   b) It is incompatible with the provisions of the Convention;
   c) It is manifestly ill-founded or not sufficiently substantiated;
   d) It is an abuse of the right to submit a communication;
   f) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.

Article 5

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the Victim or victims of the alleged violation.

2. Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.

Article 8

1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.

2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available
to it, the Committee may designate one or more of its members to Conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.

3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.

4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.

5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.

ILO 111

The International Labour Organization (ILO) has addressed sexual harassment in a range of instruments and during discussions at tripartite meeting. The Discrimination (Employment and Occupation) Convention, 1958 (No. 111), addresses discrimination in employment on a number of grounds, including sex, and requires that ILO member States declare and pursue a national policy designed to promote equality of opportunity and treatment with a view to eliminating discrimination. Like CEDAW, it predates widespread awareness of the issue of sexual harassment. As a consequence, it has been necessary for the Committee of Experts on the Application of Conventions and Recommendations to take the lead.

In its 1996 Special Survey on Convention No. 111, the Committee confirmed that it views sexual harassment as a form of sex discrimination against women in employment which undermines equality, damages working relationships and impairs productivity. The Committee defined sexual harassment as “Any insult or inappropriate remark, joke, insinuation and comment on a person’s dress, physique, age, family situation, etc. a condescending or paternalistic attitude with sexual implications undermining dignity; any unwelcome invitation or request, implicit or explicit, whether or not accompanied by threats; any lascivious look or other gesture associated with sexuality; and any unnecessary physical contact such as touching, caresses, pinching or assaults.”

National Legal Framework

The Constitution of the Kingdom of Cambodia (1993)

Article 31: The Kingdom of Cambodia shall recognise and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human rights, the covenants and conventions related to human rights, women’s and children’s rights.
Khmer citizens are equal before the law, enjoying the same rights, liberties and duties regardless of race, color, sex, language, beliefs, religions, political tendencies, birth origin, social status, wealth or other situations. The exercise of personal rights and liberties by any individual shall not adversely affect the rights and freedom of others. The exercise of such rights and liberties shall be in accordance with the law.

Article 36.

Khmer citizens of both sexes have the right to choose any employment according to their ability and to the needs of the society.
Khmer citizens of both sexes shall receive equal pay for equal work.
The work of housewife at home shall have equal value as the remunerated work done outside the home.
Khmer citizens of both sexes shall have the right to enjoy social security and other social benefits as determined by law.
Khmer citizens of both sexes shall have the right to create trade unions and to participate as their members.
The organization and functioning of the trade unions shall be determined by law.

Article 38.

The law forbids any physical abuse against any individual.
The law protects the life, the honour and the dignity of the citizens.
The prosecution, arrest, police custody or detention of any person shall not be done, except in accordance with the law.
The coercion, physical punishment or any other treatment aggravating the penalty of the detainee or prisoner shall be forbidden. The author of such acts, co-authors and accomplices shall be punished according to the law.
Confessions obtained by physical torture or mental pressure shall not be admissible as evidence of guilt.
The doubt shall benefit the accused.
Any accused is presumed innocent up to the final verdict of the court.
Any individual shall have the right to his/her own defense through the judicial system.
Article 45.

All forms of discrimination against women shall be abolished.
The exploitation of women’s labour shall be prohibited.
Men and women have equal rights in all fields, especially with respect to those of marriage and family.
Marriage shall be done according to the conditions set by the law and based on the principles of mutual consent and monogamy.

Article 46.

Human trafficking, exploitation of prostitution and obscenities which affect the dignity of women shall be prohibited.
The dismissal of woman worker for reason of pregnancy shall be prohibited. Woman shall have the right to take maternity leave with full pay and with guarantee of her seniority in employment and of other social benefits.
The State and the society shall provide women, especially those underprivileged living in rural areas, with opportunities to benefit from assistance for a profession, for medical cares, for their children schooling and for decent living conditions.


Article 2. Domestic violence is referred to the violence that happens and could happen towards:
1- Husband or wife
2- Dependent children
3- Persons living under the roof of the house and who are dependent of the Households.

Article 3. Domestic violence is required to be prevented in time effectively and efficiently and that it is required to take the most appropriate measures in order to protect the Victims or the persons who could be vulnerable.
Violence includes:
- Acts affecting life
- Acts affecting physical integrity
- Tortures or cruel acts
- Sexual aggression.
Article 7. Sexual aggression includes:
  - Violent rape
  - Sexual harassment
  - Indecent exposures.

Article 9.
The nearest authorities in charge have the obligation to urgently intervene in case Domestic violence occurs or is likely to occur in order to prevent and protect the victims.
During the intervention, the authorities in charge shall make a clear record about the incident and then report it immediately to the prosecutors in charge.

Article 10.
In the purpose to prevent domestic violence and protect the victims, the officials of the Ministry of Women’s Affairs who work in the fields regulated under this law shall obtain the legal qualification as the judiciary police and can act as the complaining Party instead of the victims in accordance with the penal procedures in effect.

Article 11.
In case of the absence of the officials who have already earned the legal qualification as the judiciary police, other officials in charge including police officials, police agents, Royal Gendarmerie, local authorities in commune/Sangkak, officials of the Ministry of Women’s Affairs as well as village chiefs who have intervened to prevent domestic violence and protect the victims shall be empowered under this law to make a record to the court. This record has also the same value as the record made by judiciary police officials.

Article 12.
In performing their duty, the authorities in charge as stated under the above mentioned Article 9, Article 10 and Article 11 shall comply with the procedures Defined in the provisions of this law and the penal procedures in effect.

Article 17.
To participate in the implementation of the penal procedures in effect, the authorities in charge cannot intervene to reconcile or mediate the criminal offences that are characterised as felonies or severe misdemeanors.

Article 19.

Any domestic violence which is characterised as the criminal offence in the manner of felonies or severe misdemeanors shall be subjected to a criminal suit, despite the violence is already over.

The criminal complaint shall be made in the form as stated in this law and in accordance with the law on penal procedures in effect.


Article 1: Aims to suppress the acts of human trafficking and sexual exploitation in order to protect the rights and dignity of human beings, to improve the health and welfare of citizens, to preserve and enhance good national customs, and to implement the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime, or other international instruments or agreements with regard to human trafficking ratified the Kingdom of Cambodia (Article 1).

Article 8 to 20 of this law stipulate definitions of unlawful removal, unlawful recruitment, the act of selling/buying/exchanging, transportation, and receipt of a minor for the purpose of exploitation (i.e. profit making, sexual aggression, production of pornography, marriage against will of the victim, adoption or any form of exploitation), and penalties for the person or organization committing these crimes. The law also covers definitions of child prostitution, procuring child prostitution, provision of premise for child prostitution, purchase of child prostitution, soliciting for child prostitution, and conditional money loan in connection with child prostitution, contract of child prostitution, and penalties for the person or organization committing these crimes (Article 23 to 37).

Furthermore, article 40 provides definitions of child pornography whereas article 41 indicates penalties for those who: produce child pornography, distributes/sells/ leases/dispaly/projects or presents child pornography in public place, possesses/ transports/imports or exports a child pornography for the purpose to distribute/sell/ lease/display/project or present child pornography in public place or purchase a child pornography.

In addition to punishment for the perpetrators, article 49 of this law prohibit newspapers and all other mass media from publishing or broadcasting or disseminating any information which can lead to public knowledge of identities of victims (including children) in the offences stipulated in this law.
Note: Nothing related to rape and sexual harassment.


Based on this law, minors are prohibited to be present in the premise of an adult tourism entertainment centre (Article 56 and reasonable measures must be taken by the manager of adult entertainment centre to ensure that no minors are present in the premises including inspection of young clients’ identification cards (Article 57). Penalty for manager who violates article 57 is indicated in Article 70.

Article

The Ministry of Tourism shall have shared responsibility for the regulation of other important areas affecting or affected by the tourism industry in cooperation with other concerned ministries and authorities. Hereunder are those significances:

- Associations of tourism industry;
- Environmental protection;
- Education and training of stakeholders in the tourism industry;
- Protection and presentation of natural heritage;
- Protection and presentation of cultural heritage;
- Tourism investment and incentives;
- Management and privatisation of state-owned tourism enterprises;
- Management of state lands leased for tourism purposes;
- Prevention of sexual exploitation;
- Tourism Product Development;
- Ecotourism;
- Local tourism communities;
- Poverty alleviation;
- Food hygiene and sanitation;
- Tourist safety and security; and
- Tourist Police.
Article 48. All tourism business operators and their agents, employees and contractors shall comply with and attach the following obligations:

(a) Comply with this Law and regulations (Prakas) in force on standards, codes of conduct, codes of ethics and conditions of tourism license;
(b) Comply with all other laws and regulations affecting or affected by tourism including laws and regulations on land use, building construction, safety, fire, security, public order, environment, health, hygiene, food, tax obligations, accounting and finance, protection of cultural and natural heritages and traffic law;
(c) Safeguard national interests and tourists’ interests and contribute to maintaining natural resources, not to pollute or destroy environment, protect and conserve cultural heritages, arts, customs, and traditions of the Khmer people in all of its tourism activities;
(d) Provide tourists with true and accurate information and be responsible for all services as promised and take reasonable measures to safeguard the personal safety and security of tourists and their luggage and property while they are under their care and control;
(e) Instantly complain or report to the nearest Tourist Police, authorities in-competence or tourist authority, in case of having known or suspected the offences of drug trafficking and usage, human trafficking and confinement, child trafficking and sexual exploitation/prostitution, disseminations of pornographic pictures and materials or other criminal offences;
(f) Any manager of hotel and tourist accommodation service must register the identity and other information of all guests upon the beginning of their stay;
(g) Cooperate in inspection as specified in Article 57 of this Law;
(h) Abide by the UNWTO Global Code of Ethics so far as it concerns the conduct and responsibilities tourism businesses, agents, employees and contractors; and
(i) Observe and comply with any conditions stated in Article 39 and other conditions stated in this Chapter Five of this Law.

