

## Preface

According to article 38 Cambodian Constitution the law shall guarantee that there is no physical abuse against any individual. Above this, the law shall protect life, honor and dignity to the citizens.

Despite this, 23% of all ever married women aged between 15 – 49 years in Cambodia report having experienced violence in their families (Cambodian Demographic and Health Survey, 2000). 12% of men say that their wives had acted violently toward them (Violence against Women, A Baseline Survey, and Cambodia 2005).

In order to make a clear step against domestic violence the Royal Government of Cambodia had decided for the Cambodian Millennium Development Goal 3, Overall target 8 that expressively aims at creating laws against all forms of violence against women and children.

Due to the joint endeavors of ministries concerned, the National Assembly, the Senate and the Civil Society being involved in the legislative process of the Law on the Prevention of Domestic Violence and the Protection of the Victims Cambodia now provides an additional legal framework in order to help families in crisis.

By publishing this brochure the Royal Government of Cambodia again wants to demonstrate its commitment to protect Khmer families and the no-violence tradition in our country. This document includes the Law on the Prevention of Domestic Violence and the Protection of the Victims and a glossary with useful information both in Khmer and English.

H.E. Dr. Ing Kantha Phavi  
Minister of Women's Affairs

Phnom Penh, June 2006

For further inquiries, comments and recommendations please contact

Mrs. Doris Nueckel  
Legal Advisor  
Ministry of Women's Affairs  
Mobile: 012-222 036  
Email: [doris.nueckel@online.com.kh](mailto:doris.nueckel@online.com.kh)

Mrs. Sakhoeurn Savady  
  
Deputy Director of the Department for Legal Protection  
Ministry of Women's Affairs  
Mobile: 012-926 459

Mr. Moeung Bunnath  
  
Assistant to the Legal Advisor  
GTZ-Project for the Promotion of Women's Rights  
Mobile: 012-918 378  
Email: [bunnath\\_m@hotmail.com](mailto:bunnath_m@hotmail.com)

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gtz

CIM

UNFPA

Ministry of Women's Affairs  
Kolab Mui Phnom Penh  
Cambodia

## **Royal Kram**

1005/031

**We,**

**PREAH KARONA PREAH BAT SAMDECH PREAH BOROM NEATH NORODOM  
SIHAMONISAMANPHOM CHEATH SASNA RAKHATKHATEYEA  
KHEMRAROADREAS PUTHINTREA THOREAMOHAKSAT KHEMREACHNEA  
SAMOHORPHEAS KAMPUCHAK EKREACHROTHBORANADSANTE SOPHAK  
MONGKOL LEASEREYVIBOLLEA KHEMARA SREYPIREAS  
PREAH CHAU KRONGKAMPUCHEA THIPDEY**

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen royal Decree No. 0704/124 dated 15 July 2004, on the appointment of the Royal Government of Cambodia;
- Having seen Royal Kram No. 02/94 dated 20 July 1994, promulgating the Law on the Organization and Functioning of the Council of Minister;
- Having seen Royal Kram No. 0105/002 dated 17 January 2005, promulgating the Law on the Establishment of the Ministry of Women's Affairs;
- Having seen the proposals of the Samdech Prime Minister of Kingdom of Cambodia and Minister of Ministry of Women's Affairs.

### **HEREBY PROMULGATE**

The Law on The Prevention of Domestic Violence and The Protection of Victims that was passed by the National Assembly on 16 September 2005 during the third session of its third legislature and approved by the Senate on its form and legal concepts on 29 September 2005 during the tenth session of its first legislature the entire content of which is as follows:

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

## **CHAPTER1**

### **General Provision**

#### **Article1.\_**

This law has the objective to prevent domestic violence, protect the victims and strengthen the culture of non-violence and the harmony within the households in society in the Kingdom of Cambodia.

This law is in the purpose to establish a legal mechanism to prevent domestic violence, protect the victims and preserve the harmony within the households in line with the Nation's good custom and tradition and in accordance with Article 45 of the Constitution of the Kingdom of Cambodia, in addition to the regulations in effect.

