



KINGDOM OF CAMBODIA  
NATION RELIGION KING

*LAW*  
*ON*  
*THE PREVENTION OF DOMESTIC*  
*VIOLENCE AND THE PROTECTION OF VICTIMS*

The latest update from the Adoption by the National Assembly  
on 05-09-15

## **CHAPTER 1**

### **General Provision**

#### **Article 1.**

This law has the objective to prevent domestic violence, protect the victims and strengthen the culture of non\_ violence and the harmony within the household in society in the kingdom of Cambodia.

This law is in the purpose to establish a legal mechanism to prevent domestic violence, protect the victim and preserve the harmony within the household in line with the nation's good custom and according with Article 45 of the Constitution of the Kingdom of Cambodia, in addition to the regulation in effect.

## **CHAPTER 2**

### **Scope of the Implementation**

#### **Article 2.**

Domestic violence is referred to the violence that happens and could happen toward:

- 1-Husband or wife
- 2-Dependent child
- 3-persons living under the roof of the house and who are depend of the household

#### **Article 3.**

Domestic violence is require to be prevent in time effectively and efficiently and that it is required to take the most appropriated measure in order to protect the victims or the persona who could be vulnerable.

Violence includes:

- Acts effecting life
- Acts effecting physical integrity
- Sexual aggression

#### **Article 4.**

Acts affecting life include:

- Premeditated homicide
- Intention homicide
- Unintentional homicide result from intentional acts of perpetrators
- Unintentional homicide

#### **Article 5**

Acts effecting physical integrity include:

- Physical abuse with or without using weapons, with getting or not getting wounded
- Tortures or Cruel acts

### **Article 6**

Tortures or Cruel acts includes:

- Harassment causing mental /psychological, emotion intellectual harms to physical person within the household
- Mental /psychological and physical harms exceeding morality and the boundaries of the law

### **Article 7**

Sexual aggression include:

- Violence sex
- Sexual harassment
- Indecent exposure

### **Article 8**

It is also required to prevent threats aiming at frightening, shocking the victim and acts affect individuality and properties of the persons living under roof of the house and who are dependent of the same households.

Every disciplining by giving advice or appropriated measures taken to allow spouse or children persons to follow the good ways of living with dignity and the nation's good custom and traditional, if the disciplining and teaching are conducted with the noble nature (consisting of compassion, pity, joy, at other's happiness and sincerity) and in accordance with the principles of the united Nations Conventions on Human Rights and Child Rights recognize by the kingdom of Cambodia, shall not be included as the use of violence or domestic violence.

## **CHAPTER 3**

### **Authority and Procedures**

### **Article 9**

The nearest authorities in charge have the duty to urgently intervene in case domestic violence occurs or likely to occurs in order to prevent and protect the victims.

During the intervention, the authority in charge shall make a clear record about the incident and report it immediately to the prosecutors in charge.

## **Article 10**

In the purpose to prevent domestic violence and protect the victims, the official of the Ministry of Women's Affair 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 absence of the officials who have already earned the legal qualification as the judiciary police other official in charge including police official police agent, Royal Gendarmerie, local authority in commune /Sangkat, official of the Ministry of Women's affair as well as village chiefs who have intervened to prevent domestic violence and protect the victims shall be empower under this law to make a record to the court.

This record has also the same value as the record made by judiciary police official.

## **Article 12**

In performing their duty, the authority in charge as stated under the above mention Article 9 Article 10 and Article 11 comply with the procedures defined in the provision of this law and the procedures of the penal code in effect.

## **CHAPTER 4**

### **Prevention and Protection of victims**

## **Article 13**

In order to prevent domestic violence which is occurs or is believed to occurs, the authority in charge shall intervene urgently by:

- Seizing the weapons or concrete object that have been used or could use by the perpetrators
- Moving the perpetrators from the scene or moving the victims if there is a request from the victims. In any special case the victims can be removed without a request if there is a necessary reason to do so.
- Official the appropriate assistance to the victims in accordance with their circumstance, especially providing the temporary shelter in which safety can be guaranteed and urgent medical assistance.

- Explaining, educating and mediating both party to stop violence and informing the victims about their rights to prevent as stated in Article 20 and Article 26 of this law.

The perpetrators in this law are referred to the persons who have committed are committing and prepare to commit domestic violence.