Article 50. Tourists shall comply with and observe the following obligations:

(a) Respect the laws and regulations in force of the Kingdom of Cambodia;
(b) Respect Khmer traditions, customs and culture and not participate in any activities that violate or damage Khmer culture;
(c) Not to damage the environment or natural and cultural heritages;
(d) Not to take part in any activities in relation to drug trafficking and use, sexual human trafficking and confinement, child trafficking and sexual exploitation/prostitution, disseminations of pornographic pictures and materials, money laundering and causing insecurity to the society;
(e) Not to damage the social order and general welfares of Cambodian citizens;
(f) Not to threaten security or get involved in terrorism groups;
(g) Comply with any relevant Code of Conduct and Codes of Professional Ethics issued by the Ministry of Tourism or by the Tourism Industry Associations with the endorsement of the Ministry of Tourism;

(h) Conform to the UNWTO Global Code of Professional Ethics; and

(i) Not to use tourism as an opportunity to seek employment or residential settlement at the destination.

**Article 53.** The Code of Conduct and Code of Professional Ethics issued by the Ministry of Tourism is binding obligations upon relevant stakeholders and may be utilised as a condition for issuing tourism visas proposed by the Ministry of Tourism.

A Code of Conduct and Code of Ethic prepared by a Tourism Industry Association and approved by the Ministry of Tourism shall be binding obligations upon its members and the Association shall take reasonable measures to ensure compliance and enforcement among its members.

*Note: Nothing related to sexual Harassment*

**Labor Law 1997**

Article 172: All employers and managers of establishments in which child laborers or apprentices less than eighteen years of age or women work, must watch over their good behaviour and maintain their decency before the public. All form of sexual violation (harassment) is strictly forbidden.

Article 182-187, Women shall be entitled to a maternity leave of ninety days. After the maternity leave and during the first two months after returning to work, they are only expected to perform light work. During the maternity leave, women are entitled to half of their wage (Article 182 and 183).

Article 266: Workers and employers have, without distinction whatsoever and prior authorization, the right to form professional organizations of their own choice for the exclusive purpose of studying, promoting the interests, and protecting the rights, as well as the moral and material interests, both collectively and individually, of the persons covered by the organization's statutes.

Professional organizations of workers are called "workers' unions".

Professional organizations of employers are called "employers' associations".

For the purposes of this law, trade unions or associations that include both employers and workers are forbidden.
Article 283: In every enterprise or establishment where at least eight workers are normally employed, the workers shall elect a shop steward to be the sole representative of all workers who are eligible to vote in the enterprise or establishment.

The scope of present Section is the same as the scope of application defined in Article 1 of this Labor Law, except:

- Workers covered by Article 1 - paragraph 3 of this law have the right to elect shop stewards, but the provisions for implementation shall be determined by a separate Anukret (sub-decree).
- Personnel serving in the air or sea transportation industries also abide by the provisions of the present Section. However, for elections of shop stewards, they must be grouped into one or more specific electoral colleges with their own shop stewards within their enterprises.
- This Section 3 does not apply to domestic or household servants.

Acknowledgement that there are several distinct establishments within any enterprise, having the above-required number of workers, does not have effect on excluding a number of workers from abiding by this provision.

If there is no agreement between the employer and the representative union organizations in the enterprise on the number of distinct establishments required for the election for shop stewards, such a dispute shall be submitted to the Labor Court, which has jurisdiction to acknowledge the nature of a distinct establishment.

Article 284:

The missions of the shop steward are as follows:

- to present to the employer any individual or collective grievances relating to wages and to the enforcement of labour legislation and general labour regulations as well as collective agreements applicable to the establishment;
- to refer to the Labor Inspector all complaints and criticism relating to the enforcement of the labour legislation and labour regulations that the Labor Inspector is responsible for monitoring;
- to make sure the provisions relating to the health and safety of work are enforced;
- to suggest measures that would be beneficial to contribution towards protecting and improving the health, safety and working
conditions of the workers in the establishment, particularly in case of work related accidents or illnesses

The shop steward must be consulted and put forward a written opinion on the draft of internal regulations provided for in Article 24 of this labor law, or on draft of modification to these regulations.

The shop steward must also be consulted and put forward a written opinion on the measure for redundancy due to a reduction in activity or an internal reorganization of the enterprise or establishment.

Article 300: An individual dispute is one that arises between the employer and one or more workers or apprentices individually, and relates to the interpretation or enforcement of the terms of a labor contract or apprenticeship contract, or the provisions of a collective agreement as well as regulations or laws in effect.

Prior to any judicial action, an individual dispute can be referred for a preliminary conciliation, at the initiative of one of the parties, to the Labor Inspector of his province or municipality.

Article 301:

On receipt of the complaint, the Labor Inspector shall inquire of both parties to elicit the subject of the dispute and then shall attempt to conciliate the parties on the basis of relevant laws, regulations, or collective agreements, or the individual Labor contract.

To this effect, the Labor Inspector shall set a hearing that is to take place within three weeks at the latest upon receipt of the complaint.

The parties can be assisted or represented at the hearing.

The results of the conciliation shall be contained in an official report written by the Labor Inspector, stating whether there was agreement or non-conciliation. The report shall be signed by the Labor Inspector and by the parties, who receive a certified copy.

An agreement made before the Labor Inspector is enforceable by law.

In case of non-conciliation, the interested party can file a complaint in a court of competent jurisdiction within two months, otherwise the
litigation will be lapsed.

Article 302: A collective labour dispute is any dispute that arises between one or more employers and a certain number of their staff over working conditions, the exercise of the recognised rights of professional organizations, the recognition of professional organizations within the enterprise, and issues regarding relations between employers and workers, and this dispute could jeopardise the effective operation of the enterprise or social peacefulness.

Article 303: If there is no planned settlement procedure in a collective agreement, the parties shall communicate the collective labour dispute to the Labor Inspector of their province or municipality. However, the Labor Inspector can take legal conciliation proceedings upon learning of the collective labour dispute even though he has not been officially notified.

Article 304: The Minister in Charge of Labor shall designate a conciliator within forty-eight hours from the moment he is apprised or himself learns of the dispute.

Article 305: Conciliation shall be carried out within fifteen days from the designation by the Minister in Charge of Labor. It can be renewed only by joint request of the parties to the dispute.

Article 306: During the period of conciliation, the parties to the dispute must abstain from taking any measure of conflict.

They must attend all meetings to which the conciliator calls them. Unjustified absence from any such meeting is punishable by a fine set in the rules of Chapter XVI.

Article 307: A conciliatory agreement, signed by the parties and [visaed] by the conciliator, has the same force and effect of a collective agreement between the parties and the persons they represent. However, when the party representing workers is not a trade union, the agreement is neither binding on such union nor on the workers it represents.

Article 308: If the absence of an agreement, the conciliator shall record and indicate the key points where the conciliation failed and shall prepare a report on the dispute. The conciliator shall send such record and report to the Minister in Charge of Labor within forty-eight hours at the latest after the conclusion of conciliation.
Article 309: If conciliation fails, the labour dispute shall be referred to settle:

   a) by any arbitration procedure set out in the collective agreement, if there is such a procedure; or
   b) by any other procedure agreed on by all the parties to the dispute; or
   c) by the arbitration procedure provided for in this Section.

Article 310: In a case covered by paragraph c) of Article 309 above, the Minister in Charge of Labor shall refer the case to the Council of Arbitration within three days following the receipt of the report from the conciliator as specified in Article 308 above. The Council of Arbitration must inevitably meet within three days following the receipt of the case.

Article 311: Members of the Council of Arbitration shall be chosen from among magistrates, members of the Labor Advisory Committee, and generally from among prominent figures known for their moral qualities and their competence in economic and social matters. These persons shall be included on a list prepared each year by a Prakas (ministerial order) of the Ministry in Charge of Labor.

Article 312: The Council of Arbitration has no duty to examine issues other than those specified in the non-conciliation report or matters, which arise from events subsequent to the report, are the direct consequence of the current dispute.

The Council of Arbitration legally decides on disputes concerning the interpretation and enforcement of laws or regulations or of a collective agreement. The Council's decisions are in equity for all other disputes.

The Council of Arbitration has the considerable power to investigate the economic situation of the enterprises and the social situation of the workers involved in the dispute.

The Council has the power to make all inquiries into the enterprises or the professional organizations, as well as the power to require the parties to present any document or economic, accounting, statistical, financial, or administrative information that would be useful in accomplishing its mission. The Council may also solicit the assistance of experts.

Members of the Council of Arbitration must keep the professional confidentiality regarding the information and documents provided to them.
for examination, and of any facts that come to their attention while carrying out their mission.

All sessions of the Council of Arbitration shall be held behind closed doors.

Article 313: Within fifteen days starting from the date of its receipt of the case, the Council of Arbitration shall communicate its decision to the Minister in Charge of Labor. The Minister shall immediately manage to notify the parties. The latter have the right to appeal this arbitral decision by informing the Minister by registered mail or by any other reliable method within eight calendar days from the date of receiving the notification.

Article 314: The final arbitral decision which was not appealed by either party shall be implemented immediately.

The arbitral decision which was already implemented shall be filed and registered the same way that a collective agreement is.

Article 315: The reports on conciliation agreements and arbitral decisions, which have not been appealed, shall be posted in the workplace of the enterprise involved in the dispute and in the office of the relevant provincial and municipal Labor Inspector's Office.