## **CHAPTER2**

### **Scope of the Implementation**

#### **Article2.\_**

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

- 1- Husband or wife
- 2- Dependent children
- 3- Persons living under the roof of the house and who are dependent of the households.

#### **Article3.\_**

Domestic violence is required to be prevented in time effectively 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.

#### **Article4.\_**

Acts affecting life include:

- Premeditated homicide
- Intentional homicide
- Unintentional homicide resulted from intentional acts of perpetrators
- Unintentional homicide.

### **Article 5.\_**

Acts affecting physical integrity include:

- Physical abuses with or without using weapons, with getting or getting wounded
- Tortures or Cruel acts.

### **Article 6.\_**

Tortures or cruel acts include:

- Harassment causing mental/ psychological, emotional, intellectual harms to physical persons within the households
- Mental/ psychological and physical harms exceeding morality and the boundaries of the law

### **Article 7.\_**

Sexual aggression includes:

- Violent sex
- Sexual harassment
- Indecent exposures.

### **Article 8.\_**

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

Every disciplining by giving advice or reminding or appropriate measures taken to allow spouses or children or dependent persons to follow the good ways of living with dignity and the notion's good custom and tradition, 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 recognized by the Kingdom of Cambodia, shall not be included as the use of violence or domestic violence.

## **CHAPTER 3**

### **Authorities and Procedures**

### **Article 9.\_**

The nearest authorities in charge have the duty 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 regulate 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/ Sangkat, 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.

#### **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 procedures of the penal code in effect.

### **CHAPTER4**

#### **Prevention and Protection of Victims**

#### **Article 13.\_**

In order to prevent domestic violence which is occurring or is believed to occur, the authorities in charge shall intervene urgently by:

- Seizing the weapons or concrete objects 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 victim can be removed without a request if there is a necessary reason to do so.
- Offering the appropriate assistance to the victims in accordance with their circumstances, especially providing the temporary shelter in which safety can be guaranteed and urgent medical assistance
- Explaining, educating and mediating both parties to stop violence and informing the victims about their rights to prevent violence 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.

#### **Article 15.\_**

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

During the intervention, the authorities 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 authorities in charge, the victims can file a complaint to provincial/ municipal courts asking for issuing a protection order.

The assigned judges shall issue the protection order with the presence or without 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 offences that are characterized as felonies or severe misdemeanors.

#### **Article 18.\_**

The authorities in charge can arrest the perpetrators who is committing the Flagrante delicto or any perpetrators who is violating the courts' protection orders as stated in Article 24 and Article 25 of this law without a necessarily authorized warrant from the courts. But beside the two cases, any arrests made by the authorities in charge without the authorized warrant from the courts shall be prohibited.

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

#### **Article 19.\_**

Any domestic violence which the criminal offences are characterized as felonies or sever 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.

## **CHAPTER 5**

### **Authorities of the Courts**

#### **Article 20.\_**

The protection order has the power to impose orders on the perpetrators, authorities in charge and the persons involved in the case. The protection order is the civil measures.

The protection order can pint at all subjects, status, activities or behaviors, as imposing to do something or prohibiting from doing something related to the requirement to protect the victims or any individuals who receive the threats of domestic violence.



The protection order can be:

- 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 concrete situation or any in an appropriate manner.

#### **Article 21.\_**

Only the provincial/ municipal courts 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 complaint to ask for the protection order from the courts can be made by:

- 1- The victims or representatives of the victims or the authorities in charge within the victims' residential areas 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 persons whom the courts believe to be unable to file the complaint themselves.

#### **Article 23.\_**

The protection order consists of two stages:

- 1- Stage 1: It is called the temporary protection order which is effective within a period of 2 (Two) months, issued during the emergency period during which domestic violence occurs immediately.
- 2- Stage 2: It is called the protection order which is effective within a period of 6 (Six) months, issued during the period during which the courts are 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 receiving the complaint for protection without necessarily questioning the perpetrators, if the temporary measure is necessary to protect the safety and welfare of the victims or to preserve the properties of the victims temporarily before a final verdict is handed down.