In order to protect the victim's security, the authority in charge can issue the administrative decisions in line with Article 43, Article 48 and Article 49 of the law on the Management of Commune Administration and take temporary measure in accordance with the existing law as follow:

- Prohibiting from committing domestic violence by themselves or by other
- Prohibiting from destroying the properties or instructing not to put sale the victims' or the victim' relative joint properties.
- Prohibiting from approaching or entering the house shared together or the place where the victims stay or work without the permission from the victims and the authority in charge.
- Taking other legitimate measure that are necessary to protect the safety of the victims and the household member or the persons involved.

### **Article 15.**

If there is a request for intervention and the occurrence of the Flagrate delicto, the authority in charged have the rights to have access to the scene despite there is no warrant authority by the court, In any case that the official and agents in charge believe with the reasonable ground that domestic violence has occurred during the past period of 48hours, or could occurs during the upcoming period of 24 hours.

During the intervention the authority in charge shall make a clear record about the incident and report it immediately to the prosecutor in charge.

### **Article 16**

Along with the intervention made by the authority in charge, the victims can file a complaint to provincial / municipal court asking for issuing a protection order.

The assigned judges shall issue the protection order with the presence or without the presence of the perpetrators.

### **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 offence that are characterize as felonies or severe misdemeanors.

### **Article 18**

The authorities in charge can arrest the perpetrator who is committing the Flagrate delicto or any perpetrator who is violating the courts' protection order as stated in Article 24 and Article 25 of the law without a necessarily authorize warrant from the court. But beside the two cases any arrest made by the authorities in charge without the authorized from the court shall be prohibited.

In case of complying with the provision of the above mention section 1, the authorities in charge shall make a clear record, file the case and bring the arrested perpetrators to the court immediately during the minimum period defined in the penal procedure code in order to take additional legitimated measures.

### **Article 19**

Any domestic violence, which the criminal offences is characterized as felonies or severe misdemeanors shall be subjected to a criminal suit, despite the violence is already over.

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

## **CHAPTER 5**

### **Authority of the courts**

### **Article 20**

The protection order is the civil measure and has the power to impose order on the perpetrators authority in charge and the person involved in the case.

The protection order can point at all subjects, stated, activities or behavior as imposing to do something or prohibiting from doing something related to

the requirement to protect the victim or any individual who receive the threats of domestic violence.

1-Influential for a while

2- temporarily influential in accordance with the provisions as stated in Article 23 of this law

The Judges in charge have the rights to issue a new protection order in accordance with the concentered situation or any in an appropriated manner.

### Article 21

Only the provincial /municipal court have the authority to issue the protection order in favor of the victims of domestic violence in all cases despite domestic violence occurs repeatedly, as in the civil administrative or criminal cases.

### Article 22

The complain to ask for the protection order from the court can be made by:

1. The victims or representative of the victims or the authorities in charge within the victims' residential areas or official agent who fulfill their work at the scene.
2. Any person who has learned about the incident of domestic violence if the victims are children, mentally retarded person, or the person whom the court believe to be unable to file the complain themselves.

### Article 23.

The complain to ask for the protection order from the courts can be made by :

1. The victims or representative of the victims or the authorities in charge within the victims' residential area or officials, agents who fulfill their work at the scene.
2. Any person who has learned about the incident of domestic violence if the victims are children mentally retarded persons ,or the person whom the court believe to be unable to file the complain themselves.

The protection order consists of two stages:

1. **Stages 1** : It is called the temporary protection order which is effective within a period of 2 (two) months ,issue during te emergency period during which domestic violence occurs immediately

2. **Stages2:** It is called protection order which is effective within a period of 6 (six) months, issued during the period during the court is investigating the case, the trial is not yet conducted or before a final verdict is declared.

#### Article 24

The courts can issue the temporary protection order when received the complain for protection without necessarily questioning the perpetrators, if the temporary measure is necessary to protect the safety and welfare of the victims or to prevent the properties of the victims temporarily before a final is handed down.

#### Article 25.

In issuing the protection order, the court has the rights to define impose an order on the activities of the perpetrators in order to protect the victims as follows:

- Prohibiting from committing domestic violence by themselves or by others
- Prohibiting from approaching or entering the house shared together or the place where the victims stay or work without the permission from the victims and authorities in charge.
- Prohibiting the perpetrators from contacting the victims through any means
- Prohibiting from destroying the properties or arranging to put on sale the victims' or the victims' relative' properties
- Separating the perpetrators or the victims if there is a request from the house shared together is a necessary reason to do so.