Article 316: The procedure for conciliation and arbitration shall be carried out free of charge.

Article 317: The Ministry in Charge of Labor shall issue a Prakas (ministerial order) to determine the mode of enforcement of the present section.

Article 338: The Labor Administration is primarily responsible for preparing, implementing, coordinating, supervising, and evaluating national labour policy. Particularly within the realms of public administration, it is the tool for formulating and enforcing legislation in order for this policy to materialise.

The Labor Administration consistently studies the situation of employed, unemployed or under-employed persons in light of the national laws and practices regarding working conditions, employment and professional life. It pays attention to inadequacies and abuses in this area and puts forward a proposal and request a decision on method for remedy.

The Labor Administration offers its advisory service to employers and to workers, as well as to their respective organizations, in order to promote consultation and real cooperation between the authorities or public institutions and employers or workers, as well as between employers' and workers' organizations.
The Labor Administration responds to requests for technical assistance from employers and workers, as well as from their respective organizations.

The Labor Administration offers conciliatory services to employers and workers, as well as to their organizations, in order to help settle individual or collective disputes.

Article 339: The Labor Administration must permanently maintain enough personnel, material, means of transportation, offices and premises to meet the needs of the service that is conveniently accessible to all interested persons.

Agents of the Labor Administration must be acquired with adequate training for carrying out their respective functions. Relevant measures are taken by Prakas (ministerial order) of the Ministry in Charge of Labor to ensure that permanent training is provided to these agents during their employment.

Article 340:

The agents of the Labor Administration must have the sufficient qualifications to perform their assigned functions, have access to the necessary training in carrying out their functions and be free from all undue external influence.

All this personnel shall be granted with material means and financial resources required to effectively perform their statutory duties.

Article 341:

The Ministry in Charge of Labor shall issue a Prakas to determine the structure of the Labor Administration and, for each service, specify:

- the roles and tasks incumbent on the responsible agents;
- the organization, relationship and coordination with the other services within the Labor Administration;
- layout of the service in order to best serve in provinces and municipalities in the country;
- work methods of the responsible agents.
Article 342:

The special statutes and conditions of service for the various categories of personnel in the Labor Administration shall be determined by an Anukret (sub-decree).

Article 343: The tasks of the Labor Inspection are assumed by Labor Inspectors and by Labor Controllers.

Before their appointment, Labor Inspectors and Controllers must solemnly swear allegiance to fulfilling their duties and to not revealing, even after having left their post, any manufacturing or trade secrets or operating methods that they learned of during the course of their work.

Article 344: The Labor Inspection shall have the following missions:

a. to ensure enforcement of the present Labor Law and regulatory text that is provided for, as well as other laws and regulations that are not yet codified and that relate to the labour system;
b. to provide information and technical advice to employers and to workers on the effective ways of observing the legal provisions;
c. to bring to the attention of the competent authority any improprieties or abuses that are not specifically covered by the existing legal provisions;
d. to give advice on issues relating to the arrangement or restructuring of enterprises and organisms that have been authorised by the administrative authorities and covered by Article 1 of this law;
e. to monitor the enforcement of the legal provisions regarding the living conditions of workers and their families.

Article 345:

Labor Inspectors and Controllers can ask for assistance from duly qualified experts and technicians from relevant ministries or outside, who are specialised in medicine, mechanics, electricity, chemistry and environment, in order to ensure enforcement of the legal provisions regarding the health and safety of workers in carrying out their duties, and to inquire about the effectiveness of the methods applied, the materials used, and the regulations on the health and safety of workers.

This technical assistance shall be exerted under the monitoring of the Labor Inspector or the Labor Controller in cooperation with relevant ministries. The experts and technicians, who cooperate with the Labor Inspector or the Labor Controller in enforcing the legal provisions on
the labour health and safety, must take an oath. They have the same powers granted the Labor Inspectors as per Articles 346 and 347 below.

The expenses incurred from this assistance shall be paid by the Ministry in Charge of Labor.

Article 346:

1- Labor Inspectors and Controllers possessing the proper identification are authorised:
   a. to freely enter any enterprise within the jurisdiction of their inspection, without prior notification of the time, whether day or night;
   b. to enter in the daytime workplaces that they could rationally assume to be subject to inspection of their Inspector’s Office;
   c. to conduct any examinations, inspections and investigations considered to be necessary to ensure that the provisions are effectively observed, and, in particular,
      o to question, either alone or in the presence of witnesses, the employer or the staff about any matter relating to the enforcement of the law;
      o to demand access to all books, ledgers, and documents that must be kept by the employer as prescribed by the legislation relating to working conditions so as to verify whether they (the papers) conform to the legislation; as well as to have the right to copy or take extracts from the books or ledgers;
      o to demand the posting of notices or papers that are required to be affixed by law;
      o to take, for the purposes of analysis, samples of materials or substances used or mixtures provided that the employer or his representative is aware that the materials or substances were taken for this purpose.

2- During each inspection, the Labor Inspector or Controller must inform the employer or his representative of his presence, unless he thinks that doing so will prejudice the effectiveness of the inspection.

3- The Labor inspector and Controller may need to be accompanied by one or more shop stewards during inspection.

Article 347: In performing their duties, Labor Inspectors and Controllers have the power:

1- to make observations to the employer or his representative and to the workers;
2- to serve notice on the employer or his representative to observe the legislation within a certain time period;
3- to note with an official report the non-observance of certain legal provisions that must, until proved otherwise, be credited;
4- to order that immediate measures be taken when they have every reason to believe or conclude that there is an imminent and serious danger to the health or safety of the workers.

5- to inflict the fine on those guilty of violating the provisions of this law and any enforcement related text of these provisions.

Article 348:

Labor Inspectors, Labor Medical Inspectors and Labor Controllers cannot have any interest whatsoever in the enterprises within the jurisdiction of their inspection.

They must keep the source of any complaint, referred to them, about any default in the facility or a violation of the law strictly confidential and must not reveal to the employer or his representative that the inspection was the result of a complaint.


The Criminal Code specifies the offences, point out the person who could be declared as responsible for the offence, and determine the penalties for their application.

<table>
<thead>
<tr>
<th>Article</th>
<th>Types of Sexual Assaults</th>
<th>Specific Definition/Contents</th>
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<tr>
<td>239</td>
<td>Rape</td>
<td>All acts of sexual penetration, of any kind whatsoever, or an act of penetrating any object into sexual organs of a person of either the same sex or different sexes by violence, coercion, threat or surprise constitutes a rape.</td>
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<td>Rape shall be punishable by imprisonment from 5 (five) to 10 (ten) years.</td>
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<td>The age for sexual majority shall be fifteen years of age.</td>
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<tr>
<td>240</td>
<td>Aggravating Circumstances which Based on Means Used or</td>
<td>The rape is punishable by an imprisonment of between 7 (seven) to 15 (fifteen) years when it is committed:</td>
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<tr>
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<td></td>
<td>1. with a utilization of weapon or a threat with a weapon;</td>
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<td></td>
<td>2. with a utilization of drug or all other methods of any kind designed to suppress or weaken the resistance of</td>
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</table>
|   | Connection with the Offender | the victim;  
|   |                               | 3. by a person who has authority over the victim;  
|   |                               | 4. by a person who abuses his/her power which was vested in him/her;  
|   |                               | 5. by several persons acting in their capacity as an perpetrator, co-perpetrators, an instigator or an accomplice.  
| 241 | Aggravating Circumstances in connection with Victims | The rape is punishable by an imprisonment of between 7 (seven) and 15 (fifteen) years when it is committed:  
|   |                               | 1. on a person particularly vulnerable due to his/her age;  
|   |                               | 2. on a woman with pregnancy where this pregnancy is apparent or known to the offender;  
|   |                               | 3. on a person particularly vulnerable because of his/her sickness or disability while his/her conditions are apparent or known to the perpetrator.  
| 242 | Aggravating Circumstances Resulting from Maiming or Disability | The rape is punishable by an imprisonment of between 10 (ten) and 20 (twenty) years when it results in a maiming or permanent disability of the victim.  
| 243 | Aggravating Circumstances Resulting from Tortures or Barbarous Acts | The rape is punishable by an imprisonment of between 10 (ten) and 30 (thirty) years when it preceded, accompanied or followed by tortures or barbarous acts.  
| 244 | Aggravating Circumstances Resulting from the Death of the Victim | The rape is punishable by an imprisonment of between 15 (fifteen) and 30 (thirty) years when it results in the death of the victim without intention of so doing.  
| 245 | Additional Penalties: Categories and Duration | For the felonies laid out in this Chapter, the following additional penalties may be pronounced:  
|   |                               | 1. deprivation of certain civil rights definitively or for a period of not more than 5 (five) years;  
|   |                               | 2. prohibition against pursuing a profession during which time the crime was committed in course of or during the occasion of pursuing of this profession for a period of not more than 5 (five) years;  
|   |                               | 3. prohibition against taking a residency for a period of not more than 10 (ten) years;  
|   |                               | 4. for a convicted foreigner, prohibition against entering and taking residency in the territory of the Kingdom of Cambodia definitively or for a period of not more than 5 (five) years;  
|   |                               | 5. prohibition against possessing or carrying a weapon definitively or for a period of not more than 5 (five) years;  
<p>|   |                               | 6. posting the decision of sentence for a period of not more than 2 (two) months; |</p>
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<tr>
<th>Article</th>
<th>Description</th>
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<td>246</td>
<td>Acts of Indecent/Indecent assault</td>
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<tr>
<td>247</td>
<td>Aggravating Circumstances which are based on Means Used or in connection with Offenders</td>
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<tr>
<td>248</td>
<td>Aggravating Circumstances Depending on Victims</td>
</tr>
<tr>
<td>249</td>
<td>Indecent Exposure/Exposure of Sex Organ</td>
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</table>

### Acts of Indecent/Indecent Assault

Touching, fondling or caressing the sexual organs or other parts of a person without that person’s consent or coercing another person to perform such acts on the perpetrator himself or herself or a third person for
the purpose of arousing the perpetrator or providing sexual pleasure to the perpetrator constitute incident assault.