#### **Article 25.\_**

In issuing the protection order, the courts have the rights to define, impose and 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 places where the victims stay or work without the permissions from the victims and the 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' relatives' properties
- Separating the perpetrators or the victims, if there is a request, from the house shared together. In any special case the victim can be removed without a request if there is a necessary reason to do so.

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

- Ordering any police or Royal Gendarmeries to preserve personal properties of the victims
- Making a decision on the 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 resources.

#### **Article 26.\_**

For the offences that are the mental/psychological or economic affected violent acts and minor misdemeanors, or petty crimes, reconciliation or mediation can be conducted with the agreement from both parties. The household members can choose any way by requesting parents, relatives, Buddhist monks, elders, village chiefs, and commune councilors to act as the arbitrators to solve the problems in order to preserve the harmony within the household in line with the nation's good custom and tradition in accordance with Article 45 of the Constitution of the Kingdom of Cambodia.

#### **Article 27.\_**

In accordance with the content of the above mentioned Article 25, the courts shall try to reconcile the violence disputed parties under the condition that it is in response to the wishes of the household members. While reconciling and mediating, the courts shall avoid putting pressures on the party who refuses 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 case the violence is related to children, the authorities in charge who have the role to serve the interests and protect 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 courts including the prosecutors shall take charge of doing the follow up of the situation of the children and make a report about this situation to the courts. The courts can grant a mandate to the institution in charge to seek assistance and support 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 cases as stated in article 23, the courts shall inform the perpetrators about the request for the protection order in a period of not exceeding 5 (five) days before looking into this issue. If the perpetrators do not show up at the court to clarify about the reasons, the courts can examine this issue without the presence of the perpetrators or if it is necessary, the courts can take measures in accordance with the procedures in effect against the perpetrators who ignore the courts' decisions.

In case that the perpetrators are absent or ignore the court's decisions, the related authorities in charge shall request the courts to take actions in accordance with the penal procedures in effect.

### **Article 30.\_**

If there is a request from any party, the courts can amend, erase or add up the weight in the protection order after informing the other party in the period of 5 (five) days before making decisions.

The parties can protest to ask the courts to review its decisions in the period of 2 (Two) months at the longest, starting from the day the courts issue the protection order.

### **Article 31.\_**

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

After issuing the protection order, the prosecutors or the officials in charge regulated by laws shall take all actions to enforce the protection order in accordance with the defined procedures.

## **CHAPTER 6**

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

### **Article 33.\_**

The State shall pay attention to educating and disseminating this law to make citizens throughout the country aware of the provisions of this law, especially on the responsibilities within the households and respecting the rights of each other in order to promote the value of Khmer families, morality, good manners, ways of living, ways of preserving and educating the households, ways to solve conflicts through non-violent and peaceful means, as well as to instruct them to aware of the measures to prevent domestic violence and protect the victims.

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

### **Article 34.\_**

Ministries and institutions of the state shall strengthen cooperation with the authorities in charge, local authorities, organizations and private sectors in promoting dissemination and education programs for the citizens about the law on the prevention of domestic violence and the measures

as stated in this law to make them aware of the major reasons causing domestic violence and other offences related to this issue.

## **CHAPTER7**

### **Penalties**

#### **Article 35.\_**

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

#### **Article 36.\_**

Criminal prosecution shall not be possible if a request from a victim is an adult due to the offences are minor misdemeanors or petty crimes.

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

**CHAPTER 8**  
**Ending Provision**

Article 37.\_

This law shall be declared urgency.