The following additional measure can be taken if the courts know that is necessary to protect or provided the safety, health and welfare to the victims:

- Ordering any police or Royal Gendarmerie to preserve personal properties of the victims
- Making a decision on custody of the children and the rights to visit the children by paying the highest attention to the rights and interests of the children.
- Halting the victims' duty of financial support towards the perpetrators.
- Imposing the perpetrators to provide the financial assistance to the victims based on the perpetrators' financial resource.

For the offences that are the mental / psychological or economic affected violence acts and minor misdemeanors or petty crime, reconciliation or mediator can be conducted with the agreement from both parties. The

household member can choose any way by requesting parents, relative, Buddhism monks' elders' village chief and commune councilors to act as the arbitrated to solve the problems in order to prevent the harmony within the household in line with nation's good custom and traditional in accordance with Article 45 of the Constitution of the kingdom of the Cambodia.

### **Article 27**

In accordance with the content of the above mention Article 25 , the court shall try to reconcile the violence disputed parties under condition that it is in response to the wishes of the household member. While reconciling and mediating, the courts shall avoid putting pressure on the party who refuse to go along with each other or forcing any party to reconcile or forcing to come into an agreement without the agreement from the two parties.

### **Article 28**

In cases the violence is related to children, the authority in charge who have role to sever and protect the interests and welfare of the children shall do the follow up of this issue. In severe cases, the authorities in charge shall file a case to the courts. Any responsible person assigned by the court including the prosecutors shall take charge of doing the follow up of the situation of the children and make report about this situation to the courts. The courts can grant a mandate to the institution in charge to seek assistance and support for the victims of domestic violence as well as to protect the safety and welfare of the victims when the court are handing the proceedings. Article 29 Except in emergency case as stated in Article 23, the court shall inform the perpetrators about the request for the protection order in period of not exceeding 5 (five) days before looking into this issue. If the perpetrators do not show up at the courts to clarify about the reasons, the court can examine this issue without the presence of the perpetrators or if it is necessary, the court can take measure in accordance with the procedure in effect against the perpetrators who ignore the courts' decision.

In case that the perpetrators are absent or ignore the court's decision the authorities in charge shall request the court to take action in accordance with the penal procedures in effect.

### **Article 30.**

If there is a request from any party, the court can amend or add the weight in the protection order after informing the other party in the period 5(Five) days before making decision.

The parties can protect to ask the court to review its decision in the period of 2 (Two) months at the longest, starting from the day court issue the protection.

### **Article 31**

The victims and the perpetrators have the rights to have legal representative or have the rights to choose a representative whom they faith in all stages of the proceeding.

### **Article 32**

After issue the protection order, the prosecutors or the authority in charge regulated by law shall take all action to enforce the protect order in accordance with the defined procedures.

## **CHAPTER 5**

### **Education, Dissemination and Training**

### **Article 33.**

The State shall pay attention to educating and dissemination this law to make citizens through the country aware of the provision of this law, especially on the responsibilities within the household and respecting the rights of each other in order to promote the value of Khmer family, good manners, way of living ways of preserving and educating the households, ways o to solve conflict through non-violence and peaceful means, as well as to instruct them to aware of the measure to prevent domestic violence and protect the victims.

The State urges the parties facing the crisis of domestic violence to attend counseling session to learn about problem solving methods and education without using violence.

### **Article 34.**

Ministries and institution of the state shall strengthen cooperation with the authorities in charge, local authorities organizations and private sectors in promoting dissemination and education program for the citizens about the law on the prevent of domestic violence and protection of victims.

Relevant official and agents of organization shall received training session on the issue of domestic violence and the measure as states in law to make them aware of the major reasons causing domestic violence and other offence related to this issue.

## CHAPTER 7 Penalties

### Article 35

Any acts of domestic violence that are considered as criminal offence shall be punished under the penal law in effect.

### Article 36

Criminal prosecution shall not be possible if there is a request from a victims who is an adult to the offence are minor misdemeanors or petty crime.

In case domestic violence has been repeated again in violence of the penal law, the court shall charge the perpetrators in accordance with the penal procedures event if there is request from the victims again.

## CHAPTER 8 Ending Provision

### Article 37

This law shall be declared in urgency.