The incident assault shall be punishable by an imprisonment of between 1 (one) and 3 (three) years and a fine of between 2,000,000 (two million) Riels and 6,000,000 (six million) Riels.

### Aggravating Circumstances which are based on Means Used or in connection with Offenders

The offence specified in Article 246 (Acts of Immodest) is punishable by an imprisonment of between 2 (two) and 5 (five) years and a fine of between 4,000,000 (four million) Riels and 10,000,000 (ten million) Riels when it is committed:
1. with a utilization of a weapon or a threat with a weapon;
2. with a utilization of drug or all other methods of any kind designed to suppress or weaken the resistance of the victim;
3. by a person who has authority over the victim;
4. by a person who abuses his/her power which was vested in him/her;
5. by several persons acting in their capacity as a perpetrator, co-perpetrators, an instigator or an accomplice.

### Aggravating Circumstances Depending on Victims

The offence specified in Article 246 (Acts of Immodest) is punishable by an imprisonment of between 2 (two) and 5 (five) years and a fine of between 4,000,000 (four million) Riels and 10,000,000 (ten million) Riels when it is committed:
1. on a person particularly vulnerable due to his/her age;
2. on a woman with pregnancy where this pregnancy is apparent or known to the offender;
3. on a person particularly vulnerable due to his/her sickness or disability while his/her conditions are apparent or known to the perpetrator;

### Indecent Exposure/Exposure of Sex Organ

All sex organs exposed within the sight of another person in a place which is accessible to the public eyes is punishable by an imprisonment of between 6 (six) days to 3 (three) months and a fine of between 100,000 (one hundred thousand) Riels and 500,000 (five hundred thousand) Riels.
| 250 | Sexual Harassment | Sexual harassment is an act that a person abuses the power which was vested to him/her in his/her functions in order to put pressure again and again on other persons in exchange for sexual favour.

The sexual harassment is punishable by an imprisonment of between 6 (six) days to 3 (three) months and a fine of between 100,000 (one hundred thousand) Riels and 500,000 (five hundred thousand) Riels. |
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<tr>
<td>251</td>
<td>Attempt</td>
<td>The attempt to commit misdemeanours specified in the present Chapter carries the same punishment as misdemeanours.</td>
</tr>
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</table>
| 252 | Additional Penalties: Categories and Duration | For offences in the present Chapter, the following additional penalties may be pronounced:

1. deprivation of certain civil rights definitely or for a period of not more than 5 (five) years;
2. prohibition against pursuing a profession during which time the crime was committed in course of or during the occasion of pursuing of this profession for a period of not more than 5 (five) years;
3. prohibition against taking residency for a period of not more than 5 (five) years;
4. for a convicted foreigner, prohibition against entering or taking residency in the territory of the Kingdom of Cambodia definitely or for a period of not more than 5 (five) year;
5. prohibition against possessing or carrying weapon and explosive for definitively or for a period of not more than 5 (five) years;
6. posting the decision of sentence for a period of not more than 2 (two) months;
7. publication of the decision of sentence in the newspapers;
8. broadcasting the decision of sentence by all means of audio-visual communications for a period of not more than 8 (eight) days. |

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<table>
<thead>
<tr>
<th>Articles</th>
<th>Contents</th>
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</table>
| 3        | Purpose of Criminal Actions

Criminal actions apply to all natural persons or legal entities regardless of race, nationality, color, sex, language, creed, religion, political tendency, national origin, social status, resources or other status.
| 4 | Initiation of Actions by Prosecution | Criminal actions are brought by Prosecutors for the general interests of the society. Prosecutors initiate criminal proceedings and request the application of the law by investigating and trial judges. |
| 5 | Criminal Actions initiated by Victims | Victims of a felony or misdemeanor can file a complaint as plaintiffs of a civil action before the investigating judge. The complaint of plaintiffs in a civil action has the power to seize an investigating judge with a criminal action under conditions stipulated in Articles 139 (Delivery of Request to Prosecutor) and 140 (Payment of Deposits) of this Code. Criminal jurisdictions can also receive complaints from government officials or other public agents who are authorised under separate laws. |
| 6 | Complaints by Victims | Any person who claims to be a victim of an offence can file a complaint. An ordinary complaint does not automatically initiate criminal proceedings. In case the Prosecutor does not respond to the claim or keeps the file without processing, the victim may bring a request to the General Prosecutor attached to the Court of Appeal in accordance with Article 41 (File Without Processing) of this Code. |
| 17 | | Any association after having made a valid declaration within 3 years before the date of occurrence of an offence that a subject of its governing statutes is the struggle against sexual violence or domestic violence or violence against children, is entitled to be a plaintiff in a civil action for the following offences:  
  – Intentional threat against life;  
  – Harassment against personal integrity;  
  – Sexual harassment. |
| 22 | Relationship of Jurisdictions of Civil and Criminal Courts | A civil action can be brought in conjunction with a criminal action that is before a criminal court. A civil action can also be brought before the civil court. In this case, the civil action shall be |
| 2 | Criminal and Civil Actions | Criminal and civil actions are two separate kinds of legal actions.  
The purpose of a criminal action is to examine the existence of a criminal offence, to prove the guilt of an offender, and to punish this person according to the law.  
The purpose of a civil action is to seek compensation for injuries to victims of an offence and with this purpose to allow victims to receive reparation corresponding with the injuries they suffered. |
|---|---|---|
| 27 | Roles of Prosecution | The Prosecution brings charges of criminal offences against charged persons and asks for the application of laws by the Court. Prosecutors are responsible for the implementation of orders of the criminal court on criminal offences, including the dissemination of arrest warrants.  
In performing his duties, a Prosecutor has the right to directly mobilise public forces.  
A Prosecutor shall attend all hearings of the trial court in criminal cases. |
| 37 | Powers of Prosecutors | The Royal Prosecutor leads and coordinates the operations of all judicial police agents and judicial police officers within his territorial jurisdiction. However, when implementing rogatory letters, the assigned judicial police officers shall be under the authority of the investigating judge.  
The Royal Prosecutor shall exercise all authority designated in this code and delegate it to the judicial police officers for investigative actions.  
The Royal Prosecutor may visit the investigation site and give useful instructions to the judicial police officers. In special circumstances, a Prosecutor can revoke delegated investigative |
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<th>powers from the judicial police agents and officers and arrange for their replacement.</th>
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<td></td>
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<td>The Royal Prosecutor can inspect a judiciary police unit at anytime. He can participate in interviews. He can examine the implementation of any police custody, especially to ensure compliance with the legal procedures and the rules for custodial management.</td>
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<tr>
<td>40</td>
<td>Processing of Criminal Proceedings</td>
<td>The Royal Prosecutor shall consider written complaints and protests that have been received by him or that have been directly submitted by judicial police officers. He can decide to either hold a file without processing or to conduct proceedings against the offenders. Before making the decision, a Prosecutor can conduct preliminary investigations or order supplemental investigations. In case of a serious offence, the Prosecutor shall make a report on the case to the General Prosecutor attached to the Court of Appeal who also shall submit that report to the Minister of Justice.</td>
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<td>41</td>
<td>File without Processing</td>
<td>In the case that the complaint is filed without processing, the Prosecutor shall inform the plaintiff about that decision within the shortest possible period, in any case of not more than two months starting from date of the registration of the complaint as provided for in Article 50 (Registry of Complaints) of this Code. Filing the case without processing shall be based on grounds of law and fact. Filing without processing does not have the effect of res judicata. The Prosecutor may always change his decision as long as the criminal action has not been extinguished.</td>
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</table>
If the plaintiff is not satisfied with the Prosecutor’s decision to hold the file without processing, the plaintiff may appeal that decision to the General Prosecutor attached to the Court of Appeal.

The appeal shall be lodged within two months, commencing from the date on which the plaintiff received the decision to hold the file without processing. The appeal shall be lodged in a standard complaint in the relevant Prosecutor’s office. The un-processed file shall then be immediately submitted by the representative of the Prosecutors’ office of the Court of First Instance to the General Prosecutor.

If correct reasons for the appeal are found, the General Prosecutor shall instruct the Prosecutor to proceed. The instruction shall be in writing. In all other cases, the General Prosecutor will affirm the decision of the Prosecutor as a valid decision. The General Prosecutor shall inform the plaintiff of his decision of affirmation.

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<tr>
<th>43</th>
<th>Criminal Proceedings</th>
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<tr>
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<td>Criminal proceedings can be conducted through:</td>
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<td>- the opening of judicial investigation;</td>
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<td>- a citation; or</td>
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<td>- the procedure of immediate appearance.</td>
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<tr>
<th>44</th>
<th>Opening of Judicial Investigation</th>
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<tbody>
<tr>
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<td>In the case of a felony, the Prosecutor shall open a judicial investigation. The judicial investigation shall be based upon the initial submission provided to the investigating judge. The judicial investigation may be opened against identified or unidentified individuals.</td>
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<td>The initial submission (to be prepared by the Prosecutor) includes:</td>
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<td>- A summary of the facts;</td>
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<td>- A legal qualification of the facts;</td>
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<td>- The indication of relevant provisions of the criminal law and sanction for offence;</td>
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<td>- The name (s) of the suspect, if known.</td>
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The initial submission shall be dated and signed. These formalities shall be strictly complied with or the initial submission shall be void.