Royal Palace, Phnom Penh, 24<sup>th</sup> October 2005

**Royal signature**

ព្រះរាជ 0510/478

**King Norodom Sihamoni**

Having submitted to  
The King for Royal signature  
**Prime Minister**  
**Signature**

**Hun Sen**

Having informed  
Samdech Prime Minister

**Minister of the Ministry of**  
**Women's Affairs**  
**Signature**

**Ing Kantha Phavi**

No. 422 ច . រ  
Copy for distribution  
Phnom Penh 02 November 2005

**Secretary General of the Royal**  
**Government**

**Nady Tam**

## Law on the Prevention of Domestic Violence and the Protection of the Victims

### Glossary

Entry	Explanatory Notes
obligation to intervene	<ul style="list-style-type: none"> <li>- authorities have to intervene, if the precondition for an intervention is given</li> <li>- e.g according to article 13 DV Law authorities have the legal obligation to intervene as soon as domestic violence is happening or is likely to happen</li> </ul>
prevention	<ul style="list-style-type: none"> <li>- intents to avoid violations of rights (e.g. prevention of domestic violence or prevention of crimes)</li> <li>- intents to influence or restructure situations in a way that violations of rights will not happen</li> <li>- principle that requires an intervention before any violating act has happened</li> <li>- first main aim of the DV Law, therefore interventions and legal measures are allowed before violations have taken place</li> </ul>
intervention	<ul style="list-style-type: none"> <li>- formal intervention that has different aims: establishing security and public order and providing assistance to the victim</li> <li>- comprises: seizing weapons, moving the perpetrator from the scene, education and mediation (no reconciliation)</li> <li>- influences and restructures the legal relationship between the perpetrator and the victim, because the right to use the house shared together is being denied to the perpetrator</li> <li>- DV Law recognizes two different types of intervention: article 13 DV Law regulates the immediate intervention (DV is occurring or is likely to occur) and article 15 regulates the intervention in advance (DV has already happened during the last 48 hours and probably will occur during the next 24 hours)</li> </ul>
indecent exposure	<ul style="list-style-type: none"> <li>- display of bare parts of the human body that, according to the standards of the individual's cultural surroundings, would otherwise be covered by clothes</li> <li>- in most places, other than designated areas where nudity is acceptable such as in nude beaches, unwelcome public exposure of an adult's genitalia is the most common example of indecent exposure</li> </ul>
harassment	<ul style="list-style-type: none"> <li>- unwanted approaches and/or repeated unpleasant, degrading remarks directed toward somebody</li> </ul>

## Law on the Prevention of Domestic Violence and the Protection of the Victims

### Glossary

Entry	Explanatory Notes
	<ul style="list-style-type: none"><li>- sexual harassment includes touching, feeling, groping or respect less remarks or comment (verbal or non-verbal)</li></ul>
punishment	<ul style="list-style-type: none"><li>- penalty inflicted by a court by a court on a convicted offender for a violation of a rule of law, in Cambodia e.g. fine or imprisonment</li></ul>
reconciliation	<ul style="list-style-type: none"><li>- communication process between quarrelling parties that aims at maintaining family life (couple wants to stay together)</li><li>- reconciliation is not allowed during the intervention according to article 13 DV Law, but possible after the victim has requested a protection order (articles 26, 27 DV Law)</li><li>- reconciliation is strictly based on the free will of both parties, thus it is absolutely voluntary</li><li>- parties, thus have the right to choose a trustworthy person as an arbitrator who may conduct the reconciliation process</li></ul>
mediation	<ul style="list-style-type: none"><li>- communication process between quarrelling parties that is conducted by a neutral person (arbitrator) in order to find constructive solutions in a crisis-situation</li><li>- mediation process does not necessarily aim at the maintenance of family life, but rather tends to find practical solutions such as custody of children, financial support and places to stay for the perpetrator</li><li>- result of a mediation process can be separation, divorce or maintenance of family life</li></ul>
protection	<ul style="list-style-type: none"><li>- all efforts intended to provide security to the (potential) victim</li><li>- one of the aims of the DV Law, reason why the law introduces e.g the protection order</li></ul>
temporary legal protection	<ul style="list-style-type: none"><li>- legal measure that ensures a fast and interlocutory protection, without providing any final decision</li><li>- typically a measure of temporary legal protection does not require full proof of the act in issue</li><li>- prima facie evidence is regarded as sufficient (see: preliminary showing)</li></ul>