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<td><strong>46</strong></td>
<td><strong>Citations</strong></td>
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<tr>
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<td>A citation is an order made to the accused to appear before the Court of First Instance. A citation shall include:</td>
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<td>- The identity of the accused;</td>
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<tr>
<td></td>
<td>- A summary of the facts;</td>
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<td>- A legal qualification of the facts;</td>
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<tr>
<td></td>
<td>- The indication of relevant provisions of the criminal law and sanction for the offence.</td>
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<td>A citation shall include the relevant court, its location, and the date and time of trial. The citation shall specify that the accused may be defended by a lawyer.</td>
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<tr>
<td><strong>47</strong></td>
<td><strong>Immediate Appearance</strong></td>
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<td>Prosecutors may order the accused to appear before the Court of First Instance immediately if all of the following requirements are satisfied:</td>
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<td>- The offence is flagrant in accordance with Articles 86 (Definition of Flagrant Felony or Misdemeanor) and 88 (Flagrant Felony or Misdemeanor) of this Code.</td>
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<td>- The offence carries a sentence of imprisonment for not less one year and not greater than five years;</td>
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<td>- The accused reaches a legal age; and</td>
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<td>- There are substantial facts to be tried.</td>
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<td><strong>124</strong></td>
<td><strong>Introductory Submissions</strong></td>
</tr>
<tr>
<td></td>
<td>In compliance with Article 44 (Commencement of Judicial Investigation) of this Code, a judicial investigation is opened by the introductory submission of the Royal Prosecutor.</td>
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| | As provided in the Article 44 (Commencement of Judicial Investigation), paragraph 2, a judicial investigation can be opened against one or more persons whose names are specified in the introductory
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<th>Number</th>
<th>Article/Section</th>
<th>Description</th>
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<td>127</td>
<td>Investigation of Inculpatory and Exculpatory Evidence</td>
<td>An investigating judge, in accordance with the law, performs all investigations that he deems useful to ascertaining the truth. An investigating judge has the obligation to collect inculpatory as well as exculpatory evidence.</td>
</tr>
<tr>
<td>56</td>
<td>Missions of Judicial Police</td>
<td>The judicial police perform their duties in support of the judicial body. The judicial police have the duty to examine felonies, misdemeanors and petty offences, to identify and arrest offenders and to collect evidence.</td>
</tr>
<tr>
<td>58</td>
<td>Coordination of Judicial Police</td>
<td>The Royal Prosecutor supervises and coordinates the activities of all judicial police officers and judicial police agents. He has authority over government officials and other public agents as stated in Article 82 (Accreditation of other Government Officials and Public Agents) of this Code when they perform the functions as judicial police. When enforcing rogatory letters, judicial police officers are under the authority of the investigating judge.</td>
</tr>
<tr>
<td>64</td>
<td>Disciplinary Procedure</td>
<td>All cases in which a judicial police officer has committed misconduct during the performance of his duty shall be reported by the Royal Prosecutor or the investigating judge to the General Prosecutor attached to the Court of Appeal. Depending on the circumstances, the General</td>
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</table>
Prosecutor attached to the Court of Appeal notifies the Minister of Interior or the Minister of National Defense in order to take disciplinary action. The General Prosecutor attached to the Court of Appeal shall be informed about the results of the disciplinary action.

| 65  | Disciplinary Sanctions | Any disciplinary sanction imposed by the Minister of Interior or the Minister of National Defense shall not be an obstacle to criminal action, provided that a criminal offence has been committed by the respective officer.

When a judicial police officer commits an offence during the performance of his duty, the Supreme Court may decide to withdraw the concerned case file from the investigating judge or trial judge in charge and delegate the investigation or trial to another jurisdiction in order to ensure the good administration of justice. The concerned units shall be immediately informed of that decision.

The necessary application for such withdrawal of power shall be made by the Royal Prosecutor.

| 66  | Prohibition of Judicial Police Officers | When the General Prosecutor attached to the Court of Appeal finds that the seriousness of the misconduct committed by any judicial police officer is incompatible with the performance of his duty, he is entitled to take the following measures:

1. To prohibit the judicial police officer concerned from performing his duty for a limited period not exceeding five years;

2. To permanently prohibit the judicial police officer concerned from performing his duty as judicial police officer.

Before making the above decision, the General Prosecutor shall invite that judicial police officer and record his comments. That officer is entitled to have his own lawyer or counselor.

The decision to prohibit a judicial police officer from performing his duty shall explain the reasons.
| 70 | Orders of Judicial Authorities | In performing their mission, judicial police officers receive or ask for orders only from judicial authorities. |
| 71 | Records of Offences | Judicial police officers receive complaints or denunciations. The judicial police officers examine offences. Judicial police officers undertake flagrant enquiry or police preliminary enquiry under the conditions stipulated in Article 84 (Different Investigative Powers of Judicial Police Officers) through to Article |

 Depending on the nature of each case, the Minister of Interior or the Minister of National Defense shall be notified of such decision.

The decision is subject to appeal to the Minister of Justice. In such a case, the Minister of Justice may reject the decision of the General Prosecutor or reduce the duration of prohibition determined by the General Prosecutor. The Ministry in charge of the prohibited judicial police officer may make its submission to the Minister of Justice.

The prohibited judicial police officer shall make his appeal with explanation of reasons within fifteen days from the date on which he received the notification of prohibition.

The Minister of Justice shall make decision on the above-mentioned appeal within one month at the latest from receipt of the appeal. The decision of the Minister of Justice shall be final and definitive.

During the appeal period and the period pending a decision on the appeal by the Minister of Justice, the prohibited judicial police officer is not allowed to perform his duty as judicial police officer. He may resume the duty after the Minister of Justice rejects the decision of the General Prosecutor to prohibit him or to reduce the duration of prohibition.

Any acts performed by a prohibited judicial police officer in violation of the prohibition by the General Prosecutor shall be null.
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<th><strong>Police Records</strong></th>
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<td>Every complaint received by judicial police officers requires the establishment of a written record. The record shall appropriately mention the allegations of the complainant. If necessary, judicial police officers can find a language interpreter/translator who shall swear according to his belief or religion that he will translate the written record accurately. In any case, the interpreter/translator cannot be chosen from among the judicial police or military police participating in the operation.</td>
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<td>The record of the complaint shall mention the following:</td>
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<td>– The names and status of the judicial police officers;</td>
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<td>– The units of the judicial police officers;</td>
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<td></td>
<td>– The date.</td>
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<td>Each page shall be signed by a judicial police officer and by the complainant.</td>
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<td></td>
<td>Parts struck out, added or referenced shall be certified by the signature of the judicial police officer and by complainant in the margin of the page.</td>
</tr>
<tr>
<td></td>
<td>Before being signed or thumb-printed, the complainant shall read the record once again. If necessary, the judicial police officer shall read the content of the record aloud.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th><strong>73</strong></th>
<th><strong>Complaint Registry</strong></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>All units of judicial police shall maintain a complaint registry. Whenever there is a complaint, a judicial police officer shall record the following in the registry:</td>
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<tr>
<td></td>
<td>– Identity of the complainant;</td>
</tr>
<tr>
<td>74</td>
<td>Actions Taken after Receipt of Complaints</td>
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<td></td>
<td>A judicial police officer who receives a complaint shall either immediately initiate a police inquiry or send the record of the complaint to the Prosecutor who will make a decision on how to proceed.</td>
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<tr>
<td></td>
<td>Before initiating a police inquiry, the judicial police officer may ask for advice from the Prosecutor.</td>
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<td></td>
<td>When receiving a denunciation which is not manifestly unfounded, the judicial police officer shall inform the Prosecutor and request for his advice.</td>
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<table>
<thead>
<tr>
<th>75</th>
<th>Abuse of Judicial Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In any case, the judicial police officer cannot keep a case from being acted upon neither if the victim revokes the complaint nor if there has been a negotiated settlement between the offender and the victim or the withdrawal of the complaint.</td>
</tr>
<tr>
<td></td>
<td>A judicial police officer who intentionally holds back a written record or evidence or conceals the existence of such record or evidence from the judicial authority commits an offence punishable pursuant to the provisions of the Criminal Code, as foreseen in the chapter relating to search for evidence.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>84</th>
<th>Different Investigative Powers of Judicial Police Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The authority delegated to judicial police officers varies according to whether the investigation of a <em>flagrant delicto</em> or a preliminary investigation is taking place.</td>
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<tr>
<td>No.</td>
<td>Section Title</td>
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<tr>
<td>87</td>
<td>Arrest of Offenders in Flagrant Felony or Misdemeanor Cases</td>
</tr>
</tbody>
</table>
| 89  | Preliminary Measures in Flagrant Felonies or Misdemeanors | In the case of a flagrant felony or misdemeanor, the judicial police officer shall immediately inform the Royal Prosecutor.  
The judicial police officer shall visit the site to establish the necessary facts. Judicial police officers shall protect evidence from disappearing. Judicial police officers may order any persons on the site not to leave until the police operations are completed.  
If the Royal Prosecutor considers it useful, he may go to the site to supervise the inquiry.  
In urgent cases, in compliance with Article 68 (Extension of Territorial Authority) of this Code, the Royal Prosecutor may authorise judicial police officers to operate in any territory of the entire country. |
| 107 | Submission of Police Report to Prosecutor | After the inquiry, the judicial police officer shall send all written records and all exhibits to the Prosecutor.  
If an arrested person is handed over to the Royal Prosecutor, the written records and exhibits shall be sent to the Royal Prosecutor at the same time. |
| 111 | Commencement of Preliminary Inquiry (ផ្ទះព្រះបិរជាជនាក្នុងសារឈ្មោះ) | When judicial police officers have knowledge of acts which may be qualified as felony, misdemeanor or petty offence, they may conduct a preliminary inquiry at their discretion or upon the request of a Prosecutor. |
| 114 | Order to Appear – Preliminary Inquiry | Judicial police officers may summons and interrogate any person who is suspected of the commission of an offence or who may provide relevant information on the matter.  
The person who is summoned must appear. In case of refusal to appear as summoned, the judicial police officer shall notify the Prosecutor who may issue an order to appear. The order to appear shall state the identity of relevant person. It shall be dated, signed and sealed by the Prosecutor. |
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<thead>
<tr>
<th></th>
<th></th>
<th>The order to appear allows the judicial police officer to call for police force to compel such person to appear before him.</th>
</tr>
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<tbody>
<tr>
<td>116</td>
<td>Police Custody of Suspect</td>
<td>The provisions of Chapters 3 and 4 of this Title 2 of the book on police custody and handing-over of an arrested person shall apply if the preliminary inquiry related to a felony or misdemeanor.</td>
</tr>
</tbody>
</table>
| 40 | Processing of Criminal Proceedings | The Royal Prosecutor shall consider written complaints and protests that have been received by him or that have been directly submitted by judicial police officers.  
He can decide to either hold a file without processing or to conduct proceedings against the offenders. Before making the decision, a Prosecutor can conduct preliminary investigations or order supplemental investigations.  
In case of a serious offence, the Prosecutor shall make a report on the case to the General Prosecutor attached to the Court of Appeal who also shall submit that report to the Minister of Justice. |
| 41 | File without Processing | In the case that the complaint is filed without processing, the Prosecutor shall inform the plaintiff about that decision within the shortest possible period, in any case of not more than two months starting from date of the registration of the complaint as provided for in Article 50 (Registry of Complaints) of this Code.  