## Law on the Prevention of Domestic Violence and the Protection of the Victims

### Glossary

Entry	Explanatory Notes
	<ul style="list-style-type: none"><li>- examples: (1) separation order according to article 44 Law on Marriage and Family (2) urgent order according to the Circular no 4/ 84 on the Instruction on Civil Procedures (08/09/84)</li></ul>
prima facie	<ul style="list-style-type: none"><li>- Latin: at first sight</li><li>- refers to a fact or argument that seems so valid that it will be considered true unless disproved by contrary evidence</li><li>- see: preliminary showing</li></ul>
penal procedure law	<ul style="list-style-type: none"><li>- aims at punishment on the basis of a judgment of conviction (rulings as provisional legal measures are not sufficient for punishment)</li><li>- defines the necessary procedures, e.g. level and quality of proof</li><li>- tends especially to protect the human rights of suspected persons</li><li>- constitutionally guaranteed presumption of innocence leads to a complex and time-consuming procedure, that sometimes can hinder punishment, e.g. in the case of acquittal, because the crime could not be proven (=discharge)</li></ul>
civil procedure law	<ul style="list-style-type: none"><li>- regulates the proceedings which apply when relationships regulated by civil law become controversial</li><li>- examples; different civil law suits, regulations regarding the defendant's plea, claim for specific performance (delivery of a purchased thing to a special time), action to make restitution for an unjust enrichment, preclusive deadlines for filing an action, regulations regarding appeals</li><li>- typically provides measures for a temporary legal protection, e.g. protection order (preservative relief) with all related regulations concerning special proceedings (level of proof, objections and appeals against preservative relief)</li></ul>
penal law	<ul style="list-style-type: none"><li>- defines offences against rights and interests of individuals (natural or juridical persons) or the public</li><li>- describes the substantial preconditions for punishment</li><li>- law on repression=reaction to a crime already committed</li><li>- aims at retaliation=no specific prevention</li></ul>



## Law on the Prevention of Domestic Violence and the Protection of the Victims

### Glossary

Entry	Explanatory Notes
	<ul style="list-style-type: none"> <li>- DV Law does not contain any substantial penal provisions, thus there is no punishment on the basis of the DV Law</li> <li>- DV Law principally (exception in article 36) does not exclude the applicability of penal laws; this means that in addition to the measures provided by the DV Law (intervention, administrative decision, protection order) punishment is a further consequence for perpetrators as far as the penal laws allow punishment (parallelism of DV Law and penal law), article 35 DV Law</li> <li>- =public law</li> </ul>
civil law	<ul style="list-style-type: none"> <li>- regulates the relationship between private persons or companies (opposite: public law)</li> <li>- examples: Law on Marriage and Family (custody of children, financial family support, properties of family members, duty of care regarding the properties of family members, educational relationship between parents and children, questions regarding the parental power, rights to visit children, questions concerning divorce) Law of Succession, Law of Contracts, Law of Things (properties, e.g. private ownership, rights to use particular things, e.g. a house), Commercial Law</li> </ul>
administrative law	<ul style="list-style-type: none"> <li>- a law created to regulate powers and duties of administrative bodies (example: Law on Administration and Management of Commune/ Sangkat)</li> <li>- belongs regularly to the field of public laws, because it deals with the relationship between public authorities and citizens</li> <li>- comprises also bodies of regulations which rank behind formal laws, as they provide rules and regulations based on a steady practice</li> </ul>
administrative discretion	<ul style="list-style-type: none"> <li>- a public official's right to perform acts and duties that are not precisely covered by a law or rules and that require the use of professional judgment and common sense within the bounds set by the law</li> <li>- example: to find the appropriate additional measures to impose on the perpetrator in order to ensure the safety of the victim (article 14 DV Law)</li> </ul>
perpetrator	<ul style="list-style-type: none"> <li>- according to article 13 (2) DV Law any person who has committed, is committing and prepares to commit domestic</li> </ul>

## Law on the Prevention of Domestic Violence and the Protection of the Victims

### Glossary

Entry	Explanatory Notes
	violence
victim	<ul style="list-style-type: none"> <li>- any person named by article 2 of the DV Law who suffers from damage or the probable damage to her/ his dignity, reputation, mentality, body or property due to domestic violence</li> </ul>
protection order	<ul style="list-style-type: none"> <li>- decision of civil law by the municipal/ provincial court (ruling)</li> <li>- judge's order imposing measures towards the perpetrator on the basis of a preliminary showing (-prima facie evidence)</li> <li>- legal measure that aims at a temporary legal protection</li> <li>- comprises different singular order, such as prohibiting the perpetrator from entering a house shared with the victim, prohibiting from contacting the victim, prohibiting from destroying the properties in order to preserve properties, decision on the custody of the children, decisions on financial support</li> <li>- singular orders concern questions typically related to civil law (not related to penal law aiming at punishment according to penal law)</li> <li>- one example for a preservative relief (article 530 of the draft Civil Procedure Code)</li> <li>- requires the application of civil procedure law</li> <li>- two different kinds of protection orders: temporary protection order (emergency period, valid for 2 months), protection order during the stage of further investigation (valid for 6 months)</li> <li>- has similarity with the temporary measure (urgent order) which is mentioned by the circular no. 04 84 of September 8, 1984 on Instruction on the Civil Procedure (=legal measure that provides a temporary legal protection for the victim)</li> </ul>
complainant	<ul style="list-style-type: none"> <li>- person who applies to the courts for legal protection by filing a complaint</li> <li>- according to article 10 DV Law specified officials of the Ministry of Women's Affairs who obtain the legal qualification as judiciary police can act as the complaining party instead of the victim</li> </ul>

## Law on the Prevention of Domestic Violence and the Protection of the Victims

### Glossary

Entry	Explanatory Notes
individuality	<ul style="list-style-type: none"><li>- complex of all attributes of a person: behavioral, temperamental, emotional and mental; everything that characterizes a unique individual</li></ul>
prosecutor	<ul style="list-style-type: none"><li>- according to article 32 DV Law the prosecutor is one of the authority in charge to enforce the protection order</li><li>- sole authority vested with the power to prosecute (initiate criminal prosecution)</li><li>- during the trial phase the prosecutor has the duty to seek a conviction and after trial the prosecutor is responsible for the enforcement of the (penal) sentence with the prison authorities (article 131 Constitution; article 2, 9, 10, 13, 41, 61, 65 UNTAC Code; article 8, 49-67, 98 SOC Law on Criminal Procedure)</li></ul>
preliminary showing	<ul style="list-style-type: none"><li>- = prima facie evidence</li><li>- no full proof is necessary for a final verdict aiming at punishment, but a plausible showing of the case described by the persons requesting a measure of temporary legal protection in order to avoid any delay of the decision making process</li><li>- such a level of proof is required for the administrative decision and for the protection order</li></ul>
full proof	<ul style="list-style-type: none"><li>- widest quantity and highest quality of evidence that tends to establish the existence of a disputed fact</li><li>- required in law suits that aim at final decisions, civil as well as penal</li><li>- the presumption of innocence (article 38 Cambodian Constitution) generally causes criminal procedure laws that are complicated and therefore time-consuming and have to provide the greatest possible degree of security and knowledge (beliefs or probabilities are not sufficient)</li><li>- see: preliminary showing</li></ul>
administrative decision	<ul style="list-style-type: none"><li>- legal measure that aims at temporary legal protection on the local level</li><li>- comprises different singular orders, such as prohibiting the perpetrator from entering a house shared with the victim, prohibiting from contacting the victim, prohibiting from destroying the properties or putting or putting on sale properties</li></ul>