Filing the case without processing shall be based on grounds of law and fact. Filing without processing does not have the effect of *res judicata*.  
The Prosecutor may always change his decision as long as the criminal action has not been extinguished.  
If the plaintiff is not satisfied with the Prosecutor’s decision to hold the file without processing, the plaintiff may appeal that decision to the General Prosecutor attached to the Court of Appeal. |
The appeal shall be lodged within two months, commencing from the date on which the plaintiff received the decision to hold the file without processing. The appeal shall be lodged in a standard complaint in the relevant Prosecutor’s office. The un-processed file shall then be immediately submitted by the representative of the Prosecutors’ office of the Court of First Instance to the General Prosecutor.

If correct reasons for the appeal are found, the General Prosecutor shall instruct the Prosecutor to proceed. The instruction shall be in writing. In all other cases, the General Prosecutor will affirm the decision of the Prosecutor as a valid decision. The General Prosecutor shall inform the plaintiff of his decision of affirmation.

| 43 | Criminal Proceedings | Criminal proceedings can be conducted through:
- the opening of judicial investigation;
- a citation; or
- the procedure of immediate appearance.

| 44 | Opening of Judicial Investigation | In the case of a felony, the Prosecutor shall open a judicial investigation. The judicial investigation shall be based upon the initial submission provided to the investigating judge. The judicial investigation may be opened against identified or unidentified individuals. The initial submission (to be prepared by the Prosecutor) includes:
- A summary of the facts;
- A legal qualification of the facts;
- The indication of relevant provisions of the criminal law and sanction for offence;
- The name (s) of the suspect, if known.

The initial submission shall be dated and signed.
These formalities shall be strictly complied with or the initial submission shall be void.

<p>| 122 | Commencement of Judicial Investigation | A judicial investigation is mandatory for a felony; however it is optional for a misdemeanor. |</p>
<table>
<thead>
<tr>
<th>Page</th>
<th>Section</th>
<th>Text</th>
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<tbody>
<tr>
<td>124</td>
<td>Introductory Submissions</td>
<td>In compliance with Article 44 (Commencement of Judicial Investigation) of this Code, a judicial investigation is opened by the introductory submission of the Royal Prosecutor. As provided in the Article 44 (Commencement of Judicial Investigation), paragraph 2, a judicial investigation can be opened against one or more persons whose names are specified in the introductory submission or against unidentified persons. An investigating judge may not conduct any investigative acts in the absence of an introductory submission. When an investigative judge receives a complaint with an application to become a civil party, the investigating judge shall follow the procedures stated in Articles 139 (Delivery of Request to Prosecutor) and 140 (Payment of Deposits). After receiving a normal complaint, an investigating judge shall forward it to the Royal Prosecutor.</td>
</tr>
<tr>
<td>126</td>
<td>Placing Suspect under Judicial Investigation</td>
<td>An investigating judge has the power to place any person specified by the introductory submission under judicial investigation. Moreover, an investigating judge may place any person under judicial investigation against whom there is precise and coherent evidence showing that such person is involved in the commission of the offence, even where that person is not indicated in the introductory submission. The investigating judge may place such persons under judicial investigation as perpetrators, instigators or accomplices of the offence.</td>
</tr>
<tr>
<td>127</td>
<td>Investigation of Inculpatory and Exculpatory Evidence</td>
<td>An investigating judge, in accordance with the law, performs all investigations that he deems useful to ascertaining the truth.</td>
</tr>
<tr>
<td>134</td>
<td>Investigative Actions Requested by Civil Party</td>
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<td>At all the times during a judicial investigation, a civil party may request the investigating judge to question him, question witnesses, interrogate the charged person, conduct a confrontation or visit a site. The request shall be in writing with a statement of reasons.</td>
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<td></td>
<td>If the investigating judge does not grant the request, he shall issue a rejection order within one month after receiving the request. The order shall state the reasons. The Prosecutor and the civil party shall be notified of the order without delay.</td>
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<td></td>
<td>If the investigating judge has not decided within one month, the Royal Prosecutor can seize the Investigation Chamber who shall have the power to decide in the place of the investigating judge.</td>
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<tr>
<th>137</th>
<th>Civil Party Application by Way of Intervention</th>
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<tbody>
<tr>
<td></td>
<td>After the opening of a judicial investigation any persons who claim to be victims of an offence may, at any time, file a request to become civil party to the investigating judge.</td>
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<td></td>
<td>No specific form shall be required for the request to become civil party by way of intervention.</td>
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<td></td>
<td>When a civil party’s request has been made in writing, the request shall be attached to the case file. When the request is made orally the investigating judge shall establish a written record of it.</td>
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<td>The investigating judge shall notify the Prosecutor and the charged person about the civil party application.</td>
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<tr>
<th>150</th>
<th>Interview of Civil Party</th>
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<td>A civil party may be assisted by a lawyer.</td>
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<td>In this case, the investigating judge shall summons the lawyer of the civil party at least 5 days before the interview. During that period, the lawyer may examine the case file.</td>
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<td>A civil party may be interviewed only in the presence of his lawyer. However, if the lawyer was properly summoned but does not show up on the specified date and time, the investigating judge may interview the civil party without the presence of his lawyer. The absence of the lawyer shall be noted in</td>
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<tr>
<td>151</td>
<td>Questioning with Authorization of Investigating Judge</td>
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<td>During the interviews, the Royal Prosecutor and the lawyers may ask questions with the authorization of the investigating judge. In cases where authorization is refused, this shall be noted in the written record.</td>
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<tr>
<th>153</th>
<th>Interview of Witnesses</th>
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<tbody>
<tr>
<td></td>
<td>The investigating judge may question any person whose response is deemed useful to the revelation of the truth.</td>
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<td></td>
<td>The investigating judge questions witnesses separately, without any presence of the charged person and any civil party. The investigating judge may also arrange a confrontation between the charged person, civil parties and witnesses.</td>
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<td></td>
<td>Any person who has been summoned by the investigating judge as a witness must appear.</td>
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<tr>
<td></td>
<td>In the case of refusal to appear, the investigating judge may ask the public police force to force the witness to appear. The investigating judge issues an order to appear. This order to appear shall include the identity of the witness and shall be dated and signed by the investigating judge and sealed.</td>
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<thead>
<tr>
<th>162</th>
<th>Necessity of Expert Reports</th>
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<tbody>
<tr>
<td></td>
<td>In case of technical questions, the investigating judge may issue an order to ask for an expert report either on his own motion or at the request of the Royal Prosecutor, the charged person or a civil party.</td>
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<tr>
<td></td>
<td>Where the investigating judge denies a request for an expert report, his decision shall be supported by</td>
</tr>
</tbody>
</table>
A justification. The order shall be made within five days if the request is from the Prosecutor and within one month if the request is from the charged person or from a civil party. The applicant shall be notified of the decision without delay.

| 187 | Information Stated in Subpoena | A subpoena shall include the following information:
- The identity of the individual cited;
- The charged offence, and the law which defines and punishes the offence;
- The date, time and place to appear before the investigating judge;
- The name and position of the judge who issued the subpoena.

A subpoena shall be dated, signed and sealed by the investigating judge.

| 190 | Order to Bring | An order to bring is an order to public forces to arrest and bring a person before the investigating judge.

An order to bring may be issued against a charged person or any person against whom there is evidence of guilt.

| 246 | Final submission of royal prosecutor | When an investigating judge considers that the judicial investigation is terminated, he shall notify the Royal Prosecutor, the charged person, the civil parties and the lawyers.

Two days later, the investigating judge sends the case file to the Royal Prosecutor for examination.

If the Prosecutor considers that further investigative measures are necessary, the Royal Prosecutor shall act in compliance with the provisions stated in Article 132 (Investigative Actions requested by Prosecutor) of this Code. |
<table>
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<tr>
<th>247</th>
<th>Closing Order</th>
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<tbody>
<tr>
<td></td>
<td>Within 15 days, if a charged person is detained and within one month if not, the Royal Prosecutor shall return the case file to the investigating judge together with his final submission. This time period shall be calculated from the date the Prosecutor receives the case file. The Prosecutor will issue a written final submission with a statement of reasons if he agrees with the investigating judge that the judicial investigation is terminated. The Prosecutor may request the investigating judge to issue an indictment against the charged person or to issue a non-suit order.</td>
</tr>
<tr>
<td>250</td>
<td>Forwarding Case File for Trial</td>
</tr>
<tr>
<td></td>
<td>An investigating judge terminates the judicial investigation by a closing order. This order may be an indictment or a non-suit order. If the judge considers that the facts constitute a felony, a misdemeanor or a petty offence, he shall decide to indict the charged person before the trial court. The order shall state the facts being charged and their legal qualification. The investigating judge shall issue a non-suit order in the following circumstances: 1. The facts do not constitute a felony, misdemeanor or petty offence; 2. The perpetrators of the committed acts remain unidentified. 3. There is insufficient evidence for a conviction of the charged person. A closing order shall always be supported by a statement of reasons. The investigating judge is not obliged to conform with the final submission of the Prosecutor. The order may combine an indictment for certain facts and a non-suit order for other facts. The Royal Prosecutor, the charged person and the civil parties shall be informed of a closing order without delay.</td>
</tr>
<tr>
<td>316</td>
<td>Public Nature of Trial Hearing and Confidentiality</td>
</tr>
<tr>
<td></td>
<td>Trial hearings shall be conducted in public.</td>
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</table>
However, the court may order a complete or partial in-camera hearing, if it considers that a public hearing will cause a significant danger to the public order or morality. The court shall decide by a written decision separate from the judgment on the merits or by a special section within the judgment on the merits.

The decision of the court to hold an in-camera hearing is not subject to appeal.

<table>
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<tr>
<th>317</th>
<th>Announcement of Judgment</th>
<th>In all cases, the court shall announce the judgment during a public session.</th>
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<tbody>
<tr>
<td>347</td>
<td>Announcement of Judgment</td>
<td>The judgment is issued at the hearing date or in a subsequent session. In the latter case, the presiding judge shall inform the parties of the date of the announcement.</td>
</tr>
<tr>
<td>355</td>
<td>Judgment on Civil Remedy</td>
<td>In the criminal judgment, the court shall also decide upon civil remedies. The court shall determine the admissibility of the civil party application and also decide on the claims of the civil party against the accused and civil defendants. If a judgment for remedies in the civil matter cannot yet be made, the court may attribute a tentative amount of compensation and adjourn the final decision to a subsequent hearing. Persons who are found liable for the same offence shall have joint liability for compensation of damages.</td>
</tr>
</tbody>
</table>
| 375 | Persons Entitled to Make Appeals | An appeal may be filed by:  
- the Royal Prosecutor of the Court of First Instance and the General Prosecutor attached to a Court of Appeal;  
- the convicted person;  
- the civil party, regarding the civil matter of the case;  
- the civil defendant, regarding the civil matter of the case. |
### Royal Decree

<table>
<thead>
<tr>
<th>SN/Roy. Kr. /0201/036 (2001). Royal Decree (Preah Reach Kret) On Creation of Cambodian National Council for Women</th>
<th>CNCW has duties as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Assisting the Royal Government to coordinate, follow up, evaluate the implementation and provide recommendation in the purpose of supporting and promoting the implementation of policy, laws, orders, and measures relating to the upgrading of status, roles, and social welfare of Cambodian Women.</td>
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</tr>
<tr>
<td>- Assisting the Royal Government in following up the implementation of international treaties concerning the rights of women and promote the implementation of the Law on Suppression of Abduction, Human Trafficking and Exploitation of Human beings, and on the provisions of laws concerning the status of women in order to provide recommendation or to propose the amendment according to the actual case to enhance the status of women.</td>
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</tr>
<tr>
<td>- Examine and provide opinion on national reports relating to the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and on the status of women to the Royal Government for decision and for submission to the United Nations.</td>
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<tr>
<td>- Prepare the annual reports on activities performed by Cambodian National Council for Women, for submission to the Royal Government.</td>
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<tr>
<td>- Examine and decide on the Internal Regulation of CNCW.</td>
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<tr>
<td>- Undertake other duties following the proposals of the Royal Government.</td>
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<thead>
<tr>
<th>NS/RKM/ 0301/05 (2001). Law on Commune/Sangkat Administrative Management</th>
<th>Article 42:</th>
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<tbody>
<tr>
<td>A Commune/Sangkat shall have two types of functions as followed:</td>
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<tr>
<td>- The function to serve local affairs for the interests of Commune/Sangkat and of citizens in its Commune/Sangkat.</td>
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<tr>
<td>- The agency function representing the State under designation or delegation of power of the State authority.</td>
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<thead>
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<th></th>
<th>Article 43:</th>
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<tr>
<td>Within the roles of serving local affairs, Commune/Sangkat administration shall perform the following duties:</td>
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<td>- Maintain security and public order;</td>
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</table>
- Manage necessary public services that these services work well;
- Encourage the creation of contentment and well-being of the citizens;
- Promote social and economic development and upgrade the living standard of the citizens;
- Protect and preserve the environment and natural resources;
- Reconcile people's concepts for the sake of mutual understanding and tolerance.
- Perform general affairs to respond to people's needs.

**Article 44:**

Within the agency function representing the State, a Commune/Sangkat administration shall perform in compliance with laws, Royal decrees, sub-decrees, proclamations and other legal instruments concerned. In this case, the State Authority may delegate powers to Commune/Sangkats together with capacity building, ways and means, materials and budget for work performance. The above delegation of power shall be applied to the Commune/Sangkat Council as a whole only.

**Article 45:**

A Commune/Sangkat Council shall have no power with the following affairs:

- Forestry,
- Postal and telecommunication services;
- National defense;
- National security;
- Monetary;
- Foreign;
- Fiscal tax policy; and
- Other areas as provided in laws or legal instruments concerned.

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**Policy, Prakas, or Circular**

<table>
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<tr>
<th>Article 8: Violence and Indecent Acts</th>
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<tr>
<td>Any individual person cannot commit violence or indecent act against entertainment worker.</td>
</tr>
</tbody>
</table>
The Prakas refer only to entertainment service enterprises, establishment and companies. It does not mention about garment factory. Although, it is stated in the Article 8 that “Any individual person cannot commit violence or indecent act against entertainment worker,” the term violence and indecent act are not specified and sexual harassment is not covered.

Aiming at strengthening safety for citizens by reducing all type of crimes in local village commune/Sangkat in order to permit the process of economic development social affairs, the policy states that authorities from all sectors in the rank government, political parties, non-governmental organizations, private sector, and every citizen should work collaboratively as total combined forces to ensure safety of commune/ Sangkat. The Policy set the following criteria for safety village, commune/Sangkat:

1. No all kinds of stealing, snatching,rubbery  
2. No producing and dealing illegal drug  
3. No prostitute women and children trafficking and domestic violence  
4. No gangster No illegal game, using illegal weapon and crimes  
5. No traffic accidents  
6. No dangers from un-exploded ordnance (UXOs)  
7. Effective prevention and responses to natural disasters  
8. No illegal check points

Note: Sexual harassment is not included, actions are specifically pointed out only to local authorities.

The major roles and responsibilities of the Commune Sangkat (C/S) Committee for Women and Children are as follow: 
- Prepare an annual work plan and budget for the Committee and submit to the C/S Council for approval;  
- Provide advice and assist the C/S Council and the C/S chief on the tasks related to women and children in C/S;  
- Raise awareness on laws and other policies related to women and children’s rights to the people in the C/S and to
<table>
<thead>
<tr>
<th>Prakas on the establishment and Function of the women’s and children consultative committees (WCCC) at capital councils, provincial councils, municipal councils, district councils and Khan councils</th>
<th>Article 7. PWCC and DWCCC have the following duties:</th>
</tr>
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<tbody>
<tr>
<td>mobilise the respective communities on health, education, protection and child development including registration of newborn babies and children;</td>
<td>- Participate in the development of a strategic vision for development in the jurisdiction of the council, and the achievement of gender equality and the provision of services with regard to women, youth, and children;</td>
</tr>
<tr>
<td>Advocate for women to participate in decision making relating to the development of the C/S;</td>
<td>- Collect and analyze information and data related to the achievement of gender equality and issues and needs of women and children and integrate this information into the councils five year development plans and the three year rolling investment program;</td>
</tr>
<tr>
<td>Increase and strengthen communication, collaboration and coordination among C/S Councils, service providers and villagers that implement activities to help women and children in the C/S;</td>
<td>- Prepare its workplan and annual budget and to incorporate them into the workplan and budget of the council;</td>
</tr>
<tr>
<td>Assist C/S Councils to collect, analyse information and data related to issues and needs of women and children and integrate this information into the CDP and the CIP;</td>
<td>- Participate in the formulation, monitoring and evaluation of the annual workplan and budget of the council in order to promote gender equality and to address issues concerning women, youth, and children;</td>
</tr>
<tr>
<td>Participate in the implementation, monitoring and evaluation of the C/S work plan related to women and children;</td>
<td>- Provide recommendation and advocate for action to the councils, and through the council to the board of governors, and other committees of the councils, on issues related to gender equality and women and children within the jurisdiction of the council;</td>
</tr>
<tr>
<td>Monitor the situation of women and children in the C/S and report regularly to the C/S Council and include this information in the C/S reports.</td>
<td>- Cooperate and provide support to the WCCCs of the other councils in resolving and problems or requests which cannot be addressed by those committees in performing their functions;</td>
</tr>
<tr>
<td>The C/S Chief, who is the Chairperson of the Committee, is responsible to C/S Council. The Committee shall coordinate and collaborate closely with social service providers, village volunteers, and the communities in C/S to fulfill the above roles and responsibilities effectively.</td>
<td>- Provide suggestions and recommendations to the councils or boards of governors on appropriate measures to be</td>
</tr>
</tbody>
</table>
taken by competent authorities and citizens to resolve issues and prevent harm related to women, youth and children;
- Seek and receive information related to the work of the WCCC;
- Promote understanding of laws and policies related to gender equality and women and children issues in the jurisdiction of the councils;
- Promote information collection by the communities on what happens regularly regarding related to gender equality and women and children in order to take necessary measures or a response;
- Advocate for women to participate in decision making related to development within the councils’s jurisdiction;
- Provide suggestions and recommendations to promote communication, collaboration and coordination between different categories of councils, departments, units, service providers, NGOs, volunteer groups and communities to ensure activities are implemented to help women, youth and children;
- Monitor the implementation of policies on gender equality and the situation of women, youth and children, especially to identify disparities in access to services, and recommend means for addressing disparities;
- Report on regular basis to the council on gender equality, women’s empowerment and issues involving youth and children;
- Support all efforts to mobilise funds for work within the councils’ jurisdiction; and
- Perform other duties as assigned by the council.