## Law on the Prevention of Domestic Violence and the Protection of the Victims

### Glossary

Entry	Explanatory Notes
	<ul style="list-style-type: none"><li>- to obtain such a measure for temporary legal protection the applicant must provide detailed, plausible and credible information justifying the conclusion that there is a danger of domestic violence</li><li>- for measures of interlocutory legal protection full proof is not required, but information must be supported by a preliminary showing (prima facie evidence)</li><li>- details are still to be regulated by a Sub-Decree</li></ul>
violence that is likely to happen	<ul style="list-style-type: none"><li>- violence that is probably going to happen in the near future</li><li>- it is relevant that before an intervention a loyal and experienced official has the impression/ apprehension that the occurrence of domestic violence is within the bounds of probability</li><li>- an assessment is necessary that is based on probability (prediction/ prognoses) by the authorities that deal with a case at hand by intervening or by rendering an administrative decision or a protection order</li><li>- evaluation of the present circumstances must provide reasonable grounds to believe that the endangering of rights (integrity of a person) will soon turn into the violation of such rights</li></ul>
psychological violence	<ul style="list-style-type: none"><li>- any act that causes direct pressure on a person's mind like threatening, racketeering, persecution or degrading, slandering her/ his reputation and dignity by means of threats, insults or blackmail, isolating from relatives and close friends, coercion or compelling into committing actions beyond or against her/his intention, will or capability</li></ul>
sexual violence	<ul style="list-style-type: none"><li>- any act of encroaching on a person's sexual inviolability or sexual freedom, including any actions of sexual character in relation to minors which disrupt their psychological development</li></ul>
physical violence	<ul style="list-style-type: none"><li>- any act causing bodily harm like slapping, beating, hitting, inflicting injury to the health which even might cause the death of the victim</li></ul>
arbitrator	<ul style="list-style-type: none"><li>- person that facilitates (assists) the reconciliation process of quarrelling parties as a neutral person that is not allowed to</li></ul>

## Law on the Prevention of Domestic Violence and the Protection of the Victims

### Glossary

Entry	Explanatory Notes
	<ul style="list-style-type: none"> <li>- put any pressure on the parties or to decide anything for the parties</li> <li>- basis of the reconciliation process is the free will of the parties</li> </ul>
nearest authorities	<ul style="list-style-type: none"> <li>- authorities most easily reachable for the victim</li> <li>- details are still to be regulated by a Sub-Decree</li> </ul>
domestic violence	<ul style="list-style-type: none"> <li>- any act or failure (negligence of household members) by a person mentioned in article 2 DV Law with respect to another person that infringes upon the latter's constitutional rights and freedoms, or any act that causes or contains a threat to cause him/ her physical, psychological, sexual or economic violence causing moral, physical or mental suffering</li> <li>- examples and definitions in articles 3-8 (1) DV Law</li> </ul>
economic violence	<ul style="list-style-type: none"> <li>- any act of depriving or restricting rights entitled to a victim concerning ownership, use or disposal of housing, food, clothing and other pieces of property, income or resources by destroying or damaging the property, e.g. cutting an opportunity to generate income</li> </ul>
UN Convention on Child's rights	<ul style="list-style-type: none"> <li>- article 19 (1) of the UN Convention on the Rights of the child formulates an obligation for the states Parties such as Cambodia: "States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from <u>all forms of physical or mental violence</u>, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parents, legal guardians or any other person who has the care of the child..."</li> <li>- expression "all forms of violence" tends to provide the broadest protection possible</li> </ul>
international conventions	<ul style="list-style-type: none"> <li>- UN conventions on human rights and child's rights are referred to by article 8 (2) DV Law</li> <li>- among the relevant international instruments are the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being subjected to Torture and Other Cruel, Inhuman or Degrading Treatment</li> </ul>

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### Glossary

<b>Entry</b>	<b>Explanatory Notes</b>
	or Punishment, the United Nations Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Convention of Child's Rights - these documents of international law provide definitions of violence which cover all types of violence: physical, psychological and economical