Article 6: The WCCC, through the council, has the authority to invite chairperson(s) or representative(s) of the committees of the capital council, provincial councils, municipal councils, districts councils, Khan councils, and commune councils ad Sangkat councils, directors of departments, units and youth and children groups related to women, youth and children affairs or other relevant persons to participate in meetings and to provide relevant information to this committees.

<table>
<thead>
<tr>
<th>MoWA Prakas No. 072 KKN/BS dated 07 September 2007</th>
<th>The role and authority of JPO-MoWA is defined as follows:</th>
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<tbody>
<tr>
<td></td>
<td>1. Representing as a plaintiff for victim;</td>
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<tr>
<td></td>
<td>2. Making reports and records;</td>
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</tbody>
</table>
3. Monitoring and following up with investigating measures; and
4. Following up Court’s procedures (decisions and convictions).

No elaboration/guidelines regarding how JPO-MoWA can do in each duty above.

| MoJ & MoWA (2007). Inter-ministerial prakas No. 64 BrKKYKKN/07 on Appointing Judicial Police Officers of the Ministry of Women’s Affairs | Article 1: The following civil servants of the General Department of Social Development, the Department of Legal Protection and the Provincial/Municipal Departments of Women’s Affairs are recognised of having rehabilitated as Judicial Police Officers:
- One Director General of the General Department of Social Development
- Two deputies Director general of the general Department of Social Development
- One Director of the Department of Legal Protection
- Two Deputies Director of the Department of Legal Protection
- Two Chief of Offices of the Department of Legal Protection
- Four Deputy Chief of Offices of the Department of Legal Protection
- Three Officials of the Legal Office of the Department of Legal Protection
- All Twenty Four Director of the Provincial/Capital Departments of Women’s Affairs
- All Twenty Four Deputy Director of the Provincial/Capital Departments of Women’s Affairs
- Twenty Four Chief of the Provincial/Capital Offices of Women’s Affairs
- Twenty Four Deputy Chief of the Provincial/Capital Offices of Women’s Affairs. |

**Article 3:** The judicial police officers shall perform their functions and duties in accordance with the Code of Criminal Procedures.

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**Guidelines**

| MoWA (2014). The GUIDELINES FOR LEGAL | Under the Five Year Strategic Plan 2009-2013 Neary Ratanak III, the Ministry of Women’s Affairs of Cambodia strives to put into place administrative mechanisms and guidelines for effective implementation of the aforementioned laws to protect |
women and children’s rights, and especially to address cases of domestic violence, rape, sexual harassment at the work place, trafficking, sexual and labour exploitation.

In the guidelines, MoWA realises that domestic violence, rape, human trafficking (sexual exploitation and labour exploitation), and sexual harassment at work are the common violence against women in Cambodia.

**National Plan of Action**

**Political Platform of the Royal Government of Cambodia of the Fifth Legislature of the National Assembly (2013).**

**Part 4: Development of Education, Health, Labor, Culture and Social Affairs, the Royal Government will focus on the following priorities: 4.6. Women, Children and Soldiers**

- Reinforcing the status and role of women in the society by way of: enhancing morality and status of Khmer women; eliminating views and practices that degrade women’s role in the society; and encouraging broader and more active contribution from women in national development and protection.
- Advancing further gender equity through efforts to uplift women’s courage and willingness to participate in the economy in the form of: promoting vocational training and creating opportunities for them to run and expand their own business; increasing revenue and reinforcing entrepreneurship initiatives; and increasing access to education for women and female children; especially at secondary high school and higher education level.
- Expanding access to quality health services for women and female children, in rural areas.
- Promoting Education on social morality and value of Khmer women and families to streamline the anti-violence culture and bring about happiness to family and communities.
- Strengthening the implementation of the Law on the Preventions of Domestic Violence and the Promotion of Victims and the Law on the Suppression of Human Trafficking and Sexual Exploitation, especially the implementation of the National Action Plan on the Prevention of Violence against Women to eliminate Violence against the women.

**Rectangular Strategy for Growth, Employment, Equity and Efficiency Phase III of the Royal Government of Cambodia of the fifth Legislature of the National Assembly (2013)**

**Side 4: Enhanced Implementation of Population Policy and Gender Equity**

**129.** The strategic objective of the RGC of the Fourth Legislature was to strengthen the quality of people, improve the status of women who are the backbone of national economy and society, and to transform youth to become an important driving force for development in every sector.
130. In meeting this objective, the Royal Government has achieved remarkable progress including enhancing the quality and living conditions of the people as reflected in significant improvement in social and economic indicators in education, technical and vocational training, health and employment.

Specifically, in improving women’s status, the Royal Government implemented the “Neary Rattanak Strategic Plan III” stressing provision of expanded opportunities for women to develop their professional and knowledge capacity according to labor market requirements while easing the access to small and medium sized enterprise credit for female entrepreneurs. In education, the RGC has narrowed gender gaps at all levels through increasing the number of scholarships provided to students from poor families, particularly female students; educational institutions serving local communities; and dormitories for female students. In the health sector, the RGC has increased access to health services and nutrition for women and children that resulted in significant reduction in maternal and child mortality rates. In the public sector, the proportion of female civil servants reached 35% in 2012; country wide 218 women were appointed as deputy governors of capital, provinces, municipalities, districts, and khans, one as deputy prime minister, two as ministers, and 54 as secretaries and undersecretaries of state. Female parliamentarians accounted for 22% and one as vice president. The proportion of women elected as members of commune/district councils doubled from 8% in 2002 to 18% in 2012. In preventing violence against women and promoting morality in society and Khmer women and family values, the Royal Government has vigorously implemented the Law Against Domestic Violence and Victim Protection, the Law Against Human Trafficking and Sexual Exploitation, and the First National Action Plan on Preventing Violence Against Women.

As regards the youth, the Royal Government introduced the “National Policy on Cambodian Youth Development” aimed at developing knowledge, knowhow, health, physical fitness and morality in youth to become potential “human capital” and provide them with opportunities to participate in decision making activities at all levels including at family, community and national levels. The youth have played a significant role in social work through Scout Movement, Red Cross Youth and Voluntary Youth to implement the “Old Policy-New Action” and other youth movements for promoting national culture, traditions and environmental protection.

131. Cambodia’s challenges in this strategic area include: (1) the necessity to manage the mobility of people and urbanization; (2) harnessing opportunities stemming from the demographic dividend arising from the share of youth less than 25 years old being about 50% of total population; and (3) the necessity to further improve the status of women who are the backbone of Cambodian society and economy.

132. To meet these challenges, the Royal Government of the Fifth Legislature will pay attention to further
strengthening the management of the demographic dynamic, aimed at enhancing the quality of human capital, a key factor determining the country’s long term competitive-ness, and benefit from and capitalise on Cambodia’s demographic dividend to the fullest for promoting sustainable economic growth, progress and prosperity.

133. To meet this objective the Royal Government will focus on the following priorities:

1. Developing a policy to manage the movement of people within the country in consonance with the implementation of strengthened land management and urban planning policies and focusing on: (1) Development of Phnom Penh, and other key economic poles, satellite cities and urban areas of the country while making efforts to create jobs in these communities; and (2) Linking satellite cities and urban areas with important economic poles and centers to form economic corridors.

2. Further developing human resources with focus on strength-ening quality, ability and work ethic standards through implementing a variety of interconnected measures in related sectors such as education, research, science, technology, technical and vocational training, and health.

3. Promoting the role of women and youth in the economy through strengthening vocational training programs; equipping them with technical and entrepreneurial skills and empowering women and youth.

4. Promoting the role of women in the public sector through increasing the gender ratio in line ministry management and strengthening their ability to pursue leadership both at management and technical levels.

5. Promoting the implementation of “National Action Plan to Prevent Violence Against Women” aimed at eliminating violence against women and nurturing the culture of non-violence to contribute to enhancing morality in society, status of Khmer women and family values as well as building a happy family, harmonised community and society.

6. Further strengthening law enforcement to be more effective in measures against human trafficking and sexual exploitation of women and children.

7. Further promoting welfare and rights of children as stipulated in the International Convention on Children’s Rights including their right to life, development, protection, and participation.

8. Continuing to pay attention to creating favorable conditions for youth to become worthy successors of the present generation and enable their participation in leadership and socio-economic development and protection of society’s achievements, through gradually implementing steps to promote youth to take up more responsibility for development management at all levels.

9. Further mainstreaming gender in government initiatives and responding to the needs of youth in national policy and the development plans in all sectors and at every